THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

REFERENCE ONLY

University of London
GURNEY
WOODSTOCK ST. W.

Presented by
the Worshipful Company
of Goldsmiths.
1903.

620005

Digitized by the Internet Archive
in 2026

https://archive.org/details/parliamentary-debates_may-june-1856_142

HANSARD'S

# PARLIAMENTARY DEBATES,

THIRD SERIES.

VOL. CXLII.

LONDON:
WOODFALL AND KINDER, PRINTERS,
ANGEL COURT, SKINNER STREET.

# TABLE OF CONTENTS

TO

# VOLUME CXLII.

---

## THIRD SERIES.

---

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. Protests.
IV. New Members Sworn.

---

## I. Subjects of Debate in the House of Lords.

Tuesday, May 6.

*Page*
County Courts Acts Amendments Bill—Bill read $2^a$ ... ... 1
Chancery Reform—Question of Lord St. Leonards ... ... 9

Thursday, May 8.

Her Majesty's Answer to the Address on the Treaty of Peace—Report *brought up* by the Lord Chancellor ... ... ... ... 177
Message from The Queen—Major-General Sir W. F. Williams, K.C.B. ... 178
Murder of Miss Hinds—Petition of Thomas Dunne—*Presentation* of Petition by Lord Lyndhurst ... ... ... ... 178
Mercantile Law Amendment Bill—Order for Third Reading *discharged*—Referred back to the Select Committee ... ... ... 181
Vote of Thanks to the Army, Navy, and Marines, Militia, &c.—Motion of Lord Panmure *agreed to, Nemine Dissentiente* ... ... ... 182
Marriage Law Amending Bill—Bill read $2^a$ ... ... ... 205
The Marquess of Dalhousie—Indian Pension—Motion of the Marquess of Clanricarde for Papers, &c.—Motion *withdrawn* ... ... ... 207

Friday, May 9.

Her Majesty's Message—Major-General Sir W. F. Williams, K.C.B.—Queen's Message *considered*—Motion of the Earl Granville for an Address to Her Majesty—Motion *agreed to* ... ... ... ... 238
Business of the House—Motion of Lord Redesdale that, with certain exceptions, the House will not read Bills a second time after the 22nd of July—Motion *agreed to* ... ... ... ... ... 245
Capital Punishment—Motion of the Bishop of Oxford for a Select Committee—Motion *agreed to* ... ... ... ... 247
Bankruptcy (Scotland) Bill—Bill read $2^a$ ... ... ... 253
Ticket-of-Leave System—Motion of Viscount Dungannon to alter the present system of Convict Liberty—Motion *withdrawn* ... ... 254

*House Adjourned for the Whitsuntide Recess.*

# TABLE OF CONTENTS.

MONDAY, MAY 19. Page

Central America—Question of the Earl of Elgin ... ... 310
Circassia—Question of the Earl of Malmesbury ... ... 312
India—Motion of the Earl of Albemarle for the appointment of a Select Committee—Motion *negatived* ... ... ... ... 313
Marriage Law Amendment Bill—House in Committee ... ... 322

TUESDAY, MAY 20.

Divorce and Matrimonial Causes Bill—Order of the Day for Second Reading read—Amendment of Lord Lyndhurst, that the Bill and the Law and Practice of Divorce be referred to a Select Committee, &c.—Amendment *withdrawn*—Bill read 2ª ... ... ... ... 401

THURSDAY, MAY 22.

International Maritime Law—The Treaty of Paris—Resolutions of Lord Colchester *negatived* by a Majority of 54—Division List ... ... 481

FRIDAY, MAY 23.

Projected Approaches from Pall Mall to St. James's Park, &c.—Observations of Lord Ravensworth ... ... ... ... 576
Transportation—Motion of Earl Stanhope for a Select Committee—Motion *agreed to* ... ... ... ... ... 587

MONDAY, MAY 26.

Indian Accounts—Motion of the Earl of Albemarle for Returns—Motion *withdrawn* ... ... ... ... ... 621

TUESDAY, MAY 27.

The Treaty of Peace—The Danubian Principalities—Question of Lord Lyndhurst ... ... ... ... ... 668
Fire Insurances Bill—Bill read 2ª ... ... ... 672
Military Establishments in the North American Colonies—Motion of the Earl of Elgin for an Address to Her Majesty for Papers, &c.—Motion *agreed to* ... 673

FRIDAY, MAY 30.

Peace Preservation (Ireland) Bill—Order of the Day for the House to be put into Committee—Amendment of the Earl of Donoughmore, that the House resolve itself into a Committee this day Six Months—Amendment *withdrawn* —House in Committee ... ... ... ... 776
The Appellate Jurisdiction (House of Lords) Bill—(After Debate) Bill read 2ª 780

MONDAY, JUNE 2.

Regulations for Sailing Vessels in the Channel—Question of Viscount Dungannon ... ... ... ... ... 850

TUESDAY, JUNE 3.

The Appellate Jurisdiction (House of Lords) Bill—Order of the Day for the House to be put into Committee—(After Debate) House in Committee ... 899
Qualification for Appointment of Deputy Speaker *considered* in Committee ... 921

THURSDAY, JUNE 5.

Relations with the United States—Reported Dismissal of the British Minister —Question of the Earl of Hardwicke ... ... ... 949
The Limited Liability Bill — Petition — *Presentation* of Petition by Lord Overstone ... ... ... ... ... 950
The Appellate Jurisdiction (House of Lords) Bill—Report of the Amendments to the Bill *brought up* ... ... ... ... 950
Burial-ground, Blandford—Non-consecration of Burial-grounds—*Presentation* of Petition by the Earl of Shaftesbury ... ... ... 953
Affairs of Italy—Observations of the Marquess of Clanricarde ... ...

# TABLE OF CONTENTS.

FRIDAY, JUNE 6.

Page
Lord Denman and the Press—Observations of Lord Denman ... ... 1054
Drafts on Bankers Bill—Bill read $2^{a}$ ... ... ... 1055
Punishment of Death on Women—Question of Lord St. Leonards ... 1056
The Appellate Jurisdiction (House of Lords) Bill—Order for the Third Reading read—Amendment of the Earl of Clancarty that the Bill be read a third time this day Six Months—Amendment *negatived* ... ... ... 1059
PROTESTS against the Third Reading of the Appellate Jurisdiction (House of Lords) Bill ... ... ... ... 1084 & 1085

MONDAY, JUNE 9.

The Foreign Legions—Question of the Earl of Donoughmore ... ... 1152
The Bishopric of Gloucester and Bristol—Observations of the Earl of Ellenborough ... ... ... ... ... 1153
Our Relations with the United States—Reported Dismissal of Mr. Crampton—Question of the Earl of Carnarvon ... ... ... 1155
Mercantile Law Amendment Bill—House in Committee ... ... 1156
Reformatory and Industrial Schools Bill—Bill read $2^{a}$ ... ... 1160

TUESDAY, JUNE 10.

Non-consecration of Blandford Burial-ground—Explanation of Lord Portman ... 1219

THURSDAY, JUNE 12.

Reformatory and Industrial Schools—Committee *deferred* till *Tuesday* next ... 1324

FRIDAY, JUNE 13.

Disembodiment of the Irish Militia—Question of the Earl of Donoughmore ... 1395
Our Relations with the United States—Dismissal of Mr. Crampton—Question of the Earl of Derby ... ... ... ... 1397
Police (Counties and Boroughs) Bill—Bill read $2^{a}$ ... ... 1398
Private Business of the House—Appointment of a Reference Committee for Private Bills ... ... ... ... ... 1400

MONDAY, JUNE 16.

Message from THE QUEEN—The Sardinian Loan—HER MAJESTY'S Message read by the Lord Chancellor ... ... ... ... 1471
Our Relations with the United States—Question of the Earl of Derby ... 1472
Joint-stock Companies Bill—*Presentation* of Petition by Lord Overstone, and Order of the Day for the Second Reading read—(After Debate) Bill read $2^{a}$ 1474
PROTEST against the Second Reading of the Joint-stock Companies Bill ... 1490

TUESDAY, JUNE 17.

Imprisonment for Debt and Contempt of Court—*Presentation* of Petitions by Lord St. Leonards ... ... ... ... 1570
Leases and Sales of Settled Estates Bill—Hampstead Heath—*Presentation* of Petition by Lord St. Leonards ... ... ... ... 1571
The Militia—Question of the Duke of Leeds ... ... ... 1572

THURSDAY, JUNE 19.

Oath of Abjuration Amendment Bill—Bill read $1^{a}$ ... ... 1667
Factories Bill—Bill read $2^{a}$ ... ... ... ... 1668
THE QUEEN'S Message—The Sardinian Loan—Message *considered*—Address *agreed to* ... ... ... ... ... 1671
Police (Counties and Boroughs) Bill—House in Committee ... ... 1673
Reformatory and Industrial Schools Bill—Amendments *reported* ... 1676
Sir W. F. Williams's Annuity Bill—Death of Captain Thompson—Bill read $3^{a}$ 1676

MONDAY, JUNE 23.

Oath of Abjuration Bill—Motion of Lord Lyndhurst that the Bill be now read a second time—Amendment of Earl Stanhope that the Bill be read a second time this day three months—Amendment *agreed to* by a Majority of 32—Division List—Bill to be read a second time this day three months ... 1772

Page

Tuesday, June 24.

Joint-stock Companies Bill—House in Committee ... ... 1890
Factories Bill—House in Committee ... ... ... 1893
Police (Counties and Boroughs) Bill—Amendments *reported* ... ... 1894
Sleeping Statutes Bill—Bill read $2^a$ ... ... ... 1895
The Oath of Abjuration Amendment Bill—Bill read $2^a$ ... ... 1896

Thursday, June 26.

Grand Juries Bill—Bill read $2^a$ ... ... ... ... 1966
Divorce and Matrimonial Causes Bill—Order for Committee read—(After Debate) House in Committee ... ... ... ... 1968

Friday, June 27.

Police Counties and Boroughs Bill—Bill read $3^a$ ... ... ... 2048
Oath of Abjuration Bill—Order of the Day for the House to be put into Committee read—House in Committee—Amendment of Lord Lyndhurst *withdrawn* ... ... ... ... ... 2050
Burial-ground (Great Torrington)—*Presentation* of Petition by the Earl of Portsmouth ... ... ... ... ... 2064

---

## II. Subjects of Debate in the House of Commons.

Tuesday, May 6.

Disembodiment of the Militia—Question of Mr. Davison ... ... 16
Postal Communication (Ireland)—Question of Mr. Lyons Montgomery ... 16
The Treaty of Peace—Adjourned Debate (Second Night)—Order read for resuming adjourned Debate on Amendment proposed to Question [5th May]—Debate *resumed*—Address *agreed to* ... ... ... 17

Wednesday, May 7.

The Treaty of Peace—Report of the Address *brought up* ... ... 137
Tithe Commutation Rent-charge Bill—Order for Second Reading read—Bill read 2° ... ... ... ... ... 138
Aggravated Assaults Bill—Motion of Mr. Dillwyn for the Second Reading *negatived* by a Majority of 38 ... ... ... 165

Thursday, May 8.

Her Majesty's Answer to the Address on the Treaty of Peace, *Reported* by Mr. Speaker ... ... ... ... ... 215
Message from the Queen—Major-General Sir W. F. Williams, K.C.B.—Message *brought up*, and read by Mr. Speaker ... ... ... 215
Operations of the late War—Thanks to the Army and Navy—Motion of Viscount Palmerston *agreed to*, *Nemine Contradicente* ... ... ... 216
Reformatory Schools (Scotland) Bill—House in Committee ... ... 237

Friday, May 9.

The Coast Guard—Question of Mr. Stirling ... ... ... 258
Candidates for Commissions in the Army—Question of Mr. J. A. Smith ... 258
The Parks on Sundays—Question of Mr. T. Chambers ... ... 259
Ragged Schools in Dublin—Question of Mr. De Vere ... ... 259
Claims on the Portuguese Government—Question of Mr. T. Chambers ... 261
The Crimean Medals—Question of Mr. Otway ... ... ... 261
Pardon of Political Offenders—Question of Mr. T. Duncombe ... ... 262
The Irish Militia—Question of Mr. H. Herbert ... ... ... 264
The Assistant-Judge of the Middlesex Sessions—Question of Lord Hotham ... 268
The State of Greece—Observations of Mr. James MacGregor ... ... 269

FRIDAY, MAY 9—*continued.*

Pension to the Marquess of Dalhousie—Observations of Sir Erskine Perry ... 273
The Bank Charter Act—Observations of Mr. Malins ... ... 276
The Murder of Miss Hinds—Petition of Thomas Dunne ... ... 277
The QUEEN'S Message—Major-General Sir W. F. Williams, K.C.B.—QUEEN'S Message *considered*—Resolution of Viscount Palmerston *agreed to, Nemine Contradicente* ... ... ... ... ... 287
Police (Counties and Boroughs) Bill—House in Committee ... ... 293
*House Adjourned for the Whitsuntide Recess.*

MONDAY, MAY 19.

The Bands in the Parks—Question of Mr. Otway ... ... 325
The Defenders of Kars—Question of Mr. Oliveira ... ... 326
The Assault on Miss Archer—Question of Mr. Peacocke ... ... 327
Horses of Officers in the Crimea—Question of Mr. Noel ... ... 327
The Scotch Members and the Government Question of Mr. Roebuck ... 328
Westminster Bridge—Question of Mr. Henley ... ... ... 329
The Budget — Financial Statement—Resolutions of the Chancellor of the Exchequer *agreed to* ... ... ... ... 329
Fire Insurances Bill—(After Debate) House in Committee ... ... 387
General Williams—Resolution *reported*—Bill *ordered* to be brought in ... 399
Registration of Voters (Scotland) Bill—Bill read 2° ... ... 400

TUESDAY, MAY 20.

Officers' Chargers in the East—Question of Sir John Pakington ... 427
German Legion—Question of Mr. Murrough ... ... ... 428
The Case of Celestina Somner—Question of Mr. Warren ... ... 428
Scotch Militia—Question of Mr. W. Lockhart ... ... ... 429
Secret Treaties—Question of the Marquess of Granby ... ... 429
The Explosion at Woolwich—Question of Mr. M. Chambers ... ... 429
The Ballot—Motion of Mr. H. Berkeley for Leave to bring in a Bill—Motion *negatived* by a Majority of 40—Division List ... ... 430
Judges and Chancellors—Motion of Mr. J. G. Phillimore for Leave to bring in a Bill—Motion *agreed to* ... ... ... ... 452
Public Health—Motion of Mr. Cowper for Leave to bring in a Bill—Motion *agreed to* ... ... ... ... ... 465

WEDNESDAY, MAY 21.

Advowsons—Bill read 2° ... ... ... ... 466
Church Rates (No. 2) Bill—Motion of Mr. Packe, that the Bill be now read a Second Time—Amendment of Sir W. Clay, that the Bill be read a Second Time this day Six Months — Amendment and Motion *withdrawn* — Bill *withdrawn* ... ... ... ... ... 467

THURSDAY, MAY 22.

Metropolitan Improvements—Question of Mr. Jackson ... ... 550
Horses in the Crimea—Question of Sir De Lacy Evans ... ... 550
Westminster Bridge—Question of Mr. W. Williams ... ... 550
Communication with India—Question of Lord Stanley ... ... 551
Postal Communication—Australia—Dublin—Question of Mr. Macartney ... 552
The Factory Inspectors—Question of Mr. Hardy ... ... 552
Corrupt Practices at Elections—Question of Sir Fitzroy Kelly ... 553
Hampstead Heath—Question of Lord R. Grosvenor ... ... 554
Prisoners for Debt—Question of Mr. Pellatt ... ... ... 554
Sound Dues—Question of Mr. Mitchell ... ... ... 554
English Officers in the Turkish Service—Question of Mr. Adderley ... 555
The Sardinian Loan—Question of Mr. Disraeli ... ... 555
Factories Bill—Order for Committee read—Amendment of Mr. Cobbett, that the House resolve itself into a Committee this day Six Months—Amendment *negatived*—House in Committee ... ... ... 556

THURSDAY, MAY 22—*continued.* Page

Reformatory and Industrial Schools Bill—House in Committee ... 566
Formation, &c. of Parishes Bill—Order for Committee read—Amendment of Mr. Hadfield to postpone the Committee for a month—Amendment *withdrawn*—House in Committee ... ... ... ... 574

FRIDAY, MAY 23.

Military College at Sandhurst—Orphan Cadets—Question of Colonel North ... 588
Suffragan Bishops—Question of the Marquess of Blandford ... ... 589
Crime and Outrage (Ireland) Act—Question of Mr. I. Butt ... ... 594
Dr. Southwood Smith—Question of Mr. Roebuck ... ... 595
Oath of Abjuration Bill—House in Committee ... ... ... 595
Police (Counties and Boroughs) Bill—Bill *considered* in Committee ... 605
Poor Law Amendment Bill—Order for Second Reading *discharged* ... 614
Poor Law Amendment (No. 2) Bill—Bill read 1° ... ... 616
Grand Jury Assessment (Ireland) Bill—House in Committee ... ... 616
Secretaries of State—Motion of Mr. Murrough for a Select Committee—Motion *withdrawn* ... ... ... ... 620

MONDAY, MAY 26.

Disembodied Militia—Question of Mr. Grogan ... ... ... 631
Coast Guardsmen—Question of Mr. Palk ... ... ... 632
Parochial Schools (Scotland)—Question of Sir J. Fergusson ... ... 632
Joint-stock Companies Bill—Order for Committee read—Amendment of Mr. Spooner, that the House resolve itself into a Committee this day Six Months—Amendment *negatived*—House in Committee ... ... 633
Partnership Amendment (No. 2) Bill—Order for Second Reading read—Amendment of Mr. A. Hastie, that the Bill be read a Second Time this Day Six Months—Amendment *negatived*—Bill read 2° ... ... 652
Sir William Fenwick Williams's Annuity Bill—Bill read 2° ... ... 666
Joint-stock Companies Winding-up Acts Amendment Bill—Second Reading *deferred* till *Friday* ... ... ... ... 666

TUESDAY, MAY 27.

Alleged Evictions in Ireland—Case of Mr. Pollok—Statement of Sir M. S. Stewart ... ... ... ... ... 697
Mr. Mial's Motion (Established Church, &c., Ireland)—Observations of Mr. Stafford ... ... ... ... ... 712
Established Church, &c. (Ireland)—Motion of Mr. Miall, that the House do resolve itself into a Committee to consider the Temporalities of the Irish Church, &c.—Motion *negatived* by a Majority of 70—Division List ... ... 715
Tralee and Killarney Savings Banks—Resolution of Mr. D. O'Connell *negatived* by a Majority of 15 ... ... ... ... 772
Staff of the Army—Motion of Captain L. Vernon—House counted out ... 776

FRIDAY, MAY 30.

Monument to the Duke of Wellington—Question of Viscount Chelsea ... 797
The Discharged Militia Regiments and the Foreign Legions—Observations of Colonel Gilpin ... ... ... ... ... 798
Cambridge University Bill—(After Debate)—House in Committee ... 807

MONDAY, JUNE 2.

The Danubian Principalities—Question of Mr. Roebuck ... ... 851
The State of Greece—Observations of Mr. James MacGregor ... ... 852
Supply—Miscellaneous Estimates—House in Committee ... ... 856
Parochial Schools (Scotland) Bill—Adjourned Debate (Second Night)—Order read for resuming Adjourned Debate on Question [25th April], that the Bill be now read a second time—Debate *resumed*—Bill read 2°, and *committed* for *Thursday* ... ... ... ... ... 885
Joint-stock Companies Bill—Bill read 3° ... ... ... 897

# TABLE OF CONTENTS.

Wednesday, June 4. Page

Tenant Right (Ireland) Bill—Bill read 2° ... 922
Scientific and Literary Societies Bill—House in Committee ... 938
Dissenters' Marriages Bill—House in Committee ... 939

Thursday, May 5.

Tenant Right (Ireland) Bill—Question of Mr. Stafford ... 978
Our Relations with the United States—Reported Dismissal of Mr. Crampton—Question of Mr. Disraeli ... 979
Mr. Longworth's Mission to the Circassians—Question of Lord Claud Hamilton 980
Education of Officers in the Army—Statement of Mr. Sidney Herbert ... 980
Tenant Right (Ireland) Bill—Question of Mr. G. H. Moore ... 1023
Supply—Miscellaneous Estimates—House in Committee ... 1027
Bleaching, &c. Works (No. 2) Bill—Order for Second Reading read—Amendment of Mr. Kirk, that the Bill be read a second time this day Six Months—Debate *adjourned* ... 1053

Friday, June 6.

Manning and Equipment of the Navy—Question of Sir George Tyler ... 1086
Riots in Demerara—Question of Mr. Horsfall ... 1086
Grand Jury Cess in the County of Mayo—Question of Colonel Higgins ... 1086
Relations with the United States—Question of Sir Bulwer Lytton ... 1087
St. James's Park—Question of Mr. Wilson ... 1090
Sligo Election Committee—Observations of Mr. T. Duncombe ... 1091
Return of Troops from the Crimea—Question of Lord Elcho ... 1095
Public Offices—Question of Mr. Oliveira ... 1098
Gratuity to the Disbanded Militia—Question of Colonel Greville ... 1099
Simpson's Crimean Sketches—Observations of Lord Elcho ... 1100
Church Accommodation at Plumstead—Motion of the Marquess of Blandford to call the attention of the Government to the Parish of Plumstead—Motion *withdrawn* ... 1103
The Education Estimates—Observations of Sir J. Pakington ... 1107
Supply—Miscellaneous Estimates—House in Committee ... 1108
Joint-stock Companies Winding-up Acts Amendment Bill—Order for Second Reading read—Amendment of Mr. S. Fitzgerald that the Bill be read a second time this day Six Months—Debate *adjourned* ... 1142
Annuities Redemption—House in Committee ... 1151

Monday, June 9.

Reformatory Establishments—Question of Viscount Newport ... 1161
Incumbered Estates Court (Ireland)—Question of Colonel Greville ... 1162
The Return of the Troops—Explanation of Sir Charles Wood ... 1162
Civil Service Committee—Question of Mr. Kendall ... 1163
Our Relations with the United States—Question of Major Reed ... 1163
The Tipperary Bank—Question of Mr. Bowyer ... 1164
Oath of Abjuration Bill—Bill read 3°—(After Debate) Bill *passed* ... 1165
Cambridge University Bill—House in Committee ... 1198
Dublin Metropolitan Police Bill—Order for Second Reading read—Amendment of Mr. Grogan that the Bill be read a second time this day Six Months—Debate *adjourned* till *Thursday* next ... 1215

Tuesday, June 10.

Chelsea Bridge—Reply of Sir B. Hall ... 1227
Reform of the Ecclesiastical Courts—Question of Mr. Hadfield ... 1227
Memorial from the Guards—Question of Major Sibthorp ... 1228
St. Pancras Workhouse—Question of Sir John Pakington ... 1228
Clerks of Nisi Prius in Dublin—Question of Mr. Kennedy ... 1230
Steam Communication with Australia—Question of Mr. Macartney ... 1230
Punishment of Death—Motion of Mr. Ewart for a Select Committee—Motion *negatived* by a Majority of 94—Division List ... 1231

TUESDAY, JUNE 10—*continued.* *Page*

Advancement of Science—Motion of Mr. Heywood for a Select Committee—Motion, by leave, *withdrawn* ... ... ... ... 1263
Rights of Married Women—Motion of Sir Erskine Perry for an alteration in the Law respecting the Property of Married Women—Motion *withdrawn* ... 1273
Postage Labels—Motion of Mr. Whiteside for the appointment of a Select Committee—Motion *negatived* by a Majority of 18 ... ... 1284
Fisheries (Ireland)—House counted out ... ... ... 1296

WEDNESDAY, JUNE 11.

Nawab of Surat Treaty Bill—Motion of Mr. V. Smith to postpone the consideration of the Bill for a Week—Amendment of Sir F. Kelly that the Bill be now read a third time—Amendment *withdrawn*—Bill *deferred* till *Wednesday* next ... ... ... ... ... 1297
Earl of Perth and Melfort's Compensation—Report of the Committee *brought up* ... ... ... ... ... 1316
Spirit Trade (Ireland) Bill—Order for Second Reading read—Motion *withdrawn*—Bill *withdrawn* ... ... ... ... 1320

THURSDAY, JUNE 12.

Message from THE QUEEN—The Sardinian Loan—Message read by Mr. Speaker 1326
The Paper Duty—Question of Mr. Milner Gibson ... ... 1327
Supply—Miscellaneous Estimates—House in Committee ... ... 1328
Supply—Public Education—House in Committee ... ... 1343
West India Loans Bill—Bill read 3° ... ... ... 1388
Peace Preservation (Ireland) Bill—Order for Second Reading read—Amendment of Mr. Maguire that the Bill be read a second time this day Six Months—Amendment *negatived* by a Majority of 67—Bill read 2° ... ... 1391
National Gallery Site Bill—Order for Second Reading read—Amendment of Lord Elcho that the Bill be read a second time this day Six Months—Amendment and Motion *withdrawn* ... ... ... ... 1393

FRIDAY, JUNE 13.

The Italian Legion—Question of Captain J. O'Connell ... ... 1401
Convict Hulks—Question of the Marquess of Blandford ... ... 1402
Marine Officers—Question of Colonel Buck ... ... ... 1402
Our Relations with the United States—Question of Mr. Disraeli ... 1403
Public and Private Bills—Question of Mr. Brady ... ... 1406
Army Regulations—Question of Sir S. Northcote ... ... 1407
Return of Troops from the Crimea—Question of Lord A. Vane Tempest ... 1407
The Irish Militia—Question of Colonel Dunne ... ... ... 1408
Administration of Justice in India—Question of Mr. J. G. Phillimore ... 1409
Supply—Miscellaneous Estimates—House in Committee ... ... 1411
Supply—Navy Estimates—House in Committee ... ... 1417
Morning Sittings—Observations of Mr. Walpole ... ... 1462
Parochial Schools (Scotland) Bill—Order for Committee read—Amendment of Mr. C. Bruce that the House resolve itself into a Committee this day Six Months—Amendment *negatived* by a Majority of 36—House in Committee 1464

MONDAY, JUNE 16.

Medical Officers for the Poor—Question of Sir John Trollope ... ... 1493
The Aberdeen Universities—Question of Mr. Thompson ... ... 1494
Diplomatic Establishment at Hanover—Question of Mr. Ayshford Wise ... 1494
Incumbered Estates Court (Ireland)—Question of Colonel Higgins ... 1495
Common Law Courts (Ireland)—Question of Mr. George ... ... 1496
The Australian Mails—Question of Lord Naas ... ... ... 1496
Kars and Ismael—Question of Sir De Lacy Evans ... ... 1496
Sardinian Loan—House in Committee ... ... ... 1497
Our Relations with the United States—Observations of Lord John Russell ... 1499

# TABLE OF CONTENTS.

Monday, June 16—*continued.* Page

Commissions of Deceased Officers — Motion of Mr. Grogan that this House resolve itself into a Committee to consider an Address to Her Majesty, &c. —Motion *withdrawn,* and Amendment of Colonel Knox *negatived* by a Majority of 42 ... ... ... ... ... 1513
Supply—Army Estimates—House in Committee ... ... 1533
Supply—St. James's Park—House in Committee ... ... 1560

Tuesday, June 17.

Peace Preservation (Ireland) Bill—Order for Committee read—Amendment of Mr. M'Mahon that the House resolve itself into a Committee this day three months—Amendment *negatived*—House in Committee ... ... 1573
Widows of Officers of Transports—Question of Mr. Stafford ... ... 1579
The Army in the Crimea—Question of Sir Henry Davie ... ... 1579
Education (Ireland)—Motion of Mr. Walpole for an Address to Her Majesty to direct a Modification in the Rules of the National System of Education in Ireland, &c.—Amendment of Mr. Kennedy *negatived,* and Motion *agreed to* by a Majority of 10—Division List ... ... ... 1580

Wednesday, June 18.

Nawab of Surat Treaty Bill—Bill *ordered* to be read a third time ... 1649
Our Relations with the United States—Question of Major Reed ... 1660
Dwellings for Labouring Classes (Ireland) Bill—House in Committee ... 1661
Poor-Law (Ireland) Bill—Order for Second Reading read—Debate *adjourned*... 1664
National Education (Ireland)—Question of Mr. Fortescue ... ... 1665

Thursday, June 19.

University of Aberdeen—Question of Mr. H. Baillie ... ... 1679
Registration of Voters (Scotland) Bill—Order for Committee read—Amendment of Mr. G. Dundas that the House resolve itself into a Committee this day three months—Amendment *negatived* by a Majority of 53—House in Committee 1679
Peace Preservation (Ireland) Bill—Amendment *considered* ... ... 1684
Postal Communication with Australia—Question of Mr. T. Chambers ... 1685
National Education (Ireland)——Question of Mr. Walpole ... ... 1685
Business of the House—Question of Mr. Hankey ... ... 1686
Staff of the Army—Motion of Captain L. Vernon to employ General Officers from the Scientific Corps on the Staff of the Army—Amendment *negatived* 1687
Supply—Army Estimates—House in Committee ... ... 1691
Agricultural Statistics Bill—Second Reading *postponed* ... ... 1727
Coalwhippers' (Port of London) Bill—Order for Second Reading read—Amendment of Mr. Gladstone that the Second Reading be *postponed* to *Friday, July 4*—Amendment *agreed to*—Second Reading *deferred* ... 1728

Friday, June 20.

The Murder in Panton-Street—Escape of Foschini—Question of Mr. Bowyer... 1733
Reduction of Officers of the Army—Question of Lord Hotham ... 1735
Our Relations with the United States—Question of Mr. Gladstone ... 1737
Cambridge University Bill—Bill *considered* in Committee ... ... 1740
Lunatic Asylums (Ireland) (No. 2) Bill—House in Committee ... 1758
Joint-stock Companies Winding-up Acts Amendment Bill—Adjourned Debate (Second Night)—Order read for resuming Adjourned Debate on Amendment to Question [6th June]—Debate *resumed*—Amendment *negatived*—Bill read 2° 1766
Agricultural Statistics Bill—Order for Second Reading *discharged*—Bill *withdrawn* ... ... ... ... ... 1770

Monday, June 23.

National Education (Ireland)—Motion of Mr. Fortescue approving of the present system—Amendment of Mr. Grogan *negatived* by a majority of 184—Resolution of Mr. Fortescue *agreed to* ... ... ... 1807
Sardinian Loan—House in Committee ... ... ... 1889

TUESDAY, JUNE 24. Page
Nawab of Surat Treaty Bill—Order for Third Reading read—Amendment of Sir J. Hogg that the Bill be read a third time this day three months—Amendment *negatived* by a Majority of 185—Bill read 3° ... ... 1898

WEDNESDAY, JUNE 25.
Maynooth College Bill—Order for Second Reading read—Amendment of Mr. H. Herbert that the Bill be read a second time this day six months—Amendment *negatived* by a Majority of 6—Division List—Mr. Speaker adjourned the House at a quarter to Six without putting the main question ... ... 1906

THURSDAY, JUNE 26.
Postal Communication with Australia—Question of Sir John Pakington ... 1987
Parochial Schools (Scotland) Bill—House in Committee ... ... 1991
National Education—The Queen's Reply to the Address *brought up* by Viscount Drumlanrig ... ... ... ... ... 1992
Staff Pay and Allowances—Question of Colonel Lindsay ... ... 1992
Interments of Dissenters (Ireland)—Question of Mr. Pollard-Urquhart ... 1993
London Corporation Bill—Question of Mr. Hankey ... ... 1993
Wills and Administrations Bill—Order for Second Reading moved by the Solicitor General—Motion *agreed to*—Bill read 2° ... ... 1995
Poor Law Amendment (No. 2) Bill—Second Reading *deferred* till Thursday ... 2042
Cambridge University Bill—Bill read 3° ... ... ... 2043
County Courts' Judges Salaries—House in Committee ... ... 2044
Mercantile Law Amendment Bill—Second Reading *deferred* till Monday ... 2044
Judges and Chancellors Bill—House in Committee ... ... 2045
Maynooth College Bill—Adjourned Debate—Order for resuming Adjourned Debate on Second Reading read—Order *discharged* ... ... 2046

FRIDAY, JUNE 27.
Our Relations with the United States—Question of Mr. G. H. Moore ... 2071
Government Allowance to Reformatories—Question of Mr. A. Smith ... 2073
Entry of the Guards into London—Question of Mr. Noel ... ... 2073
Legion of Honour—Question of Mr. H. Baring ... ... ... 2075
Appellate Jurisdiction Bill—Question and Statement of Mr. Raikes Currie ... 2075
The Army—Staff Appointments, &c.—Statement of Colonel North ... 2084
Church Rates—Question of Sir W. Clay ... ... ... 2087
The Order of Valour—Question of Captain Scobell ... ... 2090
The Order of Medjedjie—Question of Mr. Knightley ... ... 2091
Railway Accidents, &c.—Question of Mr. Otway ... ... 2091
Our Relations with the United States—Statement of Mr. G. H. Moore ... 2093
Appellate Jurisdiction Bill—Statement of Lord John Russell ... ... 2096
Site of the National Gallery—Motion of Lord Elcho "for the Issue of a Royal Commission to determine the Site of the new National Gallery," &c.—Motion *agreed to* by a Majority of 8.—Division List ... ... ... 2097
Scotch and Irish Paupers Removal Bill—Order for the Second Reading of the Bill *discharged* ... ... ... ... ... 2156
Bankruptcy and Insolvency (Ireland) Bill—Order for Second Reading read—Amendment of Mr. Macartney, that the Bill be read a Second Time this day Three Months—Amendment *negatived*—Bill read 2° ... ... 2157
Dwellings for Labouring Classes (Ireland) Bill—Order for Third Reading read—Amendment of Colonel Greville, that the Bill be read a Third Time this day Three Months—Amendment *negatived* by a Majority of 66—Bill read 3° ... 2158
Marriage Law (Scotland) Amending Bill—Bill read 2° ... ... 2159
INDEX ... ... ... ... ... 2161

## III. PROTESTS.

PROTESTS against the Third Reading of the APPELLATE JURISDICTION BILL ... ... ... ... 1084 & 1085

PROTEST against the Second Reading of the JOINT-STOCK COMPANIES' BILL ... 1490

## IV. NEW MEMBERS SWORN.

FRIDAY, MAY 9.

*Cheltenham*—Francis William Fitzhardinge Berkeley, esq., *v.* Grenville Charles Lennox Berkeley, esq., Chiltern Hundreds.

TUESDAY, MAY 20.

*Longford County*—Hervey George Hughes, esq., *v.* Richard Maxwell Fox, esq., deceased.

MONDAY, JUNE 2.

*Lichfield*—Viscount Sandon, *v.* Lord Waterpark, Steward of Northstead.

THURSDAY, JUNE 19.

*Leicester Borough*—John Biggs, esq., *v.* Richard Gardner, esq., deceased.

# HANSARD'S
# PARLIAMENTARY DEBATES,

IN THE

*Fourth Session* of the *Sixteenth Parliament* of
the United Kingdom of *Great Britain* and *Ireland*,
appointed to meet 20 August, 1852, and from thence
continued till 31 January, 1856, in the Nineteenth Year
of the Reign of

## HER MAJESTY QUEEN VICTORIA.

### THIRD VOLUME OF THE SESSION.

## HOUSE OF LORDS,

*Tuesday, May* 6, 1856.

Minutes.] Public Bills.—1ª Drainage (Private Advances) Act Amendment.

2ª County Courts Acts Amendment; Joint Stock Companies Winding-up Acts Amendment.

### COUNTY COURTS ACTS AMENDMENTS BILL.

ORDER of the day for the Second Reading, read.

The LORD CHANCELLOR said, that in asking their Lordships to give a second reading to this Bill, he would briefly state its principal objects. The local courts had become part of the confirmed jurisdiction of the country, and their establishment was so rooted and they had become so useful, that any attempt to impair their efficiency would be very improper and injudicious. Three years ago he issued a Commission to inquire into the working of these courts—for it was naturally to be supposed that sixty different tribunals, some of them administering justice in eight or ten places, must fall into inconsistencies if not into errors in dealing with the subjects that were brought before them, and it was therefore important that the whole system should be revised. Last year the Commissioners made their first report, and they pointed out a great number of trifling errors in the existing law, and mistakes of practice which had crept in and which required remedying, and this Bill had been framed with the view of carrying their suggestions into effect. With regard to the details of the Bill, it consisted of some forty or fifty independent proposals, the object of which was to remedy evils each separately being of a minute character. There was one point connected with this subject to which his noble and learned Friend (Lord Brougham) had frequently called their Lordships' attention, and which had always called up in him something like a feeling of shame—*habent confitentem reum*—that whereas the richer class of suitors who applied for justice to the superior tribunals, had the advantage of judges and court-houses provided for them by the State, the poorer class of suitors in the County Courts had to pay for their own judges and for the places in which they sat to administer justice, because the object of the fees levied in the County Courts was to render those courts self-supporting. It was undoubtedly the first duty of every Government to provide for the administration of justice; but he was not one of those who would look at the question with so scrupulous an eye as to say that the suitors should pay nothing towards the expenses of judicial tribunals. The object ought to be to relieve the man who had suffered the wrong, and throw the costs on him who had committed it. The country provided tribunals, and the suitor not only recovered his fair amount of damages but also his expenses, or had to pay them if he lost his cause; and therefore if the wrong-doer in all cases paid the expenses it might be right that the expenses should be paid by the suitors. But unfortunately that could not be always the case, and sometimes the debtor against whom judgment went was not able to pay. Therefore it was that the Government was bound to provide Judges and tribunals. That reasoning did not apply to those courts which, though nominally courts of justice, were in fact institutions for the administration of property. That principle did not, however, fairly apply to the County Courts, in which the rights of those who had been wronged were enforced; and yet those tribunals had originally been made self-supporting, and the consequence was that an amount of fees was levied in them which, in comparison with the amounts recovered, could hardly be justified. Those fees were divided under two heads—first, a fund for providing court houses, and next, one out of which all other expenses were defrayed. The amount levied in 1854, under the latter category, was £230,000; and under the former between £40,000 and £50,000; making an aggregate raised in fees of about £278,000. Of this, the salaries for the Judges, at £1,200, took £72,000. The Government, therefore, now proposed to pay the salaries of the Judges, and to provide court houses from the Consolidated Fund, and to levy in fees only about one-half of the £278,000 now so raised. That was, perhaps, the main object of the Bill; but, being financial, it could not be effected under their Lordships' authority. It would, however, be submitted to the other House with the sanction of the Government. At present, the County Court Judges were paid salaries of not less than £1,200 nor more than £1,500, at the discretion of the Treasury. This was a most objectionable mode of remuneration, and one that would not be tolerated for an instant in regard to the Judges of the higher courts. He remembered that when the late Lord Denman was appointed Lord Chief Justice, it was arranged that he should receive only £8,000 instead of £10,000, as heretofore; but he retained a legal right to have the larger sum. That state of things led to much animadversion; for it was said to be most improper that it should rest with the Government whether they should pay the Lord Chief Justice £8,000 or £10,000 a year, at their own discretion. In selecting the Judges of the County Courts, who should receive the extra £300 (the source for paying which was the surplus arising from fees) the Treasury proceeded upon the best statistical *data* it could obtain, and decided with as much impartiality as possible to award the legal increase to twenty out of the whole number, eighteen of whom were paid £300 additional, and the other two £150. Those whose salaries remained at £1,200 were—not unnaturally perhaps—dissatisfied with this arrangement, and many applications were made to the Government to induce it to fix them all at £1,500. In allotting salaries to judgeships, they ought to consider, first, what it was necessary to pay in order to obtain competent men; and, secondly, what would be sufficient to enable them to fill that position in society which the discharge of their duties required—for it would be a very low and vulgar mode of regarding the question to look upon judgeships as things that might be put up, as it were, by auction for the lowest bidder. His own idea was that though it would be impossible to say that £1,500 would be an improper sum, yet, seeing how many able and fit men there were ready to fill the office for £1,200 he did not feel warranted in recommending an indiscriminate rate of £1,500 for all County Court Judges. His Bill, therefore, only secured the salaries as they now existed, of course without depriving those who had already received the additional allowance of their right to have it continued. Such was the best decision on this point at which, after viewing it in all its bearings, he could arrive. It was a point, however, over which their Lordships had no real jurisdiction; and it would now rest with Parliament to pronounce its own judgment on the matter. The Commissioners recommended a variety of smaller changes of detail relating to the position of the deputies and clerks of the Judges. For instance, it would dispose of the doubts which had arisen with regard to the legality of acts done by a deputy when the judge, clerk, or bailiff appointing him had died. The Bill would settle those points. The question of the precise amount of costs which a suitor should be entitled to recover had engaged the attention of the Commissioners. By the law as it at present stood, if an action for debt was proved in a superior court, and the amount recovered was not more than could have been recovered in the County Court, the plaintiff did not get costs unless the Judge certified that it was a proper action to bring in the superior court; and if a person sued in a local court, having concurrent jurisdiction with the County Court, the costs were larger than in the County Court. What ought to be enacted should be, that if the action was not tried in the County Court no more costs should be recovered than would have been recovered in the County Court. The recommendations of the Commissioners, however, differed in this respect from the views that had been advocated by other competent persons. The only pledge he could give was that the subject should receive his careful consideration. Mr. Pitt Taylor, an eminent County Court Judge, who dissented in some particulars from the other Commissioners, had recommended that, whereas the County Courts had at present exclusive jurisdiction in actions for debt under £20 and in those for wrong under £5, their jurisdiction should for the future be equal in both cases. The reasoning by which Mr. Taylor had supported this view appeared so cogent that he (the Lord Chancellor) had embodied the recommendation in the Bill. It was for their Lordships, however, to decide whether it should be retained or expunged. In conclusion, he moved that the Bill be now read a second time, on the understanding that it should be committed *pro formâ* on Thursday, and resumed after the holidays. It had been suggested to him that the Passage Courts at Liverpool and at Bristol were very useful courts, and he did not propose to interfere with them.

*Moved*, That the Bill be now read $2^a$.

Lord CAMPBELL, while cheerfully admitting that the Bill had much merit, expressed his regret that the Lord Chancellor should not have adhered more closely to the recommendations of the Commissioners—able and zealous men, who had applied themselves most sedulously to the task of improving the County Court system. Although two of the Commissioners were learned and able colleagues of his on the bench—Mr. Justice Erle and Mr. Justice Crompton—the noble and learned Lord preferred to commit himself to the guidance of Mr. Pitt Taylor, a Gentleman whom he (Lord Campbell) had the privilege to call his friend, and for whose talents he had the highest respect, but of whom he must also observe that in many of his views and opinions he was by no means prepared to concur. Mr. Taylor seemed ambitious to make himself a second Chief Justice of England. Even though he should succeed in that object, he (Lord Campbell) would not entertain for him a diminished regard, for his abilities would adorn any position however eminent, and qualify him for any task however arduous. But it would be unreasonable to suppose that similar praise could with propriety be awarded to his fifty colleagues in the County Courts. They were, no doubt, in the main, zealous and efficient magistrates, and they discharged their duties in an exemplary manner; but it might be questioned whether it would be desirable to intrust them with the decision of all manner of cases, however dissimilar and complicated. The County Courts were excellent tribunals, and must now be regarded as permanent institutions of the country, but they had been founded for the express purpose of determining small cases which did not require the same amount of skill and learning that was demanded in the superior courts at Westminster Hall. The vast majority of the County Court Judges were satisfied with their present powers; but Mr. Taylor would revolutionise the whole system and give them an unlimited jurisdiction. The Bill of his noble and learned Friend proposed to depart entirely from the recommendation of the Commissioners, and to place the management of this matter in the hands of his (Lord Campbell's) friend, Mr. Pitt Taylor. An example of the tendency of the Bill might be given in the provision, that if a person bringing an action for malicious prosecution, libel, assault, &c., in one of the superior courts did not recover more than £20 damages he should have no costs. This would effectually shut the doors of Westminster Hall against suitors who wished to resort to it for the vindication of their characters. No plaintiff in such an action can be sure of recovering a larger sum; and henceforth all personal actions must be brought in the County Court, before a Judge who may be incompetent, from whom there is no appeal except with his own consent, who has no Bar to control him, and whose proceedings are unnoticed by the public press. On these grounds he would ask his noble and learned Friend on the woolsack to reconsider this measure, but he should not oppose its going through Committee *pro formâ*—although he would repeat that he regretted that the noble and learned Lord should have departed altogether from the recommendations of the Commissioners—recommendations which a regard to the due administration of justice required that the Legislature should adopt.

Lord BROUGHAM said, that his noble and learned Friend (Lord Campbell) had really conjured up a phantom, he would not say of his brain, but of his imagination, with respect to Mr. Pitt Taylor, whom he appeared disposed to look upon somewhat as a rival. He seemed to imagine that it was intended to give what used to be called "the cushion" of the Court of Queen's Bench, by giving unlimited jurisdiction to the County Courts. With respect to the minority of the Commissioners having been so small as to have been reduced to one, all the Commissioners being on one side, and Mr. Pitt Taylor on the other, he (Lord Brougham) could only say that almost on every point of difference there had been four on one side and three on another. But the question rested on the merits, not on the recommendations of the Commissioners. Would not any one who had heard his noble and learned Friend, the Lord Chief Justice, suppose that the question raised by this Bill, instead of being confined to £50 in cases of debt, and £5 in cases of tort, was to give jurisdiction to any amount, whether in cases of debt or tort? The object was to make the remedy equal in both these cases, and for this obvious reason—that in the great majority of cases it was impossible to draw the line between the two. His noble and learned Friend had been a little mistaken in his history of the County Court legislation. His (Lord Brougham's) original Bills proposed to give jurisdiction up to £100 in debt, and £50 in tort. Now, by degrees, they were creeping on to the original dimensions of those Bills of 1831 and 1833, for at present the limit had been increased from £20 to £50 in debt and £5 in tort. One very important improvement in the Bill, which he was happy to find that his noble and learned Friend on the woolsack was disposed to adopt, was the improvement of what was called the optional clause. At present both parties by consent in writing had the power of having an action tried in the County Courts to any amount and of any kind. That was the law as it stood, and he hoped that it would be maintained, as the system of local judicature would be, which had taken such firm root that it would never be eradicated from the judicial system of this country. But his noble and learned Friend (the Lord Chancellor) proposed to give a better form to that optional clause, by providing that the consent should only be required in the first instance of the party who sued—that he should be allowed to bring his action in the County Court, but that where the damages claimed exceeded the amount prescribed by the Act, the other party, if he chose, might stop it, and limit the jurisdiction as it was at present. This would be a great improvement, for it would give effect to the optional clause. There was also another matter to which he must refer—a matter which had long been a subject of controversy between his noble and learned Friend and himself—he meant that system which made the County Court suitors pay for the expense of the administration of public justice. These suitors were left groaning under all the evils of law taxes long after those evils had been remedied in every other court of the kingdom. He believed that before long his noble and learned Friend would come round to his opinion on another point, owing, he (Lord Brougham) would not say to the liberality or generosity, but to the wise justice of the other House of Parliament, in providing a sufficient salary to these Judges. He thought that the salary of £1,500 a year was not too much to be paid as the remuneration for the learned Judges who had to perform these important functions. It was no test of the amount of remuneration to say that one court transacted more business than another. That was the worst test which could be applied; for it might happen that the Judge who tried the smaller number of cases might be required, from the nature of the questions raised, to be a man of superior acquirements to the Judge who tried the greater number of cases. But there was another test which was altogether out of the question—namely, that sometimes referred to by his noble and learned Friend on the woolsack, who said he should find no difficulty in obtaining the services of respectable men at the lower amount of salary. Would his noble and learned Friend permit him (Lord Brougham) to say, with all possible courtesy and respect, that he dreaded, from the application of such a test, not so much (as the Lord Chief Justice had imagined) that Mr. Pitt Taylor would be his rival in the Lord Chief Justiceship, but he was in a state of alarm for his noble and learned Friend on the woolsack, for he could see many more candidates likely to rival his noble and learned Friend on that principle; in fact, he saw a multitude—a cloud of witnesses—to the falsehood of the test adopted by his noble and learned Friend. Many men, he believed, would be found not equally capable with his noble and learned Friend, but of sufficient capacity to perform well the functions of his noble and learned Friend's high office, and who would be willing to do so for a much less sum. If his noble and learned Friend applied this test, he might be sure that there would be a host of candidates always ready for the office.

LORD ST. LEONARDS said, that he agreed with his noble and learned Friend on the woolsack with respect to the question of salary. He thought that it would be impossible to lower the salary of those Judges who now had £1,500 a year during their lives; but, considering the duties which these Judges had to perform, and that they were paid out of the taxes, he considered that the present salary was sufficient. The optional clauses carried the amount too high, but that was a question for the Committee. In other respects he supported the Bill, which he thought would accomplish the object for which it had been introduced.

LORD BERNERS recommended that the County Court Judges should be paid out of the Consolidated Fund.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

## CHANCERY REFORM.

LORD ST. LEONARDS said, that in putting the Question of which he had given notice to his noble and learned Friend on the woolsack—whether he intended to introduce any measure founded on the last Report of the Chancery Commission?—he would take the opportunity of setting right a question of fact—whether the two Acts for abolishing the Masters' Offices, and for amending the jurisdiction of the Court of Chancery passed in 1852, had been framed—as they had undoubtedly been brought in and carried—by the Government of which his noble Friend (the Earl of Derby) was the head, or by the Government of Lord John Russell. Their Lordships had heard several times the great anxiety with which Lord John Russell's Government had claimed whatever merit might belong to those who laboured to carry those important measures through Parliament. Now, what were the facts? On the 3rd of February, Her Majesty, in Her Speech from the Throne, stated that she had directed Bills to be prepared for the reform of the Court of Chancery, founded on the report of the Chancery Commissioners; and, on the same day, Mr. Hayter announced that the Solicitor General would, on the 16th, move for leave to introduce a Bill respecting the Court of Chancery. But, in answer to a question put in that House two days afterwards, it was stated that no Bill had been framed, the Lord Chancellor not having had time to consider the Report. And the next evening, in reply to an observation of Lord Lyndhurst, Lord Truro, (then Lord Chancellor) said he heard with considerable surprise of the notice which had been given of the introduction of a Bill for the reform of the Court of Chancery into the other House of Parliament on the 16th, because he thought that such a Bill, founded on the report of the Commissioners, and embodying certain of their recommendations, would require a very great amount of thought and arrangement in order to make it available for any purpose he, and did not see how a well considered measure could be possibly prepared by that time. On the same day, in the House of Commons, the Solicitor General said that the Bill was not reduced into such a shape that he could entertain any reasonable expectation of being able to offer it on the day named, but there would be no delay. Six days later, that is, on the 12th February, upon the question being again mentioned in that House, the Lord Chancellor (Lord Truro) said—

> "He had given to the Report the utmost time he could withdraw from the duties of his office; but he could not pretend that he had been able to make up his mind on every part of it. With regard to a rumour referred to, he stated that he had not expressed disapprobation of any part of the Report. He had expressed doubts whether certain parts of it could be carried out as desired by the Commissioners, not at all being indisposed to adopt their recommendations if they were practicable; as to which he repeated that he had doubts. The notice as to the Bill had been given under some misapprehension, not by

the Solicitor General, but by Lord John Russell, upon mistake and misinformation. There was not, he said there could not be, any possibility of the Bill being in such a state as to be presented to the House by the time mentioned. It was a matter of great difficulty, requiring great consideration. It was in the hands of a gentleman well fitted to prepare it; and he (the Lord Chancellor) would do his utmost to expedite the preparation of it, and to adopt so much of it as could be carried out with benefit (though he was not prepared to say that the whole could be); but he was persuaded that the gentleman could scarcely have yet formed, even in his own mind, the shape of the Bill, and that it could not possibly be in a state to be produced to Parliament by the time which had been stated."

He then showed the difficulties in the way of abolishing the Masters' Offices, and that he had not made up his mind on the subject; and he added—

> "That he had not anticipated the recommendation for the annihilation of the office of Master in Chancery, and when a vacancy occurred he contemplated filling it up; but having communicated his intention to a Member of the Government, he was asked, 'Are you not aware that the Commissioners are contemplating the abolition of the office?' Whether (he said) those who almost stifled the Report with their commendations were prepared to go the whole length of it, he did not know; but he could at present give no decisive opinion as to the abolition of the office of Master one way or the other, and could only say, that if the advantages anticipated could be secured, he should be well satisfied."

And he afterwards added—

> "That he had considered that part of the Report which related to the abolition of the Masters' Office; he was not satisfied as to the mode in which their places were to be supplied—he could not say that he knew of any plan by which the object of the Commissioners could be accomplished with advantage to the public. * * * He said, he repeated once more that he doubted how far the plan of the Commissioners, as regarded the abolition of thr Masters' Office, could be carried out. He was not to be satisfied by mere declamation that this or that plan could be accomplished; he required proof."

This was the last time that Lord Truro spoke on the subject. On the 16th of February, the day named by Lord John Russell for the production of the Bill, of course no Bill was produced, but the Solicitor General stated, that the Lord Chancellor, when in possession of the Report, gave instructions to have a Bill prepared to carry into effect the recommendations of the Commissioners. Thus the matter stood when the change of Government took place; and, on the 12th of March, he (Lord St. Leonards) stated to that House what legal measures the new Government proposed. He gave to the Commissioners the full credit due to them, and he gave also to the then late Government the credit due to them for their intention to carry out the Report. He added that he had understood a Bill had been prepared. He found, however, no trace of such a Bill, but that the work remained to be done. He had, however, he then stated, received within the last two or three days, a sketch already prepared of the heads of so much of the proposed Bill as related to the Masters' Offices, and he then pointed out his objections to the mode in which that was proposed to be carried out. He might now state that he had reason to believe that Lord Truro never saw that sketch. On the 22nd of March the late Solicitor General made a statement in the other House, from which it appeared that the late Lord Chancellor had been desirous that the Commissioners themselves should prepare the Bill, but they thought the Government ought to do so. He referred to the sketch already mentioned, and appeared to have stated that the most material clauses were first sketched out and afterwards fully prepared. Now, he (Lord St. Leonards) had no wish to say anything injurious to the memory of Lord Truro. He regretted he was not present in the House when some observations were justly made in praise of that noble and learned Lord. But, it was but justice to him (Lord Truro) to say that he never during his life claimed to himself the labour involved in the preparation of these Bills. He had already said that when he (Lord St. Leonards) came into office he did not find the least trace of the Bills, as Bills, and he adhered to that statement. A sketch was shown to him, which had been prepared by a draughtsman, of what had been proposed with respect to the Bill for the abolition of the Masters' Office, but it differed fundamentally from the scheme carried into execution by him in regard to the abolition of the Masters' Office. The proposition, in fact, was to make the new clerks, in effect, the successors of the Masters in Chancery. They were to be called Assistants to the Judges, and they were to go back to the Masters' Offices. To both those plans he objected; and they were ultimately abandoned, and his proposal substituted, which he considered a very great point, namely, making these functionaries merely clerks, though men of position and considerable knowledge, and capable of affording assistance to the

Judges in the matters which came before them, and not allowing them to go even for a time to the old Masters' Offices. He had never denied the good intentions of Lord John Russell's Administration, and that they had had a sketch prepared of one important branch of the subject; but he said those intentions had never been carried out, though he had no doubt they would have been if the circumstances had proved more favourable. In short, he denied that a single clause of the proposed Bill had ever been framed. To his (Lord St. Leonards) knowledge, the whole work was performed under the Administration of his noble Friend (the Earl of Derby). No one could dispute that the second and larger Bill—that for the improvement of the jurisdiction in Equity—had been prepared after the change of Government. It was not a question between individuals, but one between two Governments; and whatever credit attached to the actual preparation and carrying through of the measures, it was certainly due to his noble Friend's Government, and not to that of Lord J. Russell. No Bills ever underwent greater deliberation or cost more labour, either in their preparation or in their final settlement out of the House, or required more time to be devoted to their consideration. No man's energies in fact were too great to be applied to the subject; and all this time and labour was given without stint by the persons who had to direct the preparation of the measures. Of course, he included himself. There could be no question, therefore, as to whom the merit of the labour belonged. The Master of the Rolls and the three Vice Chancellors afforded him (Lord St. Leonards) their assistance in the final settlement of the Bills, and every word of every clause was read aloud by one of them in the presence of all, and the Bills were afterwards referred to a Select Committee in that House, upon which were all the Law Lords. Lord Truro never set up the claim which was now set up for him. When the Bills reached the House of Commons, so little did Lord John Russell and the present Attorney General think they were Bills belonging to their own Administration, that they charged him (Lord St. Leonards), without the least ceremony, with having mutilated and entirely spoilt the plan of the Commissioners by his alterations. They, of course, did that in ignorance, for neither of them had then read a word of the Bills. If they had looked into them, they would have found that they carried out the general views of the Commissioners fairly and honestly, though not servilely, but with such additions and alterations as, he would take the liberty of saying, his own great experience justified him in making, and those measures having passed into law, had been found to work admirably. The subject had been discussed in that House, and his noble and learned Friend now on the woolsack, in allusion to the charge made in the other House that he (Lord St. Leonards) had mutilated the Bills, said that there must be some misunderstanding as to what had occurred, for that the statement carried with it its own refutation, and that they were clearly his (Lord St. Leonards') own Bills. He then thought there was an end of controversy; but when on a previous evening the merits of Lord Truro were alluded to, the noble and learned Lord on the woolsack said he thought sufficient merit had not been given to Lord Truro in his lifetime for having prepared the Bills in question. When he read the report he took it for granted it was some mistake, and the noble and learned Lord, on having it pointed out to him, said he believed he must have made the statement, but that he would take care to put the matter right; and when he (Lord St. Leonards) returned to his duties in that House, the noble and learned Lord did put it right. Since that time the controversy had, however, again been raised in a letter signed "A Friend of Lord Truro;" and, although he did not wish to take any credit to which he was not entitled, he thought it right to call their Lordships' attention to the plain facts of the case, in order that this question might once for all be set at rest. He had simply put his question on the paper in order to bring forward the matter in a proper form, and he had no wish to press for an answer. He had read the Report of the Commissioners, and he thought it deserved very great consideration. He hoped the Lord Chancellor would not introduce any measure with regard to damages, as much mischief might be done to the Court of Chancery by a general measure of that sort.

The LORD CHANCELLOR said, that the Third Report of the Chancery Commissioners contained some recommendations which would be carried out without legislation, and with respect to these he had given notice that orders should be prepared by which they would be carried into effect. He had thought it desirable to take time to consider very carefully the character of the measures which it might be desirable to introduce into Parliament to carry out such of the recommendations of the Commissioners as required legislative sanction. With respect to the recommendation as to giving the Court of Chancery power to give damages in certain cases, he thought it was desirable that every court should have the means of carrying out finally its own decisions, and he had ordered a Bill to be framed on this subject, but he could not say whether he should adopt it till he saw what it was like. With respect to the observations he made on a previous occasion, he was sorry he should have said anything that should give rise to discussion; but still he thought he was pretty nearly right when he said that Lord Truro had not had quite justice done to him about his share in the Chancery measures introduced by the Government of Lord Derby. The Commission issued by his noble and learned Friend prepared the Report on which these measures were founded; and the Solicitor General of Lord John Russell's Government had introduced one Bill embodying a very important part of the recommendations of the Commissioners. The only error into which he fell was that he thought Lord Truro had given directions for the drawing of the other Bills which were subsequently introduced, and that they were in course of preparation when he left office. In so far it appeared that he had been in error, and that he had done injustice to his noble and learned Friend (Lord St. Leonards), by whom these Bills had been introduced and carried through.

Lord BROUGHAM said, it was impossible to over-estimate the merits of his noble and learned Friend (Lord St. Leonards) in preparing those Bills, which had effected a most beneficial change in the Court of Chancery, by the abolition of the Masters' Offices, and the substitution of the present mode of Judges working out their own decrees, thus saving an immense amount of expense, delay, and uncertainty; and it was beyond question that Lord Truro admitted that he did not at one time approve the fundamental principle of those measures. But it was a near relation of his own, himself a Master in Chancery, who wrote a letter more than ten years previously to Lord Lyndhurst and Lord Langdale, then Master of the Rolls, in which he advised that the Masters should be abolished, and showed how the business might be done without them. It was melancholy to think that so many years had been allowed to elapse, during which the suitors suffered, the profession suffered, and the character of the court itself suffered, before that great improvement was carried into execution.

Lord ST. LEONARDS said, none of the clauses of either of the Acts was drawn up when Lord Truro was in office. Lord Truro frankly said that he had not made up his mind on the subject, and so little did he think in the first instance that the Masters' Offices were to be abolished, that he actually, a short time before he went out of office, nominated a gentleman to the office of Master. A sketch of one of the Bills did exist, but he (Lord St. Leonards) made, as he had stated, fundamental alterations in the plan.

House adjourned to Thursday next.

## HOUSE OF COMMONS,

*Tuesday, May* 6, 1856.

Minute.] Public Bill.—2° West India Loans.

### DISEMBODIMENT OF THE MILITIA—QUESTION.

Mr. DAVISON said, he would beg to ask the hon. Gentleman the Under Secretary for War whether the Government would be disposed to reconsider their decision with respect to an immediate disembodiment of the Irish militia, with the view of postponing such disembodiment until the approaching harvest, in order that the soldiers might thereby earn a temporary subsistence, and be induced to return to their ordinary avocations?

Mr. FREDERICK PEEL said, the Irish militia must be dealt with in the same way as those of Scotland and England. The course which it was intended to take was to disembody first the militia that were billeted, and afterwards those that were encamped would follow. He had no doubt, if the men were at their homes, that as much employment might be found for them at this season as any other.

### POSTAL COMMUNICATION (IRELAND)—QUESTION.

Mr. LYONS MONTGOMERY said, he would beg to ask the hon. Secretary to the Treasury if any steps had been taken to forward the night mail from Mullingar to Longford by rail instead of by coach, as at present carried; also, whether he would lay upon the table of the House any correspondence that might have passed on the subject between the Post Office authorities and the Midland Great Western Railway Company?

MR. WILSON said, that in the particular case referred to, the sum demanded was so large, and the convenience offered so comparatively small, that the authorities at the Post Office did not feel themselves justified in acceding to such a demand. A correspondence had ensued between the Railway Company and the Post Office authorities, and there would be no objection to the production of it if the hon. Member would move for it. The fact was that very great difficulty had been experienced between the Post Office and Railway Companies in Ireland as to the service for carrying the mails, and it was therefore the intention of the Government, in the course of the present year, to bring in a measure placing more power in the hands of the Government to demand from the railways more accommodation than at present they were disposed to concede.

## THE TREATY OF PEACE— ADJOURNED DEBATE (SECOND NIGHT).

Order read, for resuming adjourned Debate on Amendment proposed to be made to Question [5th May]—

"That an humble Address be presented to Her Majesty, to return to Her Majesty the sincere acknowledgments and thanks of this House for the important communication which Her Majesty has been graciously pleased to make to this House of the General Treaty concluded at Paris on the 30th day of March, between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of Russia, the King of Sardinia, and the Sultan, by which Peace has been established between Her Majesty, the Emperor of the French, the King of Sardinia, and the Sultan on the one hand, and the Emperor of Russia on the other:

"To assure Her Majesty, that, while we should have deemed it our duty cheerfully to afford Her Majesty our firm support if it had unfortunately been found necessary to continue the War, we have learned with joy and satisfaction that Her Majesty has been enabled to re-establish Peace, on conditions honourable to Her Majesty's Crown, and which fully accomplish the great objects for which the War was undertaken:

"To express to Her Majesty the great satisfaction which we feel, at finding that while those Alliances which have so mainly contributed to the vigorous and successful prosecution of the War, have been equally effective in the consolidation of Peace, Powers which have not taken an active part in the War, have combined with the belligerents to give additional firmness to the arrangements by which the repose of Europe is in future to be protected from disturbance:

"To state to Her Majesty that we rejoice that, notwithstanding the great exertions which the late War has rendered necessary, the Resources of the Empire remain unimpaired:

"To express our hope that the Peace which has now been concluded, may, under the favour of Divine Providence, long continue to shed its blessings over Europe; and that harmony among Governments and friendly intercourse among Nations may steadily promote the progress of civilisation, and secure the welfare and happiness of mankind."

And which Amendment was, in paragraph 2, line 3, to leave out the words "joy and:"

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed*.

MR. LINDSAY said, that it was not his intention to touch upon the subject of oppressed nationalities, which formed, he conceived, no part of the subject for consideration, nor should he refer to the political part of the question, but would endeavour to direct the attention of the House to the portions of the treaty which more particularly affected commerce. He differed from hon. Gentlemen opposite in their estimate of the treaty, and was bound to say that that treaty afforded him both "joy and satisfaction," because he felt that it had fully accomplished the great objects for which England had gone to war. The 7th Article contained an engagement on the part of the contracting Powers "to respect the independence and territorial integrity of the Ottoman empire, guarantee in common the strict observance of that engagement, and, in consequence, to consider any act tending to its violation as a question of general interest." Great doubts were expressed last evening as to whether the independence and integrity of Turkey would be maintained, but such an article, in his opinion, completely secured that object. Taking the treaty altogether, he was bound to say that it contained more than he, for one, had expected. Somehow, there had existed throughout the country a mysterious feeling that we should not get a peace which would be honourable to England. That feeling was also increased by the secrecy maintained until the exchange of the ratifications had taken place, and he was, therefore, agreeably surprised when he read these conditions. Although he had, on previous occasions, felt it his duty to differ from right hon.

Gentlemen on the Ministerial benches with regard to the administrative management of the war, he thought it was now his duty to express his belief that all for which they went to war had been accomplished. Besides securing the freedom of the Danube, the ports in the Black Sea were thrown entirely open to commerce, which was a matter of great importance to us as a commercial nation, and would tend much to preserve that peace which had now happily been ratified. Besides this, they had a most satisfactory declaration on maritime law appended to the treaty. The tendency of war was, it was generally believed, to barbarise; but on looking to that declaration, signed as it was by the seven Powers, he found that it also sometimes tended to civilise. That declaration was as follows—" Privateering is and remains abolished." It had been said that the abolition of privateering would be a great loss to us as a maritime nation; but he believed there was no shipowner in this country, who desired to bear a respectable name among his fellows, who, in the event of war with other countries, would allow his ships to be fitted out for this revolting trade. He was glad, therefore, that the treaty had abolished what might be regarded as nothing less than legalised piracy. Following this was the declaration, that "the neutral flag covers enemy's goods with the exception of contraband of war." Every one knew that this right of seizing an enemy's goods under neutral flags was, and might be, easily evaded; America, too, had protested against it; and he was glad, then, to find that it was now to be abolished. As he understood it, that declaration did away with the right of search. If the only evil arising from the abolition of that part of the maritime law was the diminishing the business brought into Doctors Commons, he, for one, would not lament it. That was a matter which he would leave to his hon. and learned Friend behind him (Mr. R. Phillimore). Again, it was provided that "blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy." It was of great importance clearly to define what was meant by a blockade; that it was to be a strict blockade, and not such a one that while one ship could not get out another could. All these were points of great interest, and he readily concurred with the Plenipotentiaries when they said they were "convinced that the maxims which they now proclaim cannot but be received with gratitude by the whole world;" and he hoped, with them, that "the efforts of their Governments to obtain the general adoption thereof will be crowned with full success." Before sitting down he must be allowed to say a few words upon the distinguished part which the noble Lord at the head of the Government had taken throughout the late war. He could not forget the state of things twelve months ago, when the noble Lord stood almost alone, receiving from the Crimea desponding accounts of the sufferings brought about by an administrative system which must sooner or later be reformed, and deserted by the right hon. Gentleman behind him. The noble Lord had fully carried out all his promises; he had brought the country triumphantly through all difficulties and perils to an honourable peace; and to the noble Lord, therefore, he would render his humble but honest thanks. Speaking as he did, it might be supposed that he had some personal object, but he asked for nothing and sought no favour. But he had a duty to perform, and he considered it right to render praise where praise was due.

Mr. ROBERT PHILLIMORE said, that the hon. Gentleman who had just sat down informed the House that he had a duty to perform. He wished the hon. Gentleman had evinced more charity, and had remembered that others also had a duty to perform. The hon. Gentleman had ascribed to him (Mr. Phillimore) motives which the peculiar character of his mind might enable him to understand, but which, he confessed, he could not comprehend, and would not condescend to reply to. In much that had fallen from previous speakers in the course of the debate he heartily concurred. He entirely agreed in the dignified eulogy which the noble Lord the Member for the City of London had passed upon the noble Lord at the head of Her Majesty's Government; for by how much the more the noble Lord was in possession of abundant means, and was urged by the general desire of the country to carry on the war, by so much the more did it redound to his everlasting honour, that when he thought it might be done with safety to the kingdom, and without sacrificing its honour, he did all he could to bring about peace. The noble Lord might well have been tempted by the vast force at his command to have continued the war, but he had resisted the temptation, and the thanks of the country were due to him for so doing. There were portions of the treaty for which he was most grateful, but there were other portions of it which he could have wished had been of a different character. He could have desired that the Christian population of Turkey, considering that this country had shed the blood of her best men and had spent an enormous treasure to save Turkey from certain destruction, should have had secured to them their religious freedom by the treaty. He should have been glad if express stipulations respecting the future freedom of our co-religionists had been included in the treaty. He was certain that no one knew better than the noble Lord (Viscount Palmerston) that if, hereafter, any dispute should arise upon the construction of that document, they had debarred themselves by express terms from calling upon the Sultan to put in force the conditions of that firman. He would now claim the attention of the House to the additional paragraph which he wished to introduce in the Address, and which he proposed to do, first, on account of the great importance and magnitude of the subject; secondly, from the irrepressible conviction which he entertained, and had entertained for years, of the great sacrifice of maritime rights which Great Britain had already made, and was still further making by the declaration contained in this treaty; and, lastly, because, speaking without offence, this was a subject to which very few hon. Members had given attention, and which was not generally understood, and the importance of which, he conceived, demanded a discussion in Parliament. He proposed, first, to call attention to the immemorial and undoubted belligerent right of the Crown to capture enemies' goods in neutral ships; and, secondly, to the importance of affording Parliament an opportunity of expressing its opinion upon so grave and extensive an alteration of public and international law; and, thirdly, to the fact that that alteration was made without the sanction of Parliament. He wished at the outset to conciliate, if he could, the attention of hon. Gentlemen near him by disposing of two prejudices which generally beset the introduction of this subject. It was supposed that those who regretted this alteration of the public law of Europe were persons opposed to the improvement of the law, and that they wished to retain a barbarous custom for the sole purpose of maintaining the maritime supremacy of this country. Now, he was not one of those. However ancient and immemorial the right, if it could be proved that it stood in the way of an improvement of the Christian international law of Europe, and that the horrors of war would be lessened by the removal of it, his voice should never be heard in its favour. It was because he thought that those who entertained that opinion were misled by that declaration, which the next war would serve to dissipate—it was because he thought that the abandonment of that right would prolong and not diminish the horrors of war, that he was opposed to it. What was war? Lord Bacon had said long ago that "Wars between nations were the highest trials of right." Nations owned no common superior and possessed no common tribunal. War was a great, but a necessary evil. It was a mistake, however, to suppose that war had not its laws and its usages, the maintenance of which was necessary for the civilisation of the world. There was one proposition which he had never yet heard disputed—the proposition that when you go to war you have a right to capture your enemies' goods; whether you found them on board a merchantman, or of the navy of that State with which you were at war. He never heard that doctrine disputed. A treaty passed in 1785 between the United States and Prussia was the only instance that ever gainsayed that proposition. Well, then, if you had a right to capture your enemies' goods, had you not a right to visit and search a neutral vessel for your enemies' goods, had you not a right, when you found your enemies' goods on board that vessel, to take those goods on paying the freight for carrying them? That had always been the exposition of maritime international law, not only by England, but by the greatest commercial countries. It had been supposed that we had claimed a right to seize an enemy's goods in neutral vessels, and never pay the freight; but such had never been our practice. It had been said that neutrals had a right as well as belligerents. If there was anything more clear than another, it was that it was essential to the character of a neutral to assist neither party, but to abstain from all interference with both. If a neutral were found carrying contraband you might seize contraband. That right was admitted, and why? Because the neutral might thereby minister to the force of the enemy. But did not furnishing food administer to his force, equally as supplying him with arms. Was it not a mere question of degree, and not a question of principle? If a bystander saw two men fighting, and he picked up a sword and handed it to one of them, he was no longer a neutral, but became a principal. What if he supplied a party with food and refreshment when he was about to succumb to the force of his antagonist. Had he not equally interfered to assist one party to the detriment of the other? He did not mean to say that neutrals could not carry on commerce on their own account. They could trade with the enemy, but not for the enemy. A belligerent even with a large naval force, could not blockade all the coast of a large country with whom she was at war, such countries, for instance, as France or Spain; but she could have cruisers to cut off the enemy's commerce and destroy his trade. But if neutrals were permitted to carry on the commerce, it relieved the blockaded country from the pressure of that lawful arm, and by so doing it directly tended to prolong the horrors of war. We were not without recent experience on the subject. Could any one doubt that our blockade of the Russian ports had been weakened during the war, now happily over, by the waiver of the ancient right? Russia being connected by railway with Prussian ports, the whole commerce of Russia had been carried on with perfect impunity in Prussian bottoms. Had such a state of things a tendency to shorten the duration of the war, to lessen its horrors, or to introduce a Christian improvement into the administration of international law? Did it not, on the contrary, tend materially to lengthen it? It was his firm belief that if the war had continued a little longer, the Government would have been forced, by the pressure of events, to have interfered and put a stop to those proceedings of Prussia. This last fact alone, made out his case, for he had proved that the ancient law was not a remnant of barbarism, aggravating the horrors of war, as persons unacquainted with the subject were inclined to suppose, but a necessary rule for bringing it to a speedy conclusion. The truth was, that the rule was deeply rooted in natural law and in the reason of things. The neutral, it is admitted, ought to assist neither belligerent—but if of two belligerents, one possessed a strong naval, and the other only a small naval power, if a neutral carried on the commerce of the latter, she allowed him to devote his commercial resources to military purposes; every sailor saved from commercial ships was a sailor added to the military marine. Could that be called neutrality? Let them distinguish, if they could, between the principle which made it lawful to prevent the neutral from carrying arms to the enemy, and that which made it lawful to prevent the neutral from aiding the enemy to man his ships of war. There was a distinction of degree, but not of principle. He would appeal to the right hon. Member for Manchester (Mr. M. Gibson) whether the principle involved in this concession did not also apply to the concession of the right of search for and of capturing contraband? The right hon. Gentleman would, he was sure, admit it, and would add that he regarded the present concession only as an instalment of the greater concession that all right of search whatever, and under all circumstances, should be abandoned. He (Mr. Phillimore) would say that, if those plans were carried into effect, the excellent and well-intentioned persons who supported them would do far more to prolong war and increase its horrors than the barbarous practice of the right of search which they so warmly denounced. Every international right should rest upon three grounds—the reason of the thing, approved custom, and the authority of the best accredited jurists. He had endeavoured to deal with the first; namely, the reason of the thing, and to show that to be in favour of the proposition for which he was contending. Secondly, as to custom. Previous to 1646, for 400 years the right had been unquestioned. But it was quite true that, about that time, the Dutch, who were the carriers of Europe, whose profits were derived from the carriage of belligerents' goods, and who were so unscrupulous that they sold gunpowder to their enemies, first introduced the principle of free ships making free goods. In 1713, about the period of the treaty of Utrecht, England, in a peace she made with France, introduced the doctrine that free ships made free goods, but, at the same time, accompanied it by the doctrine that enemy's ships made enemy's goods. Set off the one doctrine against the other, and he doubted whether the pressure of the last would not be more severe than the ancient practice. In 1752 there was put forth the famous answer to the Prussian memorial, which Sir George Lee and Lord Mansfield drew up, and of which the greatest philosopher of the day, Montesquieu, had said that it was *reponse sans réplique*, and which was really a great State document, and not a barbarous jargon of English lawyers. In 1780 an attempt was made to introduce the principle upon which the present maritime declaration was founded. The noble Lord at the head of the Government was well acquainted with the origin of both the *armed neutralities*, and would not deny that the first armed neutrality, in 1780, which proposed a general law founded upon the maxim to which he had referred, was adopted with the deliberate and avowed inrention of striking at the heart of the naval power and maritime supremacy of England, and not for the purpose of introducing a better administration of international law. But what happened? That armed neutrality arose from the conflict of two profligate courtiers of the Court of a most unprincipled woman, whom the inscrutable designs of Providence permitted to rule over Russia — the Empress Catherine. This goodly tree, the growth of which they were now asked to encourage, had its root in the foulest slime and filth. Every nation of Europe, except England, assented to that principle, but before twenty years had elapsed every one of them had abandoned that doctrine, and returned to the ancient law, finding it incompatible with the operations of war and the just rights of the belligerent. The object of that neutrality was described by Lord Grenville in his eloquent *Letters of Sulpicius*, in these terms:—

> "Thus did this fruitless effort fade away, which, under the pretence of promulgating general rules, obligatory on all Powers alike, was substantially directed against the heart and life of the British naval power, created, extended, and maintained by an adherence to the ancient and long established law of nations."

It was indeed, true, that in 1787, when Mr. Pitt made his famous commercial treaty with France, he introduced the doctrine of free ships making free goods; but when that treaty was assailed in Parliament it was defended by the assertion that the agreement was made with France alone, that it was impossible for that Power and England to be long allied, and that the first war between them would dissipate the treaty and render it of no effect. Lord Shelburne, the father of the present Marquess of Lansdowne, a most eminent statesman, in that debate said:—

> "In fact, the neutral code struck at the distinguishing forte of England, that power which more particularly belonged to her. As to the plea that it would signify nothing, and was futile to urge the common interest we had in this with France, because France and England were always to be at war together, he could not accede to it, as it was contrary to all the reasonings respecting the dispositions of France that at least he had gone upon, in justifying the present treaty, as tending to peace with France. Heartily concerned, therefore, as he was that the article appeared in the treaty he hoped that no mention would dare to be made of it in another without the advice and sanction of Parliament. . . . . It was said to be worthless, because no nation would observe it when it was able to break it, and he confessed one of his strongest arguments in objection to it was its impracticability; but why enter into a treaty on the subject? Why give a consent to a thing which it must be always our wish, when able, to set aside? It was in the nature of man, enterprise and hostility would lead to it, and he trusted that no Minister would ever consent to yield to it —[let the House hear and meditate on what follows]—without first taking the advice of Parliament."

Every one knew that when the French Revolution broke out, this new-fangled doctrine was abandoned, as it had been before, by all independent nations. In 1800 came the second armed neutrality, which like the first, originated in Russia—in the first instance it was the invention of profligate courtiers and a libertine Empress—in the second instance it sprang from the caprice of a mad despot—Paul—and only endured during that short interval which elapsed before he was strangled, or rather constitutionally disposed of according to the custom of Russia. His successor immediately incorporated in a treaty the precisely reverse doctrine, that enemy's goods were not free on board neutral ships. It was incorporated in the treaty of 1801. But was that the last time? There was one country with which Great Britain had peculiarly favourable treaties—Portugal; and by an early treaty with Portugal we certainly had placed her on a different footing from that of other States, allowing her, as a special favour, to carry enemy's goods in her ships. But in 1842, under the Administration of Sir Robert Peel, a new treaty was made with Portugal, and one of the stipulations was, that she should give up her exemption from the general law of nations, and that enemy's goods should no longer be free on board her neutral ships. In the famous treaty of Washington with England in the same year, the United States of North America proposed to introduce a contrary maxim, but England positively refused the application. He now came to the consideration of the third constituent part of international law—the authority of approved jurists. Every jurist whether in France, in Holland, in Spain, in Germany, in England, or in the United States, every jurist of eminence had written in favour of this now repudiated law. He knew very well that people laughed when they heard the names of international lawyers quoted, but that was very foolish, because, when they reflected that nations had no common tribunal and no common superior, it was of the utmost importance for the welfare of the civilised world, for the maintenance of the due relations and intercourse of States, that propositions universally approved by eminent jurists should be taken as parts of the law of nations. He would not weary the House by reading Latin or English quotations from those eminent lawyers, but he challenged contradiction to the statement that they were substantially agreed upon this point, and he was fortified in his opinion by reference to the work of M. de Hauteville, the modern advocate for so-called neutral rights, and the bitter assailant of England, who made the remarkable confession that, with the exception of Hübner, no jurist down to the 19th century had questioned the doctrine. He also believed Sir James Macintosh had said in that House, that he never remembered the authority of these jurists to be questioned, except by those who were determined beforehand to violate the principles which, with impartiality and under no influence whatever, had been laid down, and which would bear inconvenient testimony against the lawlessness of their conduct. He, however, passed over the foreign authorities, with the exception of one—that of the United States of North America. It was said, that if England attempted to enforce the ancient maritime law of Europe, she must be prepared to go to war with North America. No proposition was more capable of proof, amounting to moral demonstration, than that the United States were bound, by every public act, by every State proclamation, by every decision of their own tribunals, and by the authority of every American jurist who had ever written upon the subject, to maintain the perfect unquestionable legality of the doctrine which was now abandoned. Even when she joined the armed neutrality she was still honest enough to maintain this doctrine. He would now quote no less an authority than that of her great President Jefferson. At the breaking out of the first French Revolution, Mr. Jefferson answered the French Government in this way:—

> "I believe it cannot be doubted that, by the general law of nations, the goods of a friend found in the vessel of an enemy are free; and the goods of an enemy found in the vessel of a friend are lawful prize. Upon this principle, I presume, the British armed vessels have taken the property of French citizens found in our vessels in the cause abovementioned, and I confess I should be at a loss on what principle to reclaim it."

Shortly afterwards he wrote:—

> "Another source of complaint with Mr. Genet has been, that the English take French goods out of American vessels, which, he says, is against the law of nations, and ought to be prevented by us. On the contrary, we suppose it to have been long an established principle of natural law."

Mr. Justice Story, one of the most eminent jurists who had ever lived, in pronouncing a decision in the American Prize Court, said:—

> "The rule, as it was observed by the Court, rested on the simple and intelligible principle that war gave a full right to capture the goods of an enemy, but gave no right to capture the goods of a friend. The neutral flag constituted no protection to enemy's property, and the belligerent flag communicated no hostile character to neutral property. The character of the property depended upon the fact of ownership, and not upon the character of the vehicle in which it is found. That nations have changed this simple and natural principle of public law by conventions between themselves, in whole or in part, as they believed it to be for their interest."

It was absurd to suppose that the United States would go to war with England for enforcing the law, which over and over again they had thus unequivocally acknowledged. Mr. Chancellor Kent, an authority to which every English, as well as American lawyer paid homage, in an edition of his works published in 1849 or 1850, said:—

> "But, whatever may be the utility or reasonableness of the neutral claim under such a qualification, I should apprehend the belligerent right to be no longer an open question; and that the authority and usage on which that right rests in Europe, and the long, explicit, and authoritative admission of it by this country, have concluded us from making it a subject of controversy; and that we are bound in truth and justice to submit to its regular exercise in every case, and with every belligerent Power who does not freely renounce it.''

It would, indeed, be hard for the Senate of the United States to set at nought the proclamations, the decisions, and the opinions of their most eminent jurists. That phantom then, the danger of a war with America, like many others conjured up for the purpose of terrifying Parliament, vanished the moment the daylight of truth was let in upon it — without reason, without expediency, undiscussed, undebated, the ancient maritime right of this great maritime country, had been wrecklessly abandoned. He felt grateful to the House for the indulgence with which they had been pleased to listen to him. If it had not been a question upon which he felt the strongest, however erroneous, convictions—if it had not been a question to the consideration of which he had devoted many years of his professional life, he would not have presumed to address them on the present occasion. There remained only one other point to which he would beg to call attention, and that was, whether it was not a matter of regret that Parliament should not have had an opportunity of expressing its opinion on this highly important question. Scarcely any one would deny that the change was of vast extent, that we had abandoned an immemorial and ancient belligerent right, and that the right had been hitherto rightly or wrongly supposed to have been most essential to the naval strength of Great Britain. He agreed in what was said by the noble Lord the Member for the City of London last night, "that he hoped this country would never be a great military Power, or maintain a great standing army," all the more ought they not to weaken her natural arms, her naval force; and he called upon the House to remember that it appeared by the protocols that this suggestion came from the French, and not from the British Plenipotentiaries. Hereafter, if—which God forbid—England should find herself at war with France, assuming that the protocols were as binding as the treaty, she could no longer use that weapon of her naval strength against France as in former times. That was surely a question which might have been profitably debated in Parliament before it was finally resolved upon by the Executive. Certainly, a debate upon the subject took place when Lord Aberdeen's Administration was in office, and he ventured then to express the same opinions which he had now enunciated. Lord Aberdeen put forth a proclamation "that Her Majesty waived for the present her belligerent right." And why? She was at war for the first time, with France as an ally, and, as the doctrine of the two countries upon various matters of international law was not the same, it was quite obvious they could not conduct a war together without mutual concessions. Her Majesty, therefore, very wisely waived for the occasion Her belligerent right; but, by waiving it, she asserted the maintenance of the right for any future war. An hon. relative of mine brought the question before Parliament, a right hon. Baronet, then First Commissioner of Works, the late Sir William Molesworth, spoke an essay upon the question, to which, by the indulgence of the House, I was heard at some length in reply; but the debate languished, and, he was bound to say, shortly afterwards the House was counted out. ["Hear, hear!"] The hon. Gentleman who cheered must admit that, as the question was not then discussed, it required the further deliberation of Parliament, which it had never received. It was quite true that this alteration of our ancient law was within the abstract power of the prerogative of the Crown. Still he spoke the language of the constitution and of common sense, when he said that our constitution was a practical and not a theoretical thing; that the different members of the constitution were made harmonious by cooperation, and that it was not the custom of the Crown to make any great change in any great question of public policy without first soliciting and receiving the advice of Parliament. He thought there was the more necessity for such a constitutional course in the present instance, because the public and the Parliament were perfectly unapprised that the question was about to be so summarily, perhaps so irrevocably disposed of. Here was a change in our public and international law of the utmost importance, which was not even alluded to in the speeches of the mover and seconder of the Address. If Parliament had been aware of what was going on, he presumed it would have been competent for that or the other House to interfere by advice, or by some other constitutional method. Mr. Pitt, it was true, introduced this very article in his treaty of commerce with France. But then he told Parliament why it had not been previously consulted; Mr. Pitt said, in 1787, that the treaty in its commercial aspect had been five or six months before the public and no one had taken the alarm. The country, then, had been fully prepared, and Mr. Pitt said that no complaint could therefore be made of the exercise of the prerogative; and even then and under these circumstances, the high authority of Lord Shelburne had expressed his hope that no English Minister would ever follow this precedent. But Parliament and the country had not been apprised of what was about to be done in the late Conferences at Paris. It appeared from the protocols that the matter had sprung up on the spur of the occasion, like the discussion on the Belgian newspapers, and was no part of the instructions to our Ambassador, but one of the suggestions of Count Walewski. He should be extremely sorry to appear to have any wish unnecessarily to embarrass the Government. He had the single honest, although perhaps mistaken purpose, *liberare animam suam.* The subject had weighed much upon his mind, and he could not help thinking that a right had been parted with of the value and importance of which the country was not aware, and that we were now under an obligation to admit in the face of the whole world a principle which it was most inexpedient to part with, but which we had no longer the right to enforce. The hon. Member then sat down, there were—[*Cries of* "Move!"] He could not, by the forms of the House, then move his addition to the Address, and he might state that it was not his intention to trouble the House to divide on the question.

THE MARQUESS OF GRANBY said, as one of those who thought that we entered into this war without sufficient cause, he begged to be allowed to express his satisfaction at the peace which had been concluded. No doubt whatever peace might have been concluded it would not have been satisfactory to some individual minds. There were some who had entered upon the war with various and ulterior views, and for reasons which they alone participated in. There were some who thought that the Circassians should be freed from the yoke of Russia. There were others who, like the hon. Member for Pontefract (Mr. M. Milnes), thought Poland should be rescued and regenerated. No doubt others thought that Italy should be rescued from the domination of Austria, and Hungary also should be regenerated. It was impossible that any treaty could be satisfactory to persons with such extreme ideas. But in his opinion the treaty gave us all that we had a right to expect, and was one that the people of this country would accept. The hon. Member who moved the Address had alluded to the death of the late Emperor Nicholas, who, he said, had succumbed to the anxieties of the war; and the hon. Member also referred to Lord Stratford de Redcliffe, and the great advantages he had obtained. The Emperor Nicholas was no more, but his words remained; Lord Stratford de Redcliffe was, after having been censured by our Ministers, still our Ambassador. Now he (Lord Granby) wished to contrast the words of the late Emperor in 1853, before the war commenced, with the language of Lord Stratford de Redcliffe, in February, 1856, upon the eve of peace. The Emperor had issued a manifesto, in which he said—

> "It is thus that Austria and Russia, to obtain justice, have seen themselves compelled in their turn, and against their will, to act by intimidation; since they have to do with a Government which only yields to a peremptory attitude. It is thus by its own fault that, by those who have weakened it in the first instance, the Porte is urged to that course which enfeebles it still more. Let England employ her influence in getting it to listen to reason. Let her be the first to invite the latter to treat its Christian subjects with more equity and humanity, and that would be the surest means of relieving the Emperor from the obligation of availing himself in Turkey of those rights of territorial protection which he has never had recourse to but against his will, and of postponing indefinitely the crisis which the Emperor and the Queen of Great Britain are equally anxious to avert."

The noble Lord (Lord J. Russell) said, last night, that this had been one of the objects of the war; and as having been a Member of the Government which commenced the war, the noble Lord was, consequently, on that subject an authority. The noble Lord said—

> "If we had begun the war for the protection of Turkey with no other prospect than that of seeing continued the abuses and misgovernment which have caused and accompanied the decay of the Sultan's power in Europe, we should not have been justified in entering into it. But it was our hope that the 10,000,000 or 11,000,000 of his Christian subjects in those countries might have a prospect of better government, of security in their homes, and of an acknowledgment of their rights, which in other parts of Europe make the welfare of the people."

Now, Lord Stratford de Redcliffe had written thus at the beginning of this year—

> "It cannot be conceded that, although the diplomatic agreements between the Porte and its Allies have been carried with the Sultan's approbation, the results have been as effective as the Government were entitled to expect. In two instances individuals have suffered death by the hands of executioners on account of religious considerations; and in other instances imprisonment or forced removal to foreign countries have been resorted to in order to obtain an unwilling retractation or appease the malice of the priesthood. Whole families of Catholics have been driven from

> their homes under circumstances revolting to humanity. And Protetestants, though recognised by Imperial firmans, have been exposed to unmerited persecution, while the Turkish authorities, instead of protecting them, have only connived at their oppression. Such are the circumstances under which the undersigned is instructed to press the subject on the attention of the Porte. He is ordered to observe that the great European Powers can never consent to perpetuate, by the triumph of their fleets and armies, the enforcement on Turkey of a rule which is not only a standing insult to them, but a source of continual persecution to their fellow Christians; and they are entitled to demand of the Government, and this demand I now make, that converts from Mahomedanism shall be protected from molestation."

Such was so recently the language held by Lord Stratford de Redcliffe to the Porte, and it was identical with the language which had been used by the Emperor of Russia in 1853. And this showed that we might have gained the great object we now professed to have gone to war about, without the sad bloodshed (to say nothing of the enormous expense) which had been caused by the war during the last two years. In another place, a noble Lord had called the hatti-sheriff, which the Porte had just issued, the Magna Charta of the Christians in the East. He (Lord Granby) had no desire to undervalue it. But there was an ominous paragraph in one of Lord Stratford's despatches which warned us not to be too sanguine in our expectations of the advantages to be derived from it. Lord Stratford wrote—

> "The law is not abolished against renegades, and the Sultan's Ministers affirm that such a stretch of authority would be beyond his power. But its practical application is renounced by the document in question, and the Government would at any time be justified in complaining of any breach of engagement on the part of the Porte."

We had now more experience of the Turkish Empire than we had when we entered into the war. We now knew that because the hatti-sheriff was made, it by no means followed that it should be put in execution. He for one greatly regretted that it had not been put into the treaty, which would have been the only secure means of enforcing it. The hon. Member for Aylesbury (Mr. Layard) had lectured the House as to abuse of the Porte, and had declared that we ought to be grateful to it for all the concessions which it had made. Those concessions, however, had not been voluntary on the part of the Porte, but had been wrung from it with the greatest possible reluctance, and had been forced upon it by the energy and determination of Lord Stratford de Redcliffe, and the influence of the British Government. We had some experience now of the corruption and obstruction which existed in all departments of the Turkish Government. Why was it that Kars had fallen? Upon that point he had the misfortune to differ from his Friends around him. Kars had fallen, in his humble judgment, from the cupidity of the Pashas in the first instance; from the sluggishness and inattention of the Turkish Government in the second instance; and thirdly, from the want of energy, in this one case, on the part of Lord Stratford de Redcliffe. There would have been no use in sending money or supplies for the relief of Kars. General Williams himself had declared that all the money went into the coffers of the Pashas. And as to food, there were supplies for two months within fifty miles of Kars at the disposal of the Turkish Government, and which might have been sent to Kars had not the Pasha refused to send it. In accepting the present peace, it was satisfactory to us to find that we stood in so high a position, and could look back on the past with pride, and to the future with confidence. When we had first entered on the war, the rust of forty years' peace was on our swords, and the taint of a foolish notion was on our minds, that we should never be exposed to the hazard of war again. Still, although we entered into the war unprepared, we could look back with satisfaction to the glories our arms had obtained, and the victories our gallant troops had achieved. We looked forward with confidence to the future, because we hoped the peace which had been concluded would be lasting. And we were convinced that if we should again have to draw the sword we should not permit our establishments to fall into the condition in which they were before the war. The spirit of our people was never greater—their valour was never more ready for the combat—our army was never more efficient—our navy never more effective—our resources never more abundant—our finances never more flourishing.

> "Let other monarchs boast extended sway,
> By gasping nations hated and abborr'd,
> Through all the deserts that their swords have made,
> My Sovereign, let a nobler task be thine—
> To fix thine empire on thy people's mind,
> High on thy radiant throne to view the scene,
> And calm the billows raging in the storm;
> To shed a charm o'er fair Europa's face,
> And force reluctant nations into peace."

That was the spirit in which the peace would be accepted—a peace destined, he hoped, to be as enduring as the laurels which we had won in the contest, now happily at an end, would be unfading.

MR. SIDNEY HERBERT: I hope Sir, that the House will allow me—and I will undertake to do so in as short a time as I possibly can, and without a single quotation of any description—to express the opinion which I have formed upon this treaty, which terminates a war for the commencement of which I, among others, was responsible. I apprehend that what we have to consider in examining the provisions of this treaty is—first, does it obtain the objects for which we originally entered upon the war; secondly, does it bear a just proportion to the degree of success which we have obtained during the war; and, thirdly, is the moment the best chosen for concluding a peace? Now, Sir, I shall take the last consideration first, and for this reason. If there is one feeling prevalent in the public mind more than another, it is that the peace has unfortunately arrived at a moment when our armaments generally are so strong and in such a state of preparation that we might reasonably have hoped for successes far greater than those which we have obtained. That, Sir, as I have just said, is a very general impression; but as regards that argument, I can only say that it falls at once to the ground if the peace accomplishes all the main objects of the war; for, if we have obtained those objects, then I say to carry on the war for the purpose of obtaining great military successes would be an offence against the laws of God and of man, and, like offences committed by individuals, would be sure to meet, sooner or later, with a just retribution. Let us, however, examine the matter more closely, and let us consider what were the prospects which we had of obtaining great successes if the war had been continued. I have the most unbounded confidence in the talent and capacity which would have been exhibited by those to whom the conduct of our armaments might have been intrusted, but at the same time it is impossible not to observe that after the termination of the first campaign, that is, after the day on which Sebastopol was taken, and the opening of the second, there was not that energy displayed, nor was there the same prospect of great achievements which had existed up to that time. There can be no doubt that after the death of Lord Raglan the position of the English forces was very materially changed. I do not wish to say one word in disparagement of the gallant soldier who succeeded Lord Raglan in his command. No man knew better than General Simpson did the measure of his own powers, and he was not responsible if he was placed in a position beyond his powers, for he himself had remonstrated against his being so placed. I was much struck by an expression in an able memorandum of Omar Pasha's, contained in the Blue-book, from which so much has been quoted. Omar Pasha said—

> "I think you will find that when General Simpson is at the head of 50,000, instead of 30,000 men, that his voice will be better heard in the councils of the Allies than it is at present."

I think there is a great deal of truth in that remark. At the early part of the campaign the English troops were inferior in number to the French, but the authority which was exercised by Lord Raglan compensated for that inferiority. I have heard Gentlemen on the bench below me, who are in the habit of speaking in terms of disparagement of Lord Raglan's military ability, say that he possessed great diplomatic talent. If by the expression "diplomatic talent" is meant that dexterity and subtleness, that power of guarding expressions and of adapting one's language to the views of the person with whom one is talking—which is, I think, unjustly concluded to be necessary for the success of diplomacy—then I can only say that Lord Raglan did not possess that talent. It was his courtesy and his frank deportment, combined with his prudence and his military experience, which gave so much weight to his judgment, and which drew from the French the greatest respect for his character and for his opinions. I think that in looking back to the siege of Sebastopol we must all admit that we owe the success that we achieved to Lord Raglan as much as to any one who was engaged in that contest. It was Lord Raglan who mainly contributed in the deliberations before the expedition started to fix the project in the minds of the allied commanders. It was Lord Raglan who in that terrible winter, himself a man of the kindest disposition, and upon whom the sufferings of the troops inflicted the greatest pain, by his constancy, his firmness, and the tenacity of his courage maintained his ground through all difficulties, until he was cut off by death and prevented from witnessing that success to which he had so greatly contributed. The subject upon which I am now about to touch is rather a delicate one, but as I hold no official position I will not hesitate to refer to it. Looking at the conduct of the campaign from the moment of the capture of Sebastopol, I see that the direction of affairs became not exclusively, but predominantly French. It was the opinion of everybody in England, and I believe it was the opinion of the present Government, as it was of the late Government, that, next to Sebastopol, Asia was the point of paramount importance. Now, instead of attention being directed to Asia, an expedition was sent to capture Kinburn. I am not myself a military man, and I have no right to speak with any affectation of authority on military affairs, but I have discussed this question with military men, and indeed there are some things connected with military affairs that depend so entirely upon common sense that even a civilian is competent to form an opinion with regard to them. Well, Sir, Kinburn was taken, and taken with comparative ease, after enormous preparations had been made, and a great deal of valuable time consumed, and a large body of troops was concentrated upon it. The House will recollect that Kinburn is situated on the end of the Liman on which Nicholaieff is situated. Now, the attack upon Kinburn was made in August, and after its capture Marshal Pelissier congratulated his troops upon having taken the key of Nicholaieff. Now, it appears to me that, if the object of the expedition was to take Nicholaieff, Kinburn ought not to have been attacked until all preparation had been made for going on at once to Nicholaieff. What is the use of having a key to open a door and not opening it? If you have the key of a door, surely it is the usual practice to open it before the person who wishes to prevent your entrance has time to change the lock. What took place in this instance? Why, after the capture of Kinburn, the troops were kept in a state of inactivity until General Todtleben, the Russian General of Engineers, was sent for, and converted Nicholaieff into a second Sebastopol. Now, Sir, it must have been obvious that Asia was a much more important field of action. The inhabitants of Georgia are Christian, and a Christian army might be able to operate in that country, while in Circassia a Mussulman army might also have been able to operate. This leads me to the conviction which I have expressed on a former occasion, that the mode of accounting for this change in the prospective character of the campaign which terminated in the capture of Sebastopol is, that the direction of the military movements of the Allies had been assumed by the French. Well, now, I wish to speak with every praise of the conduct of France towards us; but a nation must look to its own views and interests, and its rulers must act in accordance with what they believe to be the national interests. There is no doubt about the fact—the French did not disguise it—that they were more disposed to conclude the war than to continue it. Surely, then, these were matters which were for the consideration of Her Majesty's Government, and which not only had, but ought to have had, great influence upon their opinions as to whether the war ought to be carried on, or whether attempts ought to be made to negotiate a peace. It was the policy of Lord Aberdeen's Government, and which policy has been subsequently continued, to form strong European alliances against Russia. It appeared then, as it has since appeared, and as the Emperor of the French has aptly expressed it, that it was to the sympathy and assistance, moral as well as physical, of Europe, that we must look for success against Russia. Lord Aberdeen's Government, therefore, with these views entered into the treaty with the King of Sardinia, and from that period Lord Clarendon has made unceasing efforts, marked with the greatest patience and ability, to bring Austria into the front rank of the alliance. I was sorry to hear the noble Lord the Member for the city of London (Lord J. Russell) speak last evening, as I thought, in some disparagement of the services rendered to us by Austria in this contest. In the first place, I am not sure that we or any nation have a right to complain of other nations who, looking to their own honour and their own interests, are not ready to engage in a war for the mere purpose of pleasing us. But in this particular instance what was the peculiar position of Austria, and what has been the nature of her services to us? I must remind the noble Lord and the House that Austria was placed in rather a peculiar position. She was at that moment labouring under great embarrassments. She had political embarrassments arising out of the dangerous state of feeling in her own provinces, and she had great financial embarrassments, than which none are more grievous in carrying on a war. But, besides all this, she was exposed to one danger to which none other of the Allies were subject. In this country we have been throughout eager for this war; it was fought at a great distance from us, and we had the good fortune to concentrate upon our enemy all the miseries which war inflicts, and were, happily, free from all possibility of retaliation on his part. That was not the case with Austria. She has an open frontier towards Russia: Russia had a force of 200,000 men and 300 pieces of cannon on her Galician frontier; and military men said, "You have nothing with which to resist that army; in six weeks after war is declared, there is nothing to prevent the Russians from occupying the Austrian capital." Should we in England, think you, have looked upon war with the same eyes if there had been—I will not say a possibility, but a probability, that six weeks after the declaration of war, a Russian army would be in London? We must take these things into account in considering the amount of assistance which Austria would give us. But, did she give none? Why, as long as she kept that army of 200,000 men upon the frontier, by counter armaments of her own, by the minacious position which she held in the alliance, we had in her an ally who, though not fighting with us in the field, held that army of 200,000 men in check, and prevented Russia from sending large reinforcements from it to the Crimea. I have always thought that, with regard to the proposal—known as the Austrian proposal—made at Vienna, and which bound Austria to maintain her then existing position towards the Allies, it was a great error not to have adopted that proposal. I will show the House why. In the first place, let me say that that proposal, whatever its value might be, was accompanied by a promise that Austria would at any rate remain still in her position towards the allies; you might have got even more from her than this, but at any rate you would have had nothing less. I do not believe that that proposal would ever have been accepted by Russia. We have the authority of my noble Friend (Lord J. Russell), of the right hon. Baronet (Sir G. Grey), and of Austria herself for this; and lastly, we had an assurance from Russia, conveyed in a circular of Count Nesselrode, that it was a proposal which she could not accept. Well, if that were the case, I say it was useless as far as regards peace, but it was a proposal which, if accepted, would have been invaluable for war. We refused it. In point of fact, the impatience of the people of this country broke off the negotiations. What happened then? Why, that Austria, immediately after her terms were refused, made an excuse to draw back; the Galician army was sent off to the south; the Russians were enabled to pour vast reinforcements into the Crimea, and it is difficult to estimate how far the siege of Sebastopol was thus protracted, and whether, in the valuable time thus lost, even Kars itself might not have been saved. I have spoken of this merely as a means of conducting the war, and not as a means of concluding peace. With regard to that I will say very little, and for this reason, I am of opinion—an opinion which I know is not shared by this House—that neutralisation is not a policy which it is the interest of a great maritime country to adopt. I apprehend our interest is that wherever there is water our ships shall float. The principle of converting water into land must, to a great maritime country like ours, be disadvantageous. But, after all, this neutralisation is only an old friend under a new shape; it is only limitation under a new name. It was limitation before, as regarded ships of the line, it is limitation now to ten small steamers. I do not attach much importance to the objections started last night, namely, that gunboats without guns might be surreptitiously built, and equipped when the occasion required. It is impossible to frame a form of words which cannot be broken through and evaded; you must, therefore, trust to stipulations being kept with frankness and good faith, according to their obvious meaning. If you hold that your enemy is so faithless, that he is so slippery an antagonist, as to observe no treaty, clearly you can have no peace, no treaty, and you must have war to extermination. But that is not the case in this instance. We have a peace made upon grounds which I think are popular with the House and with the country—namely, that based upon neutralisation. I must confess that I have no great faith in that principle. I like better the system of limitation, the infringement of which carried with it its own penalty by enabling the Turkish Government to bring up English or other ships of war through the Straits in the case not only of war, but even if it anticipated danger, without letting Russian ships down the Dardanelles. As I before said, I am aware that I am in a minority in this respect, and I will not argue the question at any length before the House. I am bound, however, to say, with regard to the question raised last night as to the Circassian forts, I do not agree with the opinions expressed on the opposite side of the House. Certainly, as the words of the treaty run, it might have been supposed that those forts were included. My right hon. Friend opposite thought they were included, and I do not wonder at his mistake. I myself read the treaty in the same way. But when it is argued that we were bound in honour to the Circassians and to Schamyl, and that we ought to have insisted on the destruction of these forts in virtue of our engagement with them and in return for the assistance they gave us in carrying on the war, I confess I entirely disagree with that opinion. In the first place, let me say that Schamyl is not a Circassian; and as far as I can make out—and I have taken some pains to ascertain the fact—he never was in Circassia in his life. His tribes are in Daghestan—on the Caspian and not the Euxine, and when he made an attempt to conciliate the jealousy of the tribes he found it to be impossible. The noble Lord the Member for Colchester (Lord J. Manners) says we sent an agent to Schamyl, and therefore he assumes that the agent succeeded in making a treaty. Mr. Longworth, it is true, went to Schamyl, but nothing came of it. On the contrary, I believe that the impression on the minds of those who came in contact with that chief was that the jealousy of Europeans and Christians which he had imbibed during the long war with the Russians, was by no means confined to them, and that he looked with very great suspicion on the emissaries of the Allies, whether Turks or Christians. But, however, now let me ask the practical question—what has Schamyl done for us during the war? With the exception of a razzia in which he carried off some Russian ladies, I do not know what he did for the common cause. There was some little peculiarity, it may be remembered, about the razzia I am speaking of, for, owing to its agency, General Williams first obtained possession of what, to him, was then very valuable from its rarity—Lord Stratford's autograph. [*Laughter.*] I do not mean by that observation to pass a censure upon the whole conduct of Lord Stratford; but every one who has read the Blue-book must admit that Lord Stratford did commit a very grave error in the early part of these transactions, for which he received a very stern—and, I believe, a very just—rebuke from Her Majesty's Government. At the same time, it is only fair to add that he was the man who, in the opinion of Her Majesty's Government—and, I am bound to say, also, in my own—was the most capable to do the best, and who subsequently did do the best, to repair that error, by securing for the Turkish troops in Armenia and Anatolia the supplies which they so greatly needed. I, therefore, think that it would have been a most unwise step on the part of Her Majesty's Government if they had dismissed him. If we were looking at these transactions microscopically—taking out one and considering it alone, without reference to the rest—I admit that a good deal might be said against the conduct of the Government with respect to Kars; and I own also that a good deal has been said by the hon. and learned Gentleman opposite (Mr. Whiteside) with a power and eloquence which made, as they deserved to make, a great impression upon the House. But, looking at the transactions as a whole, I think that Her Majesty's Government exercised a wise discretion in concentrating their efforts in the Crimea, and placing at the disposal of the generals before Sebastopol all the forces at their command. Whether a sum of money might have been sent to General Williams is another question. I believe, for my own part, that if General Williams had had a military chest containing £50,000 or £100,000, he would not have required to send to Constantinople begging that the dignity of a ferik might be conferred upon him, for if he had been in possession of money every Muchir and Pasha among them would have been at his feet, and would speedily have found the means of supplying the wants of the army. Viewing, then, the transactions as a whole—looking at the general result of the war I rejoice that the House decided not to pass any censure upon Her Majesty's Government with reference to the fall of Kars. And now, turning to another part of the treaty, I am bound to express my opinion that the Government were not to blame for not insisting upon the destruction of the forts in Circassia. We ought to remember that in negotiations such as those conducted at Paris we can get only what all the other parties join with us in seeking, and, let me add, in standing out for; and I ask any Gentleman who is disposed to condemn the exception made with respect to the Circassian forts to answer this simple question, looking at what you have got, would you have been prepared to continue the war for that sole object, and possibly without your Allies? We should recollect that the breaking up of an alliance, which has been a very close one, is a very different thing from avoiding its original formation; and I say that, after the cordial manner in which we have acted with France,—after the good faith and honesty which have marked the conduct of the French Government towards us—to disagree with our honourable and gallant Ally with respect to the conditions to be imposed upon Russia would have had a most disastrous effect, not only upon the conclusion of the war and the terms of peace, but upon our future relations with the other nations of Europe. I think, therefore, that our Government acted wisely in refusing to insist upon the demolition of the Circassian forts. I think they have got in the other terms with regard to the forts on the shores of the Black Sea, what will amply secure the main object in view—the safety and integrity of the Turkish Empire; and, therefore, if the noble Lord the Member for Colchester had proposed an Amendment with respect to the Circassian forts, which I rejoice he has not done, I should have deemed it my duty to have voted against him. There are some other points upon which I desire to make a few observations; and, first, I should be glad to hear an explanation from the Government with regard to the position of the Christians in Turkey. That is a most important question, and certainly at first sight it appears to me that it has not been settled quite satisfactorily, because the hatti-sheriff, which *octroye* the privileges of the Christians, is a revocable document, and there is a passage in the treaty which expressly says that it shall not give the Powers a right to interfere in the affairs of Turkey. I do not say that the right of interference is not given by other articles or by usage; but I am anxious to hear from the Government what they think the position of the Christians to be, and what are the rights of the Allies in case that portion of the subjects of the Sultan are oppressed. Now, Sir, looking at the general result of the war, I must say that we have grounds for the sincerest congratulation. The great bubble as to Russian invincibility has collapsed. We have in a singularly short time proved that the power of Russia has been greatly overrated. When we entered into the late war we were haunted with a species of hobgoblin which inspired terrors within ourselves, and we thought that the power and ambition of Russia were so great that State after State would fall a victim and be engulfed in her "insatiate maw." I am one of those who have never given credence to the notion that Russia acted upon a stern unbending course of policy, and that her policy has been dictated by a long-cherished and pre-ordained ambition. I think, on the contrary, that it has been a necessity, and therefore much more dangerous to Europe, and much more necessary to be curbed. It has been a necessity of her position, such as we have ourselves found in India, such as the French have found in Africa, and such as our Transatlantic cousins have found in America. Hence it became necessary that some force should be used to confine her within her own boundaries, and to show that the public law of Europe could not be violated with impunity. No man can deny with justice that, looking at the treaty as a whole, we have not attained the main objects of the war. We have gained one which we could not have secured last year to the same extent—I mean the freedom of the Danube. The cession by Russia of a portion of Bessarabia, including that Ismail which is mixed up with the national honour and glory, is highly creditable to so great a Power, and could hardly have been expected before the last campaign in the Crimea. I think, in short, that the terms of the peace are fully commensurate with the success of our arms, although I repeat that, our military operations having deteriorated in their direction and management after the capture of Sebastopol, we should have been entitled to demand better terms immediately upon that event than at any subsequent period. But I am bound to add, that what was lost in the conduct of the military campaign has been more than regained by the skill of Lord Clarendon in the negotiations at Paris. I sat with Lord Clarendon in the Cabinet of Lord Aberdeen; I have seen how he bore a weight of responsibility which few men could have sustained; I have witnessed the vigilance, the untiring patience, the promptitude, and the skill with which he has conducted at one and the same time a variety of important transactions; and I say that the manner in which he has discharged his duty to his Sovereign and his country does him immortal honour. I think, moreover, that the influence of England has been increased by the fact, that she was represented in the Congress at Paris by one of the ablest men there, and that the skill and ability displayed by Lord Clarendon throughout the negotiations have enabled us to secure terms which, without the advantage of his services, we could not have hoped to obtain. The despatches written by Lord Clarendon upon military subjects were much criticised during the debate on Kars; but we must recollect that in those cases Lord Clarendon was merely the channel for transmitting the decisions and opinions of others. The despatches written by Lord Clarendon upon the terms of peace, and upon the negotiations by which they were to be obtained, are his own; and I say that, if you examine those despatches from the beginning to the end of these complicated transactions, although there may perchance be errors, as there scarcely could not fail to be in such vast and intricate matters, you will feel proud that the affairs of England should have been so ably conducted. One word more, and I have done. It is a passion of this country—a passion, more especially, of our press—to interfere with the affairs of other nations, and to search through Europe to find a mote which we may magnify into a beam in the eyes of our neighbours; and the popular opinion is, that all our alliances should be founded upon political sympathy with respect to domestic institutions and forms of government. I believe that to be a great error. It must to a certain degree strengthen alliances which exist among nations upon other grounds; but, looking to what has taken place in Europe during the last few years, and seeing that recent events have tended to break up that great Northern alliance which was founded upon political sympathy of a kind far different from ours, and which divided Europe into two camps, I hope that we have at last come to a wiser opinion. We have found, in the case of France, that we can be closely allied with a country which does not possess our form of government; and I trust that, having established a good understanding with Austria—having detached her from the Northern Powers—we shall not think it necessary by hostile and incessant criticism upon her internal government to alienate her people as we did before. I believe that the only moderate and safe course for us to pursue is to cultivate the friendship of all the great European States, whatever their form of government may be, and I am convinced that by such means we shall best secure the great object which we ought always to have in view—the promotion of civilisation and the happiness of mankind.

MR. DRUMMOND: Sir, the speech of the right hon. Gentleman who last addressed us has confirmed the opinion which I entertained even before I heard the debate last night; namely, that it is a great misfortune to have so many important questions mixed up together in a discussion upon the treaty of peace, because we run the risk of slurring over most interesting subjects and neglecting to give them their due weight and consideration. I must confess that this treaty of peace and its protocols remind me very much of the French Palais de l'Industrie. The building in the Champs Elysées was very large, very ornamental, and very useful; but there was attached to it a thing called an "Annexe," which was infinitely larger and contained articles of much greater real value. We have, however, Sir, before us two questions, which it is impossible to pass over in silence, because, for the first time, they bind up English interests with those of the Continent, upon more than one subject. I shall take, in the first place, the liberty of the press. Immediately after the Peace of Amiens, the French Government made an attack upon the liberty of the press in England. We had always considered that the regulations of the press was a matter which concerned ourselves alone, and that no other nation had any business to meddle with it. But according to the words of Count Walewski, it has become, as he says, an European question. Not only does he state the necessity of controlling the liberty of the press in Belgium, but he seems to forget—for he does not mention the fact—that we are bound by treaty to uphold Belgium against all attacks, and, therefore, we must look with exceeding jealousy on any intended or threatened attack on the liberty of the press of that country. I am not now going to enter upon the question of the liberty of the press generally—I do not believe there is a single man in this country who would consent to the curtailment by one iota of that liberty. Therefore, as far as this House is concerned, there is no fear that we may be dragged into consequences of which we do not dream. I am, therefore, sorry that we have no opportunity of discussing this question by itself. The subject to which I wish particularly to call your attention is of a different character—one to which my right hon. Friend (Mr. S. Herbert) has just alluded; at least, I suppose so, for he expressed himself somewhat darkly when he called it the internal arrangements of other countries. It is confessed in these protocols that—

> "The tranquillity of the Roman States, and that of the whole of Italy, affects too closely the maintenance of social order in Europe for France not to have an overbearing interest in securing it by all the means in her power. But, on the other hand, it is impossible to overlook the abnormal condition of a Power which, in order to maintain itself, requires to be supported by foreign troops.'

Now, Sir, I think, before we talk of teaching the Turk to be tolerant, we may consider the words, "Physician, heal thyself." I think the Turkish papers have challenged us to look back some 500 or 600 years, and see whether the conquered party in Turkey has had reason to complain of the dominant party. But it is absolutely necessary for us to enter upon this question, and when my right hon. Friend says, "You are too much inclined to interfere," I refer him to the words of the protocol, which affirms that the state of foreign countries is no longer a question, the interest of which is confined to themselves, but is a social question affecting the whole of Europe, and therefore has become a question to be considered by this House as much as any other social question. I believe that this House is very much in the dark upon what is going on in foreign countries. No doubt, as the hon. and learned Member for Tavistock (Mr. R. Phillimore) very truly said of maritime law, the subject is not one to attract much public attention. Most persons, however, are aware that the Emperor of Austria has bound himself and all his people, body and soul, under the power of the Bishop of Rome. [*Laughter.*] Oh, you think it a joking matter, do you? You had better go and live there. If it is so funny, it is a pity you should not have the benefit of it. I will tell you how it operates. I am about to quote from journals published in Austria, and everybody knows that no journal can publish anything but what is true respecting the priesthood in that country. "At the present moment the bishops are refusing to allow Protestants to be buried in their own private family vaults." As an instance, suppose there was a Bishop of Westminster, and he was to refuse to permit noblemen and gentlemen having vaults in Westminster Abbey to be buried in them. That is amusing, very likely. They are also refusing to bury them anywhere else. They say they shall, like Jews and dogs and cats, be buried at the end of their gardens, or anywhere they please, but in their own consecrated ground they shall not lie. Certainly, disputes of the same kind have happened in our own country. In Bavaria there are many natives of other States whom the practice of requiring workmen to travel after completing their apprenticeship has induced to settle there, and at this moment there are in that country many such persons who, through the means of two priests particularly, whose names I will not mention, have received copies of the Scriptures, not given to them by Protestant missionaries, but by Roman Catholic priests, and according to the Roman Catholic version. These men are all ordered to leave the country on that account. Now, as to the Tyrol. From the *Augsburg Gazette* I find that the bishops of Trent and Brixen have sent remonstrances to the Government against two Protestants being allowed to purchase land in their dioceses, and demanding its forfeiture to the State if they did purchase any. In Tuscany, you must be aware that new laws have lately been decreed for the punishment of crimes against religion. I am not going to enter into the Madiai case; we all know that—it is a good joke for those who are not in their position. But what was done the other day? Why, they positively refused, because he was a Protestant, to give a man, Lambruschini, a medal awarded to him at the Paris exhibition. My hon. and learned Friend behind me (Mr. Bowyer) does not believe a word of it. Then we come to France, the head of this movement for toleration. Not long ago the Roman Catholics of a district in that country demanded a place in the Protestant church in order to erect there a statue of the Virgin of the Immaculate Conception. The prefect said, "I cannot do that; there are almost as many Protestants as Roman Catholics in this place. It is with difficulty I can keep the peace between them. If I grant your request it will lead to disturbances without end, and moreover you have ground of your own close by." They remonstrated, he kept firm, but within a week that prefect was deposed. I am not intending now to speak of the Maynooth question or of any sectarian quarrels. Now, I ask, how do you propose to remedy this state of things? Are the protocols of which we have heard so much to be mere waste paper—are we still to do nothing? I say our remedy is to retrace our steps. I have always opposed, not reforms, but reforms in the mouths of Whigs and Radicals, because they never meant reform, which went back to first principles, but they sought the destruction of everything that had gone before and the construction of new and unheard-of things. These things I opposed; but as to reforms—the going back to first principles—that is what I have ever contended for, and I believe that has been utterly inexplicable to most people who cannot understand what I am at. I will give you an example of what I mean. Make the whole Church go back to first principles, and put down the priesthood under the civil law. The special command to the Romans was, "Obey the powers that be." I know not when it was the priesthood first began to usurp the rights of the laity in the election of deacons, but I know that from that moment till this the cause of nearly every persecution, every religious war lies at the door of the clergy. I do not confine that remark to any one particular class or country, but I say that whenever I do see that class I see the sprouting out of the same thing. The soil of Italy is luxuriant, and there it appears in greater profusion. In Scotland it is more restrained, but there it is also. Several hundred years ago that soil was very prolific in that respect, and it bore very good fruit. I confess that, barring climate and some other circumstances qualifying the matter in some degree, I do not see a vast difference in what is called the Synodical movement. I see everywhere the laity treated as ecclesiastical nonentities. Perhaps the hon. and learned Gentleman behind me may not believe it, but it is a fundamental principle of Italian law, that no ecclesiastic can be tried by the civil law. Now, Sir, that is at the root of all our troubles in Ireland. It is the secret of all ecclesiastical power. They will never submit to the civil power. They think they are doing a religious act to deny you the privilege of bringing them before the courts of law. That is the single point on which I think it necessary to dwell. There are a great number of points upon which I have no right to occupy the House. I will, therefore, confine myself to the present and the future; for as to the treaty, that is gone, and I never hunt a dead hare. I confine myself, therefore, to what is practicable—the present and the future—and I do trust that Her Majesty's Ministers will not think that their work is done because a paper is printed and laid on the table. I am glad my noble Friend at the head of the Government has no place for deer-stalking or grouse shooting, and, therefore, will not, as soon as the House is up, go a hunting, but will be able to apply his attention to these matters; and I hope he will insist, in conjunction with the Powers with which this country is now united, in putting down all ecclesiastical power throughout Europe. You may rely upon it that that power has been the secret of all the corruption in Christendom from the earliest period to the present day. Everything has been thrown completely upside down; it has been laity under clergy, instead of clergy under laity. [MR. BOWYER: Hear, hear!] Yes, it is high time I should say something to the hon. and learned Gentleman. I recommend him to study that matter. He will find that it is the principle of the civil law as it is the principle of the Koran, to persecute every one who differs from the ecclesiastics. Of course you cannot take that conviction from them; it is a matter of conscience. All I ask is that you should take away the power of their enforcing it.

MR. BOWYER:* Sir, it certainly was my intention not to have spoken upon this question in the present debate; but to have contented myself with merely giving a silent vote upon it, because, in my opinion, this "Treaty of Peace" may, under all the circumstances, be considered as good and satisfactory. But a great deal has been said in the course of the debate, which renders it impossible for me to adhere to my original determination. I allude more particularly to the observations which have fallen from the hon. Member for West Surrey (Mr. Drummond), who has done me the honour to allude to myself personally several times in the course of his speech. I am aware of the aptitude of the hon. Member for quotation, and of his great ability in torturing any particular passage of any author he may quote to serve his own purpose; but I beg to assure the hon. Member that I have a "rod in pickle" for him, and that he may rely upon it that it is my intention to lay it on whenever a fitting opportunity shall offer itself. I allude especially to a quotation which, on a former occasion, he gave to the House as an opinion of Liguori, whereas it was a passage from another and a different writer. I must, however, do the hon. Member the justice to say, that throughout his speech he has exhibited no small degree of impartiality, for his attacks have not been confined to any one particular sect, for all churches and all authorities have fallen in for a fair share of his vituperation and animadversion. Some hon. Members, in the course of their speeches, content themselves with attacking some of the small States of Italy: but the hon. Member has gone so far as to assail the municipalities, authorities, and institutions of our great ally, France; and has stated to the House the important fact, that he was aware of, or had heard of an instance, in which a prefect of police in France had actually refused to allow a certain statue to be erected on a certain spot. And let me ask, is it with such trifles as these that the time and attention of this House are to be occupied, and the importance of this debate lowered? However, the hon. Member for West Surrey has taken a much wider range, and has attacked the whole of the priesthood as a body, and has actually gone so far as to call upon the noble Lord at the head of Her Majesty's Government to suppress and "put down" the priesthood throughout the whole world. Now, if I am correctly informed, I believe the hon. Member is himself a priest; and not only a priest, but something more, for I have been assured that he holds a high dignity in the community of which he is a Member. Well, then, if the noble Lord at the head of the Government were to attempt to accomplish the will of the hon. Member for West Surrey, namely, to "put down the priesthood throughout the whole of Europe," he must make a beginning at home, and commence by "putting down" the hon. Member for West Surrey. But, now, the hon. Gentleman must permit me to tell him, that, in the course of his speech, he has made very many ridiculous and absurd mis-statements. He has said that no ecclesiastic in a Roman Catholic country can be tried for an offence against the civil laws of that country by the civil power; and I say that the fact is not so. He has stated that no priest in Sardinia could be made amenable to the civil powers for any offence against the civil laws, until the existing state of the law in that country upon this point had lately been altered by the Siccardi law. But the fact is not so, because we have it recorded, in a return made to Parliament in the year 1816, that the priests in the States of Savoy were then amenable to the civil courts. And the same answer applies to the statement of the hon. Member, to the effect that, until a very recent change in the state of the Government of Piedmont, the priests were not amenable to the civil authorities. That assertion is just as fabulous and unfounded in fact as the other statements of the hon. Member I have just mentioned. But the hon. Member for Aylesbury (Mr. Layard) has gone even a step further than the hon. Member for West Surrey; for he, in order to bolster up his case, has gone into a statement of particular instances: and in the course of the speech he made yesterday, he told the House a story, the substance of which was, that in consequence of some riotous disturbances having taken place in a certain small town in Sicily, the Government had given orders that the very first six persons who should enter that town should be seized upon and shot dead; and the hon. Member added, that that horrible command was absolutely carried into execution. Now, it is perfectly monstrous and absurd to say that such a statement can be founded in fact. I can only say that I have never heard of it, and I am perfectly satisfied in my own mind that the whole story is fabulous and unworthy of a moment's consideration. It does, however, unfortunately happen, that the hon. Member who related the story is ever ready to grasp at any story, however false or malicious, against the Government of any Christian country, provided that that Government happens to be Roman Catholic; and hence we find him grasping at, as true, this absurd and horrible falsehood against the King of Naples, a monarch whom, I do believe, whatever may be the faults and errors of those who compose his Government, to be a man of the most exalted virtue, and of the most exemplary piety, and whose whole private life is an example to every family in his kingdom. Yet, forsooth, because that sovereign happens to be a Roman Catholic, and for no other reason whatever, we find the hon. Member ready to lend a willing ear to any story against him, however monstrous and absurd; and he therefore tells the House that the King of Naples has recently sanctioned an act of atrocity, the perpetration of which could find no equal even in the records of the acts of the most despotic and tyrannical Eastern rulers we have ever heard of. Then, again, while debating upon this topic, I find even the noble Lord, the Member for the City of London, following in the same strain; and that noble Lord, in speaking of the different Governments of Italy, has thought proper to indulge in language characterised by the most bitter reprehension and the most sweeping invective against these Governments, and he has applied himself more particularly to the system of government adopted in the Roman States, where, he said, he had heard of a man who had been made prisoner by the police of his Holiness the Pope, and had been thrown into prison, and kept there for eight months, and that, at the expiration of that period of incarceration, he was liberated, not only without having gone through the form even of any trial, but actually without any accusation having been made against him, beyond the assertion that he was "suspected," though he was not told of what. Now the noble Lord must permit me to remind him, that in mentioning that case to the House, in support of his attack upon the system of government of the Roman States, he did not give either names or dates, or any circumstances whatever, whereby to support the truth of the story; and in the absence of any the slightest evidence in support of it, I will take the liberty of telling the noble Lord that I do not believe there is one word of truth in the story, and I consider that my assertion to that effect is just as well entitled to credit as the story of the noble Lord, related as it has been totally unsupported by a particle of evidence of any sort. I will give an instance of the way in which false statements of this sort are propagated. We have heard a great deal said about the assertions contained in the letters of the "Correspondents" of newspapers, in reference to certain alleged acts of the Duchess of Parma; and those correspondents have not been sparing in the aspersions they have cast upon that august lady, and for what? Because of the vigorous measures which the Government of Parma were compelled to take for the purpose of repressing contemplated assassinations which had been instigated by certain secret societies, who were desirous to bring about a revolution in that part of the country. But all these assertions have been set aside most effectually by the Earl of Clarendon; for the House will remember that that noble Lord very recently declared, in another place, his opinion upon this subject, and that was, that he considered that, taking all the circumstances into consideration, the Government of Parma had acted throughout the whole of that affair with very great wisdom and moderation. I trust, therefore, that the House will not receive or give any attention or credence whatever to those absurd and incredible calumnies, which, it must be quite apparent to all who have heard them, could only have been "trumped up," and circulated with untiring industry, by those whose object and whose interest it is to do all that in them lies to prejudice the Italian system of government in the estimation of this House, and of the country generally. The House has also heard what the noble Lord, the Member for the City of London, has said with regard to the occupation of Rome by the French army, and the noble Lord has contended that that occupation was originally intended only as a temporary measure; but let me remind the House of the observations made by Count Walewski on that subject. That experienced statesman has wisely declared, that while he was willing to admit that the occupation by France of the capital of the Roman States was an anomaly, yet it would not be prudent or judicious to put a termination to it now; but that, when it could be done with safety, it would be done. I have every hope that the day is not far distant when the Roman Government will find itself in such a position as to render the further prolongation of the occupation of the Roman States by the French and Austrian army unnecessary, and that those States will, ere long, be so consolidated and strengthened as to find their own resources sufficient for all purposes. That consummation cannot be brought about by means of fierce and intemperate demonstrations in this House, nor by still more fierce, and intemperate, and ill-timed, and ill-judged denunciations in the columns of the public press, which can only have the effect of giving encouragement to the establishment of secret societies and combinations, instead of being a means of accelerating the evacuation of Rome by the French. I think it must be quite apparent to this House that such is the opinion of Lord Clarendon on this subject, and that he must have been acting under the influence of such an opinion when he requested Lord Lyndhurst not to persevere in his intention of bringing forward a Motion which had for its object the opening up and the discussing of the whole subject of the state of the affairs and Government of Italy! and it was quite evident from that, that Lord Clarendon was under the impression that silence could much more effectually accomplish the object Lord Lyndhurst had at heart than any public discussion of the subject. But from all that has been said, in this House and out of it, on the subject of the Government of the Papal States, it would lead one to imagine that the people of this country were under the impression that the Pope and his clergy were held in such utter detestation by the people of Italy, that it would be positively dangerous to their personal safety to withdraw the foreign army now in the occupation of Rome. Now I beg to say that I myself can, from actual personal observation and experience, give the most flat, and positive, and unqualified denial to all representations or assertions to that effect. On the contrary, I feel perfectly convinced that any human being, who knows anything at all about Rome, will be ready to bear their testimony, cordially and promptly, to the fact, that there reigns not a monarch in any kingdom of Europe who is more sincerely beloved, respected, and venerated, than the Sovereign Pontiff. The Holy Father, I can assure this House, is daily to be seen moving freely and unostentatiously about amongst his people, without the least fear of molestation, or insult, or interruption, not guarded by any troops whatever, and accompanied by only a very few attendants, and respect and veneration for his person and his holy office mark his reception by the people whenever he goes amongst them. And it is worthy of remark here, that that magnificent palace in which he resides—I mean the Vatican —is constantly open to the public, and people of all classes are suffered to walk about those splendid apartments and galleries at all hours of the day, not only without being stopped, but without being asked a question. I can assure this House that there is not a Sovereign in the whole of Europe who goes about amongst his subjects, in the course of his daily life, with less appearance of being protected by guards than His Holiness; and, as a proof of this, I will mention one instance. I was myself present when His Holiness went from his palace of the Vatican to St. Peter's, where he administered the Holy Communion with his own hands to no fewer than 400 of his subjects, and on his way thither and back his whole suite consisted of only four or five of the Swiss guard and his chamberlains. And I can also state another fact illustrative of the simple and unostentatious life of His Holiness, and that is, that when the cholera was committing its ravages amongst his subjects in Rome, His Holiness went about fearlessly in the hospitals, administering the comfort and consolation of religion amongst the sick and the dying, with as much zeal and religious fervour, and anxiety for the welfare of the poor people as the very humblest of his priests. I say, then, that with such facts before us, it is not only simply absurd and ridiculous, but it is absolutely monstrous, to hear it said that a Sovereign, who thus goes about wholly unguarded, and mixes so freely amongst his people, feels it necessary to seek for protection from the violence of his own subjects in a multitude of French bayonets. Indeed, I feel that it is absolutely humiliating to attempt to rebut an absurd story, the falsehood of which is apparent on the very face of it. But having denied these false notions, I feel bound to state the true version of the occupation of Rome and the Legations. That reason is simply this: The Roman State is one of very limited extent, with an extensive frontier and sea-coast, no fleet, and small establishments, conducted on a scale of cheapness quite a model for their economy. In proof of this, I need only mention the fact, that the " civil list of His Holiness's establishment does not exceed the sum of £1,500 per annum. Moreover, the people, partly from the climate, and partly from other causes, are singularly deficient in that energy which characterises more northern races. I have not the least doubt, that if the whole of the French army were to evacuate Rome to-morrow, the public peace and good order would not be disturbed in the least. But while no danger is to be apprehended from the Roman people themselves, the Pontifical Government might be threatened with danger from elsewhere. In the event of any disturbance breaking out in any other State in Europe, the Holy City would become the centre of revolutionary societies, and the point to which refugees and demagogues would flock from all parts of the world; and then the Government, if unprotected, might, owing to the want of energy of the people, be overturned, as it was once before. But, above all, I do consider that the present would indeed be a most inopportune moment for the withdrawal of the French troops from Rome, and for this reason, that we have only just arrived at the conclusion of the late war, and the public mind is still in a state of agitation upon many questions of very great public importance; and under those circumstances, to take such a step would, I consider, be unwise and injudicious in the extreme. I quite concur in the view taken by the right hon. Gentleman, the Member for South Wiltshire (Mr. S. Herbert) upon this subject; and I consider that the sentiment he has given expression to, upon the general question of the policy of our interference with the affairs of foreign States, are sound and statesmanlike. This country is not so circumstanced as to enable us to understand thoroughly the principles of government acted upon by those foreign States; and, indeed, I may say, that our insular position is in itself a disqualification: nor can it be denied that this country has never yet gained much credit by its interference with the affairs of other countries, while at the same time the foreign States so interfered with by us have never received any benefit thereby. We have heard the noble Lord the Member for the City of London (Lord John Russell), say that he would recommend to the Sovereign Pontiff to establish a constitutional form of government for his subjects. From that it would appear that the noble Lord had altogether forgotten that His Holiness did actually grant a constitution to his people so far back as the year 1847. It was tried by His Holiness as an experiment, and the result was a most signal failure. But the noble Lord must excuse me for saying that that failure may be mainly, if not wholly, attributed to the line of policy adopted by the noble Lord, when he was Prime Minister, with regard to the affairs of Italy; and the statement of a few facts will suffice to establish this position. The House will remember that the year 1848 was considered by the different Sovereigns of Italy as a favourable time to establish amongst their subjects what is called a system of "Liberal Government." The natural consequence was, that the people of those States became greatly excited, and hopes and expectations of a character the most extravagant and absurd were created, while I really do believe that at that very time neither those Sovereigns nor their subjects could give any clear definition of what they really meant by a "Liberal Government." There, however, were good intentions on the part of the Sovereigns, and loyalty on the part of the people. While things were in this state, the English Government interfered. The noble Lord (Lord John Russell) sent Lord Minto to Italy on the most extraordinary mission ever known in the annals of diplomacy. When his Lorship arrived in that country, he everywhere pronounced strictures upon the conduct of the Sovereigns of Italy, both in private and in public; and he absolutely went so far as to make speeches and harangues from the windows of his house, on the subject of the mode of governing Italy. The progress made by his Lordship through Italy has been described by one of his colleagues as a perfect ovation. Now, this, which was intended as praise, is in fact the strongest condemnation, because it forms no part of the duty of an Ambassador to create excitement in the minds of a people, nor to address popular assemblies. The duty of an Ambassador is merely to confer and consult with the Government to which he may be accredited, on behalf of the Government he represents. At the period to which I am now referring an insurrection had broken out in Sicily. Lord Minto proceeded to Naples and to Sicily, and took the part of the insurgents. Guns were sent from the Queen's stores to them; and the English Government intimated, that, if the Sicilians should elect a Prince of the House of Savoy to be their King, this Government would recognise him. And all this was done, although the King of the Two Sicilies was at peace, and in alliance with the British Crown; and delegates from the insurgents were openly received by the noble Lord the Member for Tiverton (Lord Palmerston). Lord Minto then proceeded to Rome. The Pope had granted a constitution. Lord Minto was then in constant communication with the leaders of the mob and of the secret societies, and especially with the demagogue Brunetti, commonly called Ciceroaccio. There was a general opinion throughout the Peninsula that England wished for a revolution in Italy. Thus a volcano was prepared in that country by the policy of the noble Lord the Member for the City of London. Then came the French Revolution, which was the signal of an explosion that overturned all order and government. The constitutional Governments were thus destroyed, not by the Sovereigns, but by the circumstances which I have described, and by the outbreak of the French Revolution. Look at Rome at that time, under the ministry of Count Rossi! The Administration was entirely composed of laymen. Constitutional government was duly established. The two Chambers were sitting and deliberating. In the midst of this constitutional liberty the Minister was murdered by a conspirator, and a horde of demagogues driven out of Lombardy, and gathered from all parts of Europe, poured into Rome. The peaceful people of Rome were overwhelmed; all their institutions were upset, and what was called a "Provisional Government" was established instead; and then followed the massacre of the clergy, and other crimes of the blackest dye. In fact, the atrocities committed by those miscreants under the name of a "Provisional Government" were of such a character, that a statement of them in detail could scarce be credited, and it is not my intention to trespass on the time and attention of the House with such horrors. The result of all this was, that the Sovereign Pontiff, finding himself a prisoner in his own dominions, and utterly powerless as a Sovereign, very wisely and judiciously sought refuge in Naples. Foreign interference on behalf of the Holy Father, the lawful Sovereign of the Roman States, and foreign occupation, thus became necessary. And yet, with such a state of facts before them, we hear the noble Lord the Member for the City of London (Lord J. Russell), and the hon. Member for Aylesbury (Mr. Layard), holding the very same language towards the Pope, as if it were by the act of the Holy Father himself that the liberal institutions of his country, which he had established, had been annihilated. It was then determined upon that the Pope should be restored to his dominions and authority; but when the noble Lord, the present Prime Minister, was applied to for his assistance, his answer was, that the Pope should not be restored to his rights until he engaged to establish liberal institutions in his States. The answer is, that the experiment had already been tried, and had failed. The people had themselves to blame for that failure. If they had shown energy, and had manfully resisted the demagogues and conspirators, the constitution would have remained. But that they had not done, and therefore, when the Holy Father was reinstated in his dominions, he found that the constitution he had established was gone, and that nothing was then left him but to deal with the circumstances as he found them. Such, too, was almost precisely the case with regard to Naples. In that kingdom, also, the constitution was in full play. But on the day before the meeting of Parliament, the members of the Lower House demanded the suppression of the Upper House. On this being refused by the Crown, the revolutionary club declared itself permanent, and the erection of barricades commenced. The King then, to provide for the safety of his people, called out the troops, who did their duty, and thus the constitution necessarily was overturned. The King was obliged to do this. The Lower House declared that they would have no Upper House, and thus the compact with the Crown was broken, and the constitution in reality at an end. Now, let not the House imagine that I am about to attempt to justify every act of the Government of the King of Naples, for some of its measures I cannot approve of. But gross calumnies have been uttered against the King of Naples; and whatever there may be to blame in the measures of his Government, is grossly exaggerated in this country. Hon. Members have, no doubt, seen a little work addressed to me by that distinguished journalist, Monsieur Gondon. In that book there are some inaccuracies with regard to things in this country; but I strongly recommend it to their perusal. It is written with great ability, and contains most important information, showing the real truth about the charges made against the Neapolitan Government. At Florence the fall of the constitution arose from circumstances of the same nature as those which I have related. The mild and excellent Sovereign granted a constitution to his people, and he was only too yielding and too ready to make concessions. He found at last, after he had consented that Tuscany should join the Italian Constituent Assembly, that his sovereignty was gone, and that he must withdraw or remain a prisoner. Then the intervention of Austria, under treaties, became inevitable. But before that intervention the constitution granted by the Grand Duke had ceased to exist, through the folly of the people themselves. They had dethroned their Sovereign and created a republic.

I will now proceed to the specific charges brought against the Government of the

Holy See, though it is difficult to follow such a diatribe of bitter abuse as its enemies pour forth. In the first place, I repeat that this country has no business whatever to interfere with the internal management of the affairs of foreign countries. If abuses exist in the Government of those countries, I say let not the Government of this country attempt to reform them, until at least we have first swept away the abuses which are so loudly complained of at home. Something like an attempt to correct some of our own abuses has been made by the "Administrative Reformers;" but they have been quite silent and tame for some time past. They have perhaps allowed themselves to be seduced and tamed by the melodious pipe of the noble Lord at the head of Her Majesty's Government. But when in their primitive and virgin state, they used to say things which reflected considerable condemnation on the management of affairs at home. Again, I say, you should reform the defects and abuses of your own administration before you attempt to interfere with the government of foreign countries, and which do not seek for your interference. The sovereigns of other countries have been called upon to grant a free pardon to those who have been visited with punishment for political affairs; and it is said that the Neapolitan Government ought to show greater clemency and moderation in such cases than it has hitherto done. But I say to Her Majesty's Government, pardon Smith O'Brien. A short time since a considerable number of Irish Representatives waited upon the noble Lord at the head of the Government, and pleaded the cause of Smith O'Brien, and urged that he should be pardoned; but the noble Lord dismissed those Gentlemen with a very evasive answer. But how much more honourably and nobly would it have reflected on the position of the noble Lord had he seized upon that opportunity of doing a kind and a generous act? It is now quite clear that public opinion generally is in favour of an act of clemency to Mr. O'Brien, for whatever his faults may have been, it is agreed upon all hands that he has been most severely punished for them, and that the time has now arrived when he ought to be restored to his family, his friends, and his country. We all know that that unfortunate gentleman has not erred through malice, or other evil intention, but rather through excess of sympathy for the grievous wrongs of his country, and those wrongs should now be allowed to plead in his behalf. It is very well to talk of reforming abuses in other countries, but look to your own—look at the Protestant Church in Ireland. Turn your eyes to that scandal to all civilisation. There you have a vast ecclesiastical establishment maintained in opulence and splendour, all for the benefit of a mere fraction of the population, while the millions of the people have to support their own Church and clergy—the clergy of the national Church—the Church of Ireland—by the sweat of their brow. That is an abuse which may be well called the "chronic grievance" of Ireland, and which you ought to sweep away. You talk of cruelty which you say is practised in other countries; but before you ventured to pass your judgment upon other nations for acts of harshness which they are said to have done, you should have called to mind the number of human beings whom you had caused to be shot, and flogged, and hanged, in the Ionian Islands. Where was your clemency then? Contrast that conduct with the conduct of the Pope. What was the conduct of His Holiness on his return to his own dominions after a most terrific revolution, which might well be called a "Reign of Terror"? It was this: Some few political offenders were sent to prison for various periods of time, while others were told to leave the country; but in no one single instance would His Holiness suffer any prisoner for a political offence to be put to death. Let me next remind the House of what has taken place in India; and let me ask, does it not ill become our English political leaders to make attacks upon the system of government adopted in other countries, and to reprobate the laws and institutions of those countries, not one of which present a single circumstance which can be said to deserve a particle of the condemnation evoked by the revelations we have seen of the tortures inflicted in India. That system of torture has been carried on under, I may say, the very eye of the Government, who knew, or ought to have known, of the infliction of the most horrible and exquisite variety of torture in order to collect the revenue. The next charge I have to reply to is that made by the hon. Member for Aylesbury (Mr. Layard), who has stated, that in the year 1850 there were no fewer than 10,000 in prison in the Roman States for political offences. Well, in reply to that statement, I will content myself with saying that it may be fairly taken as a specimen of the gross misrepresentations which we hear of every day, as being made an excuse for assailing the Roman Catholic governments. But with regard to this particular statement of the hon. Member, just let us see how stand the facts. Why, I am in a position to state to the House, because I have had the information from official sources, that the actual number of persons in prison for political offences at the period he has mentioned was under thirty. The next statement of the hon. Member is, that the priests in Rome do not pay any taxes; but really the hon. Member must have been grossly misinformed on these matters, because that latter statement is just as destitute of a particle of truth as the former one. Then the hon. Member has made some allusion to what he calls the "Inquisition." There certainly is something formidable about that word; but then the hon. Member will find that the so-called Inquisition in Rome is nothing more nor less than a Court of Ecclesiastics, established for the purpose of taking cognizance of all matters affecting the discipline of the clergy, and it has no power to inflict any other punishment than that of imprisonment; and even in that the punishment is very far from being formidable, for those prisoners are well lodged and mildly treated. Now, these are not mere loose, idle statements, made upon mere "hearsay" evidence, but they are made from actual personal observations, and I have also seen official documents in support of them. I am speaking of what I myself have seen, while the hon. Member for Aylesbury has not given the House one single authority of any sort in support of any of the statements he has made in reference to the Roman Government. But we have a great deal from the noble Lord the Member for the City of London, as well as from Lord Clarendon, about what those noble Lords term "Secularisation," and they have recommended the "secularisation" of the Papal Government. Now I must say that that is a term which it is not very easy to comprehend. I believe the word refers to one of those old stale Whig doctrines of which the noble Lord the Member for the City of London is such a warm adherent, namely, that ecclesiastics are unfit to take part in the administration of affairs. But history proves that this is a narrow-minded prejudice; for Wolsey, Ximenes, Richelieu, Alberoni, Mazarin, and many other great statesmen whom I could name, proved their ability for the management of the affairs of Government. Surely those illustrious men were as great statesmen as any that exist at the present day, yet they were Cardinals. I have also heard it asserted that the Government of the Roman States was entirely in the hands of ecclesiastics, and that laymen were altogether excluded from any office in the Government: but that is another statement which I must contradict, for the fact is not so. I can tell the House that the College of Cardinals has nothing whatever to do with the secular Government of the Roman States. That Government is conducted by a Cabinet of Ministers, of whom there are only three ecclesiastics, and all the rest are laymen, and the latter hold the offices of almost all heads of all the public departments in the Government of the Roman States. I may add, that though the present Minister of Finance happens to be an ecclesiastic, his predecessor was a layman, who was not by any means the abler of the two. But, to set all dispute upon this point at rest at once, I will read, for the information of the House, an extract from an authentic official document which I hold in my hand, and which shows at one view how many ecclesiastics and how many laymen at present are engaged in conducting the political Government of the Roman States. The body of persons holding various offices and places in the Roman States consists of 243 ecclesiastics, and of no fewer than 5,059 laymen, and they are classed under the following different heads:—

| | Ecclesiastics. | Laymen. |
|---|---|---|
| Ministry of Foreign Affairs . . | 17 | 30 |
| „ Home Department . | 156 | 1411 |
| „ Public Instruction . | 3 | 11 |
| „ Grace and Justice . | 59 | 927 |
| „ Finance . . . . | 3 | 2017 |
| „ Trade . . . . . | 1 | 61 |
| „ Public Works . . . | 2 | 100 |
| „ War . . . . . . | 0 | 98 |
| „ Police . . . . . | 2 | 404 |

Now these numbers will be found to give correctly the gross total I have stated; and what then becomes of the assertion, that the whole of the governmental departments of the Roman States are in the hands of ecclesiastics, and that laymen are excluded from those offices? And just let the House take a glance at the salaries paid to those officials. The sum total of all the salaries of the ecclesiastics amounts to 190,316 scudi, and that of the laymen to 1,186,194 scudi. Well, upon the other hand, a great number of laymen are engaged in the management of ecclesiastical affairs; and the exact number of each so employed I find, by the document before me, to be 161 ecclesiastics and 316 laymen, and they are classified in the following order:—

| | Ecclesiastics. | Laymen. |
|---|---|---|
| Santa Inquisitione | 12 | 6 |
| Visita Apostolica | 7 | 7 |
| Propaganda Fide | 40 | 68 |
| Reverenda Fabrica di S. Pietro | 3 | 87 |
| Apostolic Chancery | 4 | 60 |
| Secretaryship of Briefs | 5 | 13 |
| Papal Bull Registry Office (Dateria) | 9 | 55 |

So that it will be seen, from the foregoing figures, that it cannot be said that even the ecclesiastical affairs of the Roman States are entirely managed by ecclesiastics; and the salaries paid to those officials amount in the gross to 36,120 scudi to the ecclesiastics, and to 61,836 scudi to the laymen. Now, Sir, all these are facts and figures, compiled from official and authentic State documents, and therefore they admit of no doubt or inaccuracy, like the loose and unsupported statements the House has heard from the hon. Member for Aylesbury and others. I can further assure the House, that at the present moment improvements and public works of great magnitude are being carried on in the Roman States, and in the different departments of the Government; and these improvements will continue to make progress towards completion, if they be not stopped or retarded by the inflammatory harangues indulged in against Rome in this House and elsewhere, and which can only have the effect of embarrassing public business, and exciting a revolutionary spirit, under the impression that this country is favourable to revolution, and that it would lend its assistance to a revolutionary movement. And I can further assure the House that the subjects of the Roman States are much more lightly taxed than the people of this country or than the people of the Sardinian States. I am told by honourable Gentlemen to look at Sardinia; and I have been told to look at the system of government now carried on in that country. But I beg to tell this House, that perhaps some hon. Members would not be quite so favourable to Sardinia, if they had not known that the Government of Sardinia had pillaged the Catholic Church, and had committed such acts of spoliation and oppression as would not for one moment be tolerated in this country, if attempted against the Established Church here;—acts which struck at the very principles of property, and which no Minister in his senses would venture so much as to hint at in this House. And yet, so blinded by hostility and prejudice to the Roman Catholic Church have many persons in this House and elsewhere become, that they have actually approved and applauded the conduct of the Government of Sardinia, though they would not dare to defend such conduct at home.

I must say, that it has not been without feelings of very great pain that I have been compelled to listen, day after day, to threats of all sorts which are being continually held out against the Government of the Holy See, spiritual as well as temporal. Not that I apprehend that those threats can ever be of any avail. On the contrary, I beg to tell the House that they will be found to be vain and harmless, for the Popedom has long outlived all such threats. I have heard it said by some, when the late revolution broke out in Rome, that Europe had seen the last of the Popes; but those who ventured upon that assertion now see that the Papal throne still remains firm and unshaken, notwithstanding centuries of persecution. We have seen that a Pope was taken prisoner, and died in his captivity; but then his successor was immediately elected. And when His Holiness Pope Pius IX. was forced to fly to Gaeta, people said again, We have seen the last of the Popes! But that prediction proved to be as unfounded as the other, for that Pope was restored to his own doninions, and returned to Rome as great and as powerful as he was before he was imprisoned. I therefore beg to tell those hon. Members who indulge in the hope of seeing the Popedom at an end, that they will find their hopes delusive, and themselves most miserably disappointed. Before I conclude, I cannot help noticing the arrogant and imperious tone, which I regret to say I hear frequently indulged in, both in this House and out of it, in reference to the Holy See and the Roman Catholic Church. Whether a question regarding Maynooth, or ecclesiastical titles, or the oath of abjuration, or almost any matter of a religious character, is to be discussed, some honourable Members are certain to get up and speak in terms of vituperation, and almost of contempt, of the Sovereign Pontiff, and of the Church of which he is the head. I cannot but contrast this arrogance with which hon. Members presume to speak of the Holy See and the Catholic Church with recent and present events. What are you now about to do? This House is now about to proceed to lay at the feet of Her Majesty its congratulations upon the conclusion of the war, and the happy return of peace upon what were called "safe and honourable terms." You have poured out your blood and treasure like water. The finest army England ever sent from her shores has perished. But just let me ask the House to consider for a moment what this country has gained by the late war, or by the conclusion of peace. Is it to be contended that this country has succeeded in re-establishing the integrity of Turkey? I deny the proposition altogether, and I say, that instead of maintaining the integrity of Turkey, you are doing, in fact, no more than merely galvanizing a corpse. I believe that equality of position of Christians with Turks to be just; but if it be accomplished, it must end in the utter annihilation of Turkey. And I do believe that the very reforms now about to be introduced into that country will result in shattering her dominions to pieces. What the ultimate fate of all the fragments may be it is impossible to say; but one fact is quite apparent, and that is, that Turkey will now be ruled, not by one master, but by five. You have not secured the integrity of the Ottoman Empire; but I will tell you what you have done. You have humbled, I hope for ever, the greatest enemy of the Roman Catholic Church. Yes, you have succeeded, by the late war, in sending the torturer of the nuns of Minsk, and the destroyer of the Roman Catholic Church in Poland, to his grave with a broken heart. The *prestige* of Russia has been crushed for ever in Europe, and that great persecutor of the Catholic Church has been put down; and so it ever has been with all the enemies of that Church. You have done your work as an instrument in the hands of Divine Providence. You have performed your task: "*Inimicos Sanctœ Ecclesiœ humiliare.*"

Mr. BENTINCK said, he had no intention to go into the merits of the various articles of the peace, which had been so ably touched upon by many hon. Members who had preceded him. He did not, however, wish to be understood as concurring in all the terms of the Treaty now under consideration. He thought that there was great force in the able speech of the noble Lord the Member for Colchester (Lord J. Manners), who touched upon the most important and vulnerable points of the Treaty. He (Mr. Bentinck), however, was bound to say that the House would be acting, he thought, unfairly if it were to pronounce an opinion adverse to that Treaty. He had always considered that the present House of Commons was responsible to the country, both for the war and its consequences. It was the present House that had sanctioned, or he might say had tolerated, the existence of the late Government, which was generally known as the Coalition Government. To the want of decision and capacity in that Government in the conduct of the war must be ascribed all those misfortunes which had occurred during the late war. Under those circumstances, he thought that the House might fairly congratulate itself upon the terms of the Treaty, and upon having, in popular language, "got so well out of the scrape." There was, however, one exception to the value of the Treaty, which would more than counterbalance, in his opinion, all the advantages of the most favourable Treaty that was ever negotiated. He referred to the second and third articles in the Declaration respecting the Maritime Law. That subject had been already referred to in the able speech of the hon. and learned Member for Tavistock (Mr. R. Phillimore). His objection to that resolution was that they did not express with sufficient force the effects of the measure, and also to the manner in which this important point had been brought about, without consulting Parliament or the country. It appeared to him that the result of the stipulations made in those articles would be fatal to the power of England as a maritime Power, so far as the possibility of carrying on an aggressive warfare against any other country. He would view this question in the light of one of finance, and he would ask whether it was not the fact that the results of war were much more dependent upon the financial condition of the countries engaged in hostilities than in the success or failure of naval or military operations? Generally speaking, it was in consequence of financial difficulties that wars were brought to a termination. How, then, was it possible for the war to be brought to a successful termination, if the country engaged in it were to be debarred by such a stipulation as was contained in these articles from using the only means in her power of crippling the finances of the antagonistic power with which it was engaged? Let us apply the principle here involved to our military occupations. Let us suppose the case of a town besieged, which in its ordinary powers of defence might be considered impregnable. If the principle resolved in these articles be carried out, he wanted to know how we, if we were the besieging party, could prevent neutral Powers conveying provisions to any extent they pleased to the besieged garrison, and thus enabling them to protract the siege to an indefinite period? If the argument were good as applied to naval operations, it was equally good in its application to military operations. He did not know why those rights should be given to the neutral vessels which should not also be given to their carts and waggons. But there was another point of view which he thought would test the merits of this question. He contended, from the moment that a third country, calling itself a neutral Power, was employed in conveying either merchandise, provisions, or any contraband of war, to any of the Powers actually engaged in hostilities, so as to enable such Power to continue the war much longer than it would otherwise be enabled to do, that that Power so employed in the interest of the enemy should no longer be entitled to the character of a neutral. Such a Power was taking a much more active part in the war than it would be doing if it were to send an army into the field. The effect of the assistance given by Prussia to Russia, during the late war, he asserted, was more prejudicial to the interests of this country and the Allies than if Prussia had taken the field upon the side of Russia. It was a misapplication of the term neutral when a country was allowed, directly or indirectly, to assist another country that was actually engaged in war. This country never professed to be a military nation. We are essentially a maritime Power, and whenever we were engaged in war our only means of aggression were those of destroying the foreign commerce of our enemy. And if we were to be debarred from the power of using our naval forces to destroy the commerce of our enemy, he maintained that from being the first maritime nation in the world, we should sink down to the level of a second or third rate Power. In 1812 an eminent statesman of the day, writing upon this subject, stated as follows:—

> "The enemy requires that we should recognise as a principle, that the goods of an enemy under a neutral flag should be treated as neutral goods, and that the goods of a neutral under a hostile flag should be treated as enemy's goods. By these demands the enemy requires that Great Britain and all civilized nations should at his pleasure renounce the natural and incontestable rights of war—that Great Britain in particular should surrender all the advantages of her naval superiority."

That was exactly the opinion which he (Mr. Bentinck) wished to express to the House. To having acted upon the principle now sought to be established, it was that we must attribute the long continuance of the late war. Had we, at the commencement of the war, given Russia to understand that it was our determination to enforce, not a nominal, but an effectual blockade—that we should exercise our rights as a maritime power to effectually destroy her commerce, the war would not have lasted six weeks. So long as we possessed the supremacy of the seas we should always have the power—to use the words of the hon. Member for the West Riding (Mr. Cobden), whom he regretted he did not see in his place—of "crumpling up" any inimical power. If we had informed Russia that it was our fixed determination to carry out our right of search, he believed that she would have submitted to any terms rather than have her commerce destroyed, which it would be if we exercised our power to the fullest extent. Russia was solely dependent upon her foreign commerce for her existence. He would trouble the House by reading two extracts which had reference to this subject. The first was from a letter which was written to him by an officer in the White Sea, in July, 1855. It was as follows—namely—

> "You may depend upon it that the only effect of the war in this country has been to prejudice ourselves by the policy we are pursuing. The entire trade with Russia is in the hands of the Prussians, the Dutch, and the Hanoverians; and I fervently hope that, should the war last over this year, your party in Parliament will force our Government to adopt a different line of conduct to that they are pursuing. This year the mischief is done."

Now, there was another extract which goes precisely to the same point. It was an extract from a German newspaper, which had a great circulation:—

> "What Russia has to fear in the war with England and France is, not the assistance rendered to Turkey, or any attack in the Black or the Baltic Seas. Russia's real danger is in the destruction or interruption of her trade. Russia's well-being depends upon the exports of her raw produce. Interrupt these, and you will destroy the power of Russia."

That was an extract from a German paper, of extensive circulation, and one which was not favourable to this country. He would now ask this question—what section of the House had been most opposed to the right of search? "Right of search" it was generally called, but he called it right of seizure; for right of search they should maintain, because if they gave up the right of search, how could they ascertain whether a ship of a neutral power was carrying contraband of war or not? Well, the section of the House the most active and determined opponents to exercise that right were the representatives of the manufacturing interests, who held that the maintenance of our right in that respect would involve us, as a first consequence, in a war with the United States. Now, he did not mean to attempt to detract from the importance of the manufacturing interest, nor still less to argue that a war with the United States would not be highly injurious to the commercial prospects of this country. But he did maintain that the inhabitants of the United States were too shrewd and calculating a nation to make the carrying out by England of her right of search a *casus belli* with this country. He believed, too, that this subject was much better understood in the United States, where more attention had been given to its consideration, than in this country. He thought that the people of England would make any sacrifice to retrieve the false step which our Plenipotentiaries at Paris had made with respect to this matter; and, further, that an equal amount of blood and treasure to that spent in the late war would be well applied, if by its outlay those articles could be cancelled. He believed that if it were not the determination of the people of this country to have those articles reversed, the result must, in a short time, be the total destruction of that position which England had long held as one of the greatest nations of the earth.

MR. CARDWELL said, that he joined with such cordial satisfaction in the terms of the Address to the Crown which had been moved by his hon. Friend (Mr. E. Denison) that he should have been perfectly ready to give a silent vote in favour of it if it had not been for the topic introduced with great ability by his hon. and learned Friend behind him (Mr. R. Phillimore) and followed up by the hon. Gentleman who had just resumed his seat. He felt, therefore, that it was in some degree incumbent upon him to address a few words to the House on that subject, having had, at the commencement of the war, in a particular manner, the duty of carrying into effect some of those regulations which the hon. Gentleman (Mr. Bentinck) had so pointedly objected to. He should begin by making to his hon. and learned Friend the Member for Tavistock the fullest admission possible, that what he had contended for had been up to the present time the undisputed and indisputable international law. If that law had been otherwise, the value of the stipulation in the treaty, now first given on the part of England at the Congress of Paris, would be completely invalidated. It was because the law existed in that objectionable state, and because it so existed exclusively on account of the great weight of this country alone thrown into the scale of hostile operations against peaceful commerce, that the abrogation of that law by England was of so much importance. It was an event, in one way or other, of no small importance that the authority of England had for the first time in history been given to the principle for which he contended, and against which his hon. and learned Friend with so much ability had argued. The short protocol referring to the point contained three most important provisions. By Article 4, which he would begin with, because it involved the least controversy, paper blockades were declared to be blockades no longer to be enforced by England and France. That was no addition to the existing international law, for it was the law at the present moment; but he thought that the House would feel, looking back to the early portion of this century and recollecting the signal manner in which that clear principle of international law was infringed both by England and France, and the deplorable consequences to both countries which followed, that it was a wise and judicious act on the part of the Plenipotentiaries of France and England, upon closing a war in which they had been engaged not as antagonists, but as allies, to place for ever on record their joint opinion that that principle of international law should henceforth be firmly maintained and never infringed. He would now come to the great point of controversy, namely, whether free ships ought to make free goods, and here he would make to his hon. and learned Friend another admission, which probably his hon. and learned Friend might be disposed to consider a great one. He acknowledged that this was a considerable concession on the part of belligerent Powers, and necessarily operated the most with regard to the country most powerful at sea; but to whom and what was it a concession? It was not a concession to Russia, it was not a concession to France, but it was a concession to those universal principles of humanity and justice which even more than her maritime greatness had achieved for Great Britain her paramount position in the world. Let the House regard this question not exclusively from the position of a belligerent Power, but also from the position of a neutral Power. How great an injury necessarily followed to neutrals from the strict enforcement of the present maritime law of war! When the ports of Russia were blockaded a great injury was necessarily inflicted on all those whose shipping was accustomed to resort to those ports, though they were totally uninterested in the quarrel going on; and the exercise of belligerent rights, tempered and modified as they might be, must necessarily constitute a great restriction on the privileges which the neutrals enjoyed in a time of peace. Such persons then had a fair right to demand that the infringement of the privileges and advantages enjoyed by them in time of peace should not, through the effect of martial policy, be carried further than was absolutely necessary consistently with the exigencies of war. His hon. and learned Friend said that the only circumstance which tended to break down the force and effect of the vigorous blockade established against the Russian ports in the Baltic was the facility afforded of carrying Russian goods by Prussian railways to the sea, and thus enabling them to form part of the general commerce of the world. He granted that to the hon. and learned Gentleman; but if the rigid rule of international law had been in force the door would have been opened nearly, if not quite as wide as before; for what would have been more obvious than to transfer the goods in the port to a Prussian, and then export them in his name? It was unnecessary for him to detail the numerous evasions, which would have been practised, for it would obviously have been easy to find means through the ports of Prussia to defeat the law, if attempted to be enforced with all the strictness contended for. The hon. Gentleman who just sat down likened this to the case of a town besieged on land, and asked what would be thought of the policy of those who, besieging a town, permitted persons in the country around to carry munitions of war and food for the relief of the garrison? The hon. and learned Gentleman must erroneously have imagined that the stipulations in the declaration of the Allies protected contraband of war and abolished blockades. If a port should be blockaded, there would still exist the same law to enforce the blockade as before, and if any attempt should be made to carry contraband of war to an enemy, whether within or without the limits of the blockade, the same rights and powers of international law might be exercised as were exercised previous to the signature of this declaration. Then, the hon. Gentleman the Member for West Norfolk (Mr. Bentinck) told the House to look at the financial bearings of the question, and asked, whether the history of war did not show that it was not so much martial success as financial exhaustion that forced the enemy to surrender? Now, he (Mr. Cardwell) was not going to touch upon a subject on which, in all probability, the right hon. Member for Manchester (Mr. M. Gibson) would speak fully. But the hon. Gentleman ought to have borne in mind what was that one circumstance which oppressed this country with financial difficulties towards the close of the last great war. If the hon. Gentleman looked to the history of the year 1812, he would find that what caused the great distress in this country and sapped its financial resources at that time was not so much the great strength of Napoleon as the indignation and hostility of the United States of America, roused by the excessive exercise of our maritime power. He (Mr. Cardwell) would not trouble the House with extracts from histories, but he remembered a passage in Alison's work to the effect that it was the Orders in Council that caused the then financial difficulty. Those Orders in Council were in excess of international law, but that did not in any way destroy the argument. If this country went to war, carrying out the principle of not permitting a neutral flag to cover enemies' goods, it would have sympathising against it, and not with it, all the neutral Powers in the world, and he wanted to know for how many years England could carry on war with a European Power if it insisted on searching American vessels, for instance, for enemy's goods, and confiscating them when found there? He believed that a war could not be carried on upon that principle for twelve months before this country would be involved in misunderstandings and hostilities with many of the great neutral Powers. It was perfectly true that by all jurists, and, not the least, by American jurists, the law had been laid down as the hon. and learned Gentleman (Mr. R. Phillimore) had laid it down; but it was equally true that it was by all of them argued against and condemned. This, however, was acknowledged—that by the great authority of England as a powerful maritime Power, and by the practice in conformity therewith, the acknowledged principle of law was such as had been stated by his hon. and learned Friend. The reason for the abandonment of the doctrine that the right of seizure ought not to be enforced was given by the American text writers. The law founded upon it, in order to be effective, must be universal, and could not be maintained when it was called into operation against those who acknowledged it, but was not adopted when they claimed it in their favour. The opposition, therefore, of England had always, heretofore, been fatal to the establishment of better principles. This arrangement, however, which gave to it the concurrence of Europe, would, he anticipated, insure its universal acknowledgment and recognition as the maritime law of the world. Another valuable article was that which abolished privateering. Even if this country, which was most powerful, had made some concession in abandoning the right to search neutral vessels for enemy's goods, and to seize enemy's goods in such vessels, there could be no doubt as to the great advantage which would be conferred on this country by the abolition of privateering. What was privateering? It was an attempt by a Power weak at sea to make up for its inferiority by carrying on a war with private vessels instead of vessels belonging to the State. His hon. and learned Friend found fault with these provisions because they struck at the root of the great principle of international law which distinguished maritime from land warfare. There could be no doubt that they did go far to abolish that distinction. The abolition of paper blockades, the admission of the principle that free ships made free goods, and the abolition of privateering, were three great inroads upon that law which sanctioned the capture of private property at sea. All the jurists who had written on international law had laid down that there was a wide distinction between land warfare and maritime warfare. The law and practice of modern times with regard to warfare by land greatly limited the principle of interference with private property; but the principle of the capture of private property at sea rested on a different foundation, because it was said that the object of maritime warfare was to hamper and cripple the commerce of the enemy. He rejoiced at the blow which had now been struck at that principle of international law. He did not know why that great jurist Grotius should be honoured for the establishment of the principle of mitigated warfare by land, while they were not allowed to advocate the application of a similar principle to warfare by sea. Chancellor Kent went back to the earliest period for an example upon this question, and referred to Xenophon, a warrior as well as a philosopher, who, in his *Cyropædia*, represented Cyrus as directing his soldiers, when traversing an enemy's country, to spare the cultivators of the soil. He rejoiced that by this arrangement a considerable advance had been made in mitigation of the severities of warfare by sea. It had been urged, in the course of the discussion that night, that the diminution of the pressure of war upon an enemy only tended to promote the continuance of war. But that argument, if it were good for anything, would apply equally to every mitigation in warfare which the wisdom of modern times and the influence of Christianity had produced. He believed that this country would gain far more by avoiding those wars into which a rigid prosecution of her rights would force her than she would lose by any of the mitigations to which she had assented. If, in 1780, she had not had to contend against the hostility of the Northern Powers—if at the close of the French war she had not had to contend against the hostility of America, she would have been in a much better position. The hon. Member for West Norfolk (Mr. Bentinck) had referred to the injury inflicted upon the country in the late war by the relaxations introduced in 1854, and had even said that if it had not been for those relaxations, the Emperor of Russia would not have gone to war at all; but, considering that they were not introduced until after war had been declared, the hon. Gentleman's inference was hardly just. Could any one believe that in 1854, when they were going to war in alliance with a Power which recognised doctrines different from their own—when the neutral Powers were also opposed to their doctrines—it would have been politic to insist on their strict rights? He rejoiced that by these temporary mitigations at the beginning of the war, and by the permanent abandonment of their most indisputable, but most inexpedient and most unjust, rights at its conclusion, they had made the late war no longer a mere question of humbling another Power, and had left behind them another record of the liberal, just, and exalted principles by which the councils of Great Britain were guided.

Mr. SEYMOUR FITZGERALD said, he thought that the House had not confined itself to the question which they had come there to discuss—namely, was the Treaty just concluded a satisfactory and a just one, as effecting the integrity and independence of Turkey? When he said that it was not his intention to allude to the somewhat incidental discussion entered into by the hon. and learned Member for Tavistock (Mr. R. Phillimore), and to which the right hon. Member for Oxford had just addressed them, because he (Mr. S. Fitzgerald) believed that a more important subject could not be introduced to the notice of hon. Members; but it appeared to him that the question before the House was somewhat of a more limited character. It was whether they could conscientiously agree to the terms of the Address which had been proposed as the one which that House should present to Her Majesty. The hon. Member for Pontefract (Mr. M. Milnes), in his speech of the previous evening, said that while he was willing to admit that the Treaty did not accomplish the objects for which the war had been undertaken, yet upon the whole it was one which he received with satisfaction. The hon. Member for Aylesbury (Mr. Layard) went somewhat further, and said that, looking to the whole Treaty of Peace, it was a far better, a far more fortunate one, than he had been led to expect. Now, he could not undertake to say what was the hon. Member's estimate of the energy and earnestness of Her Majesty's Government; but he should say, that looking to the antecedents of the noble Lord at the head of the Government, the Treaty of Peace now upon the table was not one which he (Mr. S. Fitzgerald) should have expected him to have sanctioned; certainly it was not one that he should have expected him to call on that House to welcome with joy and satisfaction. It was on this ground that he (Mr. Fitzgerald) wished to address a few observations to the House. He was willing to admit that there were many circumstances connected with the Treaty of Peace which neither that House nor the country regard with any but feelings of satisfaction. It was perfectly clear that very considerable concessions had been made by Russia to this country, and it was satisfactory that that was the first treaty by which Russia had retired from a war, not acquiring, but ceding territory. In considering the question whether the peace would fully accomplish the objects of the war, he thought that it was obvious, even from the speeches of hon. Members opposite, that the arguments of the noble Lord the Member for Colchester (Lord J. Manners), as to the importance of the forts on the Circassian coast, and with respect to leaving the territory attached to those forts in the hands of Russia, were entitled to great weight. In his (Mr. S. Fitzgerald's) opinion, the Treaty did not realize the objects of the war in two important particulars. The right hon. Member for Carlisle (Sir J. Graham), in his speech upon the Motion with regard to Kars, passed a most grave censure upon the Government, and, having reasoned in favour of one side of the question, voted for the other. The right hon. Baronet said:—

> "I admit that the Government are greatly to blame in their conduct with reference to Kars—they might have sent money, they might have sent artillery, they might have sent cavalry, they might have relieved the beleaguered fortress by sending thither the army of Omar Pasha; but they did none of these things; at the same time I feel that it would be ungenerous and unfair of me to visit them with censure now when they have just concluded a successful and satisfactory peace."

The right hon. Baronet added that it was unfair to visit them with censure now that they had completed a successful and satisfactory peace, which recognised the right of interference on the part of the Christian

Powers of Europe in favour of the Christian subjects of the Porte, and also the independence of the eastern coast of the Black Sea. Now, it so happened that the first of these subjects was not mentioned in the Treaty of Peace at all, and that the other was absolutely contradicted and prohibited. So far as the Christian subjects of the Porte were concerned, he agreed with the right hon. Member for South Wiltshire (Mr. S. Herbert), that they were in a worse position since the Treaty of Peace than they were before the war began; because, at the commencement of the war, whether rightly or wrongly, at least there existed a right on the part of one Christian Power to interfere on their behalf. Now, however, not only had that right ceased to exist, but it was expressly stipulated in the Treaty that no right of interference should be exercised by any Christian Power, let the circumstances be what they might, in favour of the Christian subjects of the Porte. True, the Sultan had issued a firman which accorded certain privileges to his Christian subjects, but the right hon. Gentleman (Mr. S. Herbert) had told the House that that was a revocable instrument, and that the value of that instrument was not to be put for a moment in the balance against that express denunciation of interference which was contained in the treaty of peace. So far, then, as one of the objects of the war which affected the Christian subjects of the Porte, it was clear that it had not been accomplished. Another object of the war was said to be the destruction of the preponderance of Russia in the Black Sea. Now, how did the matter stand in that respect? As regarded the forts on the Circassian coast, it was obvious that we were now in a worse position than before the war broke out, and that entirely in consequence of the stipulations on the subject in the treaty. The right hon. Baronet the First Lord of the Admiralty said, in speaking on this question, that the Russians were in possession of certain forts, but that they were not entitled to any of the surrounding territory. But upon the face of the treaty we had admitted the right set forward by the Russian Plenipotentiaries at the Conferences, not only to the forts, but to the territories adjoining, and that was a right which no country in Europe, including our own, had ever recognised; on the contrary, we had always scrupulously refrained from acknowledging any such right on the part of Russia. Again, the Asiatic boundary between Russia and Turkey was to be settled, not as heretofore by special agreement between those two Powers, but by a Commission, one of the Members of which was to be a French Commissioner, and another an English Commissioner. The result of the treaty, then, would be that Russia would put forward a claim, not only to forts, but to territories, and that that claim, he had every reason to believe, would not be disputed. Another point in connection with the preponderance of Russia in the Black Sea was the strength of her fleet; but he asked any one to show him a single line in the papers lying on the table in which the claim of Russia to have transports of any size, possibly with a large armament, constantly in the Black Sea, was seriously considered or discussed. In the first instance, when the question was raised, Lord Clarendon said he could not agree to the possession by Russia in the Black Sea of such large vessels; and then the question was adjourned, as were many other questions which were raised before the Plenipotentiaries, and the consideration of which proved to be inconvenient. Further, the Sea of Azoff was not admitted to come within the principle of neutralisation of the Black Sea, although the exploits of our navy in that sea during the late war showed that armaments of considerable force might be found, provisioned, and equipped in its ports, and manœuvred in its waters. A new feature had now been introduced into naval warfare, and in future, instead of employing large vessels mounting numerous guns, the character of naval warfare would be completely changed, and a large number of vessels of light draught of water, but powerful armament, would be employed, particularly where an enterprise was undertaken against some city or town lying close to the seashore. It was clear, therefore, that as the matter now stood Russia might possess an unlimited number of transports or gun boats, capable of carrying a large force from the Sea of Azoff, or even Sebastopol, to Constantinople in two or three days. Consequently, there was another object of the war, namely, the putting an end to the naval preponderance of Russia in the Black Sea, that assuredly could not be said to have been satisfactorily attained. Much value was attached to the stipulation that we were to have the right of appointing consuls at the various Russian ports in the Black Sea; but what he should like to know was, whether we were entitled under this treaty to have a consul at Nicholaieff? because the same terms which prevented the dismantling of Nicholaieff would equally prevent our placing a public servant there, who would give us the earliest and fullest information with regard to the designs and proceedings of the Russian Government. He had made these observations because he thought it was impossible for any hon. Member of that House to say that he entirely concurred in the justice of the terms in which the proposed Address to Her Majesty was couched. It appeared to him as if the Government had taken advantage of the feeling which they knew to exist on that (the Opposition) side of the House, that an Address to Her Majesty on so important an occasion should pass without a division, to insert in the Address terms which it was perfectly clear did not represent the opinion of a great many Members of the House, and he firmly believed did not represent the opinions of the people of this country. It was impossible not to be grateful for the blessings of peace, but whilst fully prepared to accept a peace, he must say that he was not prepared to look with satisfaction at the terms of the proposed Address. Certainly he was not one of those who thought that the peace had fully accomplished the objects of the war; and being of that opinion, he entered his protest against the terms in which the Government proposed that the House should address the Crown on the subject.

Mr. MILNER GIBSON said, that hon. Gentlemen had complained in the course of the discussion, that various topics had been introduced not immediately connected with the treaty of peace. Now, those hon. Members should recollect that papers had been laid before that House by command of Her Majesty, containing not only the treaty of peace and the protocols of the Conferences, but also a declaration respecting a point of maritime law which had been agreed to by the Plenipotentiaries. He thought, therefore, although he differed from his views, that his hon. and learned Friend (Mr. R. Phillimore) was perfectly in order in moving an addition to the Address upon that subject. He had, in the year 1854, expressed his views upon that subject to the House; and, before the Orders in Council respecting the rights of neutrals were issued, he had, acting in concert with the hon. Member for Liverpool (Mr. Horsfall) moved an Address to the Crown, in which the advisers of the Crown were called upon to adopt those principles which had been acted upon throughout the war, and he was glad to see that those principles had been incorporated in a declaration, and had become part of the public law of Europe. He cordially concurred in the course which had been taken by the Government as far as they had gone, and he could assure the House that in bringing forward that Motion, he believed that instead of injuring the power of England, it would rather add to her prosperity by strengthening her commercial interests and giving security to her mercantile marine. Doing, as we were, the carrying trade of a great portion of the world, this country was most interested in freeing commerce from the evils of war. There was one point in connection with the subject to which he wished to call the attention of the noble Lord at the head of the Government. The declaration stated that privateering was henceforth abolished, and that it was proposed to enter into treaties with foreign Powers to carry that declaration into effect. There was one Power which he did not think would concur in that declaration — he meant the United States of America. The United States had already acknowledged a principle which went much more directly to alleviate the injuries inflicted upon the commercial marine by the old system than the mere abolition of privateering. They had agreed to the principle that private merchant vessels should not be liable to seizure by public armed cruisers or privateers, and had expressed a willingness to treat with the other Powers upon that broad ground. The principle enunciated by the United States was, he believed, a good principle, for, if a ship were plundered, it mattered little who was the robber—whether it was a privateer or a regular ship of war. Robbery of mercantile ships, whether by regular cruisers or by privateers, ought to be put an end to, and he could not see that the mercantile marine would derive any remedy from the monopoly of robbery being confined to regular ships of war. With respect to the Address itself, he was in the peculiar position that, having all along been opposed to the policy of the war, he felt some difficulty in offering any opinion as to whether the objects of the war had been fully accomplished. The whole debate appeared to him to be of no practical utility, because the treaty had been ratified, and could not be altered. They had no power of exercising, so to speak, a preventive wisdom. They could not redress any evil that might be complained of in the treaty. All that they could do under the practice of the constitution, was to visit the Administration with censure, if there were anything to complain of, or to give them praise if their proceedings were approved. Their engagements the nation was bound by, and therefore he felt that hon. Members might almost be satisfied with thanking Her Majesty for communicating the treaty to them, and for allowing it to appear in due course in the *Gazette*. The fact, however, of being called upon to agree to an Address to the Crown entitled every Member of that House to make any observations he might please upon the treaty itself. Various Amendments had been proposed to the Address, but as the movers of them had announced that they had no desire to take the sense of the House upon them, there was little practical utility in discussing them. He might, however, say with regard to the first Amendment, which proposed to leave out the word "joy," that no man in England felt more sincere pleasure than he did that Her Majesty had been enabled to conclude a peace. As regarded the expression that the peace was honourable to Her Majesty's Crown, he looked upon it as a formal and usual phrase, and therefore was prepared to assent to it. In the expression, however, that the objects of the war had been fully accomplished, there was something indefinite, and he felt some difficulty as regarded that expression. He could only say, that if the object of the war was, what he had been informed it was—merely to obtain from Russia certain concessions commonly known by the name of the Four Points, and with a view of incorporating those Four Points in a treaty, he was inclined to admit that that object had been accomplished. He believed that the treaty before the House did incorporate the Austrian solution of the Four Points. The noble Lord (Lord J. Russell) in May last, proposed another Austrian solution of the Four Points, with a view of their being submitted to Russia for acceptance. That was before the successes at Sebastopol. Having carefully compared the proposition now made with the other Austrian solution made in May last at Vienna by the noble Lord, he could not think that the one was very dissimilar from the other, or calculated to give any greater or less security to Turkey. The present treaty of peace began by endeavouring to secure, through effectual and reciprocal guarantees on the part of the contracting Powers, the independence and integrity of the Ottoman Empire. Now, he thought it a question whether the people of this country had any interest in guaranteeing the independence and integrity of any empire on the face of the earth. What did it mean? Had England entered into an engagement to guarantee to all time that the Turks should rule over a given region now called Turkey in Europe? If so, had the Government consulted the feelings and the wishes of the population who dwelt within that region? Again, was it policy to make the Turk feel himself independent of those obligations which ought to govern the conduct of the rulers of all States—namely, to keep good faith with other nations, and to maintain peace and order at home? Was the protection thus accorded to Turkey likely to make her zealous in improving her internal administration, or was it not rather calculated to render her indifferent to obvious duties? He was of opinion that the Turks would argue, "We are a political necessity to Europe. Whatever may be our demerits, however bad our rule, we shall continue to govern this region, or Europe will be in danger from a disturbance of the balance of power." Then, again, it was in the power of the Turkish Government, under this system of guarantees, to drag us into war whenever it suited their policy to do so. Mr. Consul Calvert, in a letter published in the Blue-book about Turkey, said,

> "The Mahomedans feel no hesitation in expressing a desire for hostilities, for, according to them, continual war in Turkey is requisite to keep alive the spirit of Islamism."

Under such circumstances, what security was there for the permanence of peace? Whenever they chose to go to war, England, France, and Austria were bound to come to the rescue. He remembered the late Sir Robert Peel on one occasion exclaiming, "God forbid that the peace of Europe should depend upon the decisions of the Divan!" But, under the present guarantee, he contended that peace did and must depend upon their decision, and he therefore looked upon it as a most impolitic step to have entangled ourselves in this alliance for the purpose of defending the independence and integrity of the Ottoman Empire. England could always, if she thought it her interest to do so, take up arms to defend that empire without any previous treaty stipulation, and he thought that such an engagement would not be conducive to the true interests of this country or of Turkey. During the Conferences it had felt and expressed that Turkey had gone to war because she knew that France and England were bound to protect her. But what said the next passage in the treaty? Why, that we abjured all right of interference in the internal affairs of Turkey. Now, as a rule, he was opposed to interference, but surely if there should be an exception made, it was after we had guaranteed the independence and integrity of the Porte, and had fought in her defence at the cost of something like £100,000,000 of money and the sacrifice of the services of some 50,000 men. It was very peculiar that in the protocols they were invited to interfere in Naples; they were told that there was to be interference in the case of Rome and Greece; yet, in Turkey, where certainly we might be supposed to have acquired some right of interference, there appeared, singularly enough, to be a remarkable squeamishness on the subject, and it was said that everything must emanate from the spontaneous will of the Sultan. Now, he believed that the late firman, so far from emanating from the sovereign will of the Porte, was purely the result of diplomatic interference; but what he complained of was, not that they should not interfere, but that they should involve themselves in this guarantee if they were unwilling at the same time to take upon themselves the right of looking to the internal affairs of Turkey, taking care that the Porte should do nothing which would jeopardise its own independence, and thus drag us into war. But would the firman to which he had alluded be lasting? What security had we that it would not be revoked? Had we had no experience of former firmans; and was there anything to warrant the supposition that the present batti-sheriff would be kept any better than that, for example, issued in 1839, which was to confer such great privileges on the Christians? England and France had had some right to interference with Turkey, but now it appeared to be formally abandoned. But would France really give up her treaties in favour of the Roman Catholic subjects of the Porte? In 1850 a French Minister was sent to the Sultan to make certain demands on behalf of the Latin Church in Turkey, founded on a treaty a century and a half old. Was that treaty to be abandoned? The war had not abolished it, because it was not waged between Turkey and France. Would England surrender her right to protect her own subjects living within the Ottoman dominions? Would she consent to allow British merchants in Turkey to be dealt with by the Mahomedan law? If she would not, what became of this profession of introducing Turkey within the European system? Neither England nor France could forego their capitulations, giving them a certain influence in the Sultan's dominions, without jeopardising the rights of the property of the Franks resident in the East. The House had been told by the hon. Member for Aylesbury (Mr. Layard) that there was more religious freedom in Turkey than in Italy; and the subject of burials had been touched upon. What was the certificate or permit of burial given by the Turkish authorities to Christians when bereaved of their relatives? The following was the form of an instrument of this kind, granted last year by a Turkish cadi, and contained in Dr. Sandwith's work:—

> "We certify to the priest of the church of Mary that the impure, putrefied, stinking carcass of Saideh, damned this day, may be concealed underground. "EL SAID MEHEMED FAIZI."

Dr. Sandwith asked—

> "How was it possible for the Christians to be well treated when judges were put over them who insulted and plundered them as a sort of religious duty."

That, however, was the Government we had guaranteed and undertaken to defend against all its enemies! It was said, "We must keep the Turk in, in order to keep the Russian out;" but that was surely not sound policy to pursue. By proclaiming our determination to maintain this Mahomedan dominion over the Christians we should drive them into the arms of the very Power we dreaded, and enable Russia to exercise that moral influence over European Turkey which would be the sure steppingstone to her acquisition of that territory. The noble Lord at the head of the Government had told them in the following emphatic terms how much reliance could be placed in treaties—

> "If any man supposes," said the present Premier, "that any treaty which we can enter into, that any diplomatic acts undertaken here or elsewhere, can prevent Russia from exercising practically a great—perhaps the greatest—influence in Turkey, that person must be blind to the geography of the world and to the influence which a powerful nation must have upon a weaker one."

If we added to this state of things a feeling in the minds of the Christian population that we were pledged to uphold this rotten and hated dominion, we paved the way to the inevitable downfall of the Ottoman Empire in Europe, and most probably to its ultimate absorption by Russia—a state of things he little desired to see brought about. One part of the protocols was received with satisfaction by the friends of peace, whose thanks were due to the Government. He referred to the paragraph which acknowledged the obligation resting on Government, in cases of dispute between different nations, to have recourse to the good offices of friendly Powers for arbitration before resorting to arms. Accompanied as it was with much reservation, and, perhaps, binding nobody in practice to adhere to it, this declaration might be but a feeble tie or security. Yet it was a formal recognition, for the first time, in a Conference of the great Powers assembled to deliberate on the policy that would best secure the permanent tranquillity of Europe, of the necessity of arbitration before appealing to the sword. The hon. Member for Aylesbury, alluding to the misgovernment of Italy, seemed to concur with Lord Clarendon in recommending interference in Naples to support monarchical institutions, and repel revolution —an object which, it was thought, would be attained by inducing the King to make such concessions to his people as would strengthen his throne. The hon. Gentleman said, "Let us at least interfere to prevent other interference." But, when in Italy and Sicily, he (Mr. M. Gibson) found that England was not thanked for her interference with those countries. He was told by the Liberals of those States that we had betrayed their cause, and that they trembled when they heard that we were about to interfere with their Government in the name of liberty. If we interfered with Naples to support monarchical institutions there, on a similar principle France would retain her influence in Rome to uphold the authority of the Holy See. Yet we were advised to obtain for the people of the Roman States a constitution—though of what nature it should be, but little was said. We had interfered in Greece; and if we had decided on staying there, how could we have the face to say a word against those who proposed to carry out the same principle in the Roman Legations? A crusade on behalf of the liberties of other countries was in his opinion extreme folly. By attending to our own domestic affairs, by elevating the moral and physical condition of our people, and thus setting to the world an example of the right working of free institutions, we should do more for the cause of liberty abroad than could be effected by arms or by diplomatic interference. He would recommend the hon. Member for Aylesbury to study a letter which was addressed by the Rev. Sydney Smith to Lady Grey, and which, with the permission of the House, he would read. It was in these terms:—

> "For God's sake do not drag me into another war. I am worn down and worn out with crusading and defending Europe and protecting mankind; I must think a little of myself. I am sorry for the Spaniards—I am sorry for the Greeks—I deplore the fate of the Jews; the people of the Sandwich Islands are groaning under the most detestable tyranny; Bagdad is oppressed; I do not like the present state of the Delta; Thibet is not comfortable. Am I to fight for all these people? The world is bursting with sin and sorrow. Am I to be the champion of the Decalogue, and to be eternally raising fleets and armies to make all men good and happy? We have just done saving Europe, and I am afraid the consequence will be that we shall cut each other's throats. No war, dear Lady Grey!— no eloquence; but apathy, selfishness, common-sense, arithmetic! I beseech you secure Lord Grey's sword and pistols, as the housekeeper did Don Quixote's armour. If there is another war, life will not be worth having. . . . May the vengeance of Heaven overtake all the legitimates of Verona! but, in the present state of rents and taxes, they must be left to the vengeance of Heaven. I allow fighting in such a cause to be a luxury, but the business of a prudent, sensible man is to guard against luxury."

That was the deliberate advice which he (Mr. M. Gibson) would venture to give to the hon. Member for Aylesbury, for unless this country was to be what the noble Member for the city of London (Lord J. Russell) said it ought not to be—a great military Power—they must act upon those principles. They could not engage in crusades to defend the liberties of all mankind, unless they would at the same time place their own liberties in jeopardy by putting into the hands of their Executive enormous military power. He hoped they were now approaching a period when wars and rumours of wars would no longer occupy the attention of that House, and he might, perhaps, suggest that that was an opportunity of which the noble Lord at the head of the Government might fittingly avail himself to inform the House whether he was inclined to attack domestic abuses with the same vigour with which he was said to have carried on the war in Russia. He (Mr. Gibson) would like to hear from the noble Lord that night, or, if that should not be deemed a fitting occasion, on some early day, what was to be the peace policy of the present Administration. The Prime Minister was the man who had been chosen by the country to carry on a great war with vigour. That war was terminated, peace was happily restored, and they were entitled to know from the noble Lord what was the policy which his Government intended to carry out now that he was no longer Minister of War, but the minister of peace. They could not trade upon the war any longer; they must now have an effective and vigorous peace policy. The country expected to be relieved at the hands of the noble Lord from the oppressive burdens which had been thrown upon it by the war, and that he would address himself to the great work of Parliamentary reform, which the noble Member for the city of London was endeavouring to accomplish when he was interrupted by the outbreak of hostilities. They must now renew the thread that was broken by the war with Russia. He was certain he expressed the sentiments of his constituents when he said that they expected some declaration of a vigorous reform policy from the noble Lord's Government. He, and those with whom he acted, wished, when they visited their friends in the country, to be enabled to tell them that they might fairly support a Government which had pledged itself to carry out vigorous reforms in all parts of the Administration—not merely military reforms, or administrative reforms, but Parliamentary reform as a security for the permanence of any administrative reform that Government might in future adopt.

MR. WHITESIDE: Sir, it is not my intention to trespass long upon the time of the House, but I wish to guard against the supposition that, because hon. Gentlemen on this (the Opposition) side do not think the present a suitable time for discussing the questions involved in the protocols, they are to be precluded from entering upon such discussion on a future occasion. For example, the question relating to Circassia is one of great importance, and cannot be summarily disposed of in an incidental discussion upon this Address. The right hon. Gentleman who last addressed us has, as I understood him, propounded a very remarkable theory—that no matter what crime may be committed against the law of nations, it is a fundamental rule of our policy never to interfere with the criminal or to deal with the crime. Now, Sir, according to that point of view the right hon. Gentleman would have looked with infinite composure, I suppose, upon the partition of Poland. Edmund Burke wrote, for our learning, that that crime, the commission of which was suffered by England, would entail upon posterity an amount of misery that it would be difficult for him to anticipate, but which we, in reference to the history of modern Europe, most fully can realise: I think the conduct of the present Ministry with regard to a less important matter is of the same character as the conduct of those who abandoned Poland. I wish, however, to draw the attention of the House to the astounding conclusion of these protocols, which we wish to reserve the privilege of discussing hereafter. Having disposed of Turkey in Europe, the French Plenipotentiary, with reference to the future Government of Europe, invites—

> "The representatives of the principal Powers of Europe to clear up certain questions, to lay down certain principles, to express intention, in fine to make certain declarations, always and solely with the view of insuring the future tranquillity of the world."

The Plenipotentiary then proceeds to discuss the affairs of Greece, of Italy, of Rome, and of Naples, and tells the diplomatists what, in the names of their respective Governments, they are expected to do. He then goes on to say, that it is absolutely indispensable to interpose in the affairs of Belgium with reference to the state of the press. Now, Sir, we are all of us aware of the fact, that Belgium is a free State. Lord Clarendon may have been authorised by Her Majesty's Government to do what he did and to sign what he signed, on this occasion; but the question is one which we certainly shall claim the right of discussing with Lord Clarendon and the Government. The French Plenipotentiary complains of the conduct of the unlicensed press of Belgium, a State which has a constitutional Government and a free press. For my own part, I, for one, do not like the press of Belgium, because I remarked that it had no sympathy with us during our struggle with Russia; but it does not, therefore, follow that because I object to its conduct I would extinguish the press of Belgium. The French Plenipotentiary, however, calls upon the several States of Europe to interpose, and he says—

> "If the representatives of the great Powers of Europe, viewing in the same light with ourselves

> this necessity, should find it useful to express their opinion in this respect,"

a great advantage would be gained. What he aims at, therefore, is to extinguish the liberty of the press in Belgium. That subject is discussed by the several representatives of the absolute Powers of Europe, and I am edified at the manner in which they express themselves. Count Buol says:—

> "He does not doubt that one of the essential conditions of so desirable a state of things exists in the wisdom of a legislation so combined as to prevent or repress the excesses of the press which Count Walewski with so much reason has blamed, when speaking of a neighbouring State, and the repression of which must be considered as an European necessity."

When Count Buol is asked for his opinion with respect to the Italian States, his reply is, that the Austrian Plenipotentiaries have no instructions on the subject, but with reference to the free press of Belgium, he can undertake that his Government is perfectly ready to assist in its repression. Baron Manteuffel, the Prussian Plenipotentiary, concludes his observations by declaring that—

> "The Prussian Cabinet fully admits the pernicious influence exercised by the press, subversive of all regular order, and the dangers which it propagates by preaching up regicide and revolt."

Thus, you see Baron Manteuffel is quite ready to assure the other Powers that they may deal with the press as they may think desirable. I now wish to draw the attention of the House to the Resolution with reference to the press which was signed by the British Plenipotentiary, Lord Clarendon, and I claim the right of discussing hereafter the question whether the Government that authorised his act is not responsible for this document. After the discussion to which I have referred, the French Plenipotentiary thought it expedient to obtain the signatures of the various representatives to a document which would bind them to enforce the moderate opinions to which he had given utterance. Now, Sir, this is the Resolution relative to the press of Belgium to which Lord Clarendon attached his signature:—

> "That all the Plenipotentiaries, and even those who considered themselves bound to reserve the principle of the liberty of the press, have not hesitated loudly to condemn the excesses in which the Belgian newspapers indulge with impunity, by recognising the necessity of remedying the real inconveniences which result from the uncontrolled licence which is so greatly abused in Belgium."

Well, Sir, that is, as I understand it, that there is a binding obligation incurred by Lord Clarendon on the part of this country to interpose for the purpose of remedying any inconvenience which may arise from the existence of a free press in Belgium. Now, if that is authorised by the noble Lord, and if he has taken upon himself the responsibility of such an engagement, then it is idle to talk of interfering with foreign States to put down tyranny while you are undertaking to interfere with a free State that has laws, a Government, and a free press of its own, and that has the power of controlling that press if it should prove offensive to any foreign Government. For the Government of this country so to interfere is to do that which I am sure ninety-nine out of every hundred of the English people will disapprove. That is a policy which we shall claim the right to examine, consider, and inquire into, and, if necessary, call upon the House to declare its opinion upon. When Sardinia complained of the presence of the Austrian army in Italy it was asked, "What do you say to the French army being in Rome?" Were all the troops to be called away? No; these armies are to remain, without prejudice, till the tranquillity of the country and the consolidation of the authority of the Holy See are effected. As soon as a great and enlightened system of Government is thoroughly consolidated in Rome, then, and not till then, does the Government bind itself that the armies of France and Austria shall quit the country. It is for this then that Italy has to wait for her freedom. Such important matters require a more extensive investigation than they have yet received, and it will be my duty as well as the duty of this House to see that they receive it.

MR. GLADSTONE: Sir, the immediate question before the House does not appear to be a very broad one. My hon. Friend who moved the Address proposes that the House should express its joy and satisfaction on the occasion of the peace. My noble Friend the Member for Tyrone (Lord C. Hamilton) has moved an Amendment—but for which he has not shown much paternal regard, for he has not appeared in the House since he proposed it—in which he objects to the expression of our "joy" and proposes that we should express only our "satisfaction" at the peace. Well, then, Sir, we are told that there is to be no division on the subject. That, certainly, is consolatory. But even if a division did take place, I apprehend that it would be a great public misfortune, because, although no doubt an overwhelming majority would express its joy at the conclusion of a treaty of peace, still the minority, if they did not express their joy, would, notwithstanding, according to the terms of the Amendment, express their satisfaction at that event. My right hon. Friend the Member for Manchester (Mr. M. Gibson) has given us his reasons for preferring the expression of "joy." I concur with my right hon. Friend's conclusion, but I do not agree with the reasons which he has given. Nevertheless, I feel that there is an occasion of joy and an occasion of thankfulness. Every one knows and feels that, in the first place, we owe that thankfulness to Almighty God; but it must not be forgotten that to those who have been the human instruments of His will in bringing about that great boon to mankind a great debt of gratitude is due. I think, first and foremost, we owe our deepest thanks for these great advantages secured to Christendom to the Emperor of the French and to his Government; and, next to them, I likewise wish to offer the tribute of my thanks to Her Majesty's Government, who had undertaken to bring about this peace, and who have succeeded, perhaps, at some sacrifice of personal and political, and, it may be, at the hazard even of Ministerial popularity. But, referring again to the speech of my right hon. Friend the Member for Manchester, there was one observation he made in which I could not agree. He said he was willing to accept peace, because it was peace; yet he saw in the terms and even in the principles on which it has been concluded, cause of dissatisfaction, apprehension, and dismay. He said that, as he understood this peace, we have become bound, in common with the other Christian Powers of Europe, not only for the maintenance of the independence and integrity of Turkey, considered as an empire, against any foreign aggression, and particularly against Russian aggression, but that we had become likewise bound to the maintenance of Turkey as a Mahomedan State, and of the internal institutions of that country as a Mahomedan country. All I can say is this, that I welcome this peace with joy, not merely because it is peace, but because it is an honourable peace—using that term, not as a mere idle phrase and formality, as the right hon. Gentleman termed it, but because it indicates that the objects of the war have been obtained. If I thought, Sir, that this treaty of peace was an instrument which bound this country and our posterity, as well as our Allies, to the maintenance of a set of institutions in Turkey which you are endeavouring to reform if you can, but with respect to which endeavour few can be sanguine, I should not be content to fall back on the Amendment of my noble Friend (Lord C. Hamilton) expressing that I regarded the peace with satisfaction; but, on the contrary, I should look out for the most emphatic word in which to express my sense of condemnation of a peace which bound us to maintain the law and institutions of Turkey as a Mahomedan State. But I apprehend that with the internal institutions of Turkey we have no concern further than that it is our duty to countenance the improvement of them. At the same time, standing upon the firm ground of principle and precedent—pressing forward in the interests of humanity—we are bound to see that those who profess the same faith with ourselves are not trampled upon. I now come to a second and most vital consideration, or rather misapprehension of the treaty by my right hon. Friend the Member for Manchester. He has referred to the 9th Article of the Treaty, which runs thus:—

> "His Majesty the Sultan, in his constant anxiety for the well-being of his subjects, having granted (*octroyé*) a firman, which, in ameliorating their lot without distinction of religion or race, proves his generous intentions towards the Christian populations of his empire, and desiring to give a further proof of his sentiments in this regard, has resolved to communicate to the contracting Powers the said firman, spontaneously emanating from his Sovereign will. The contracting Powers acknowledge (*constatent*) the great value of this communication. It is quite understood that the fact of this communication cannot in any case give to the said Powers a right to interfere, either collectively or separately, in the relations of His Majesty the Sultan with his subjects, or in the internal administration of his empire."

Now, my right hon. Friend states, that we thereby formally renounced all interference with the internal affairs of the Ottoman Empire, or between the Sultan and his subjects; and he naturally infers from that, that we are leaving the Christians in a worse condition than we found them. It is my belief that my right hon. Friend has not read the Article with the care which it requires. As I read the Article, it does not at all affect or interfere with our right or duty of interference. In an early despatch written by the noble Lord the Secretary for Foreign Affairs, he had occasion to refer to the exercise of the right of protection by Russia over the Christian population of Turkey, sanctioned by treaty and prescribed by usage. Well, sanctioned by treaty it certainly is no longer. The treaty of Kainardji no longer exists; but that obligation of duty which rests on a much broader foundation exists in full force, and is in no sense narrowed or infringed by the 9th Article of the present treaty. The present treaty recites the issuing by the Sultan of a firman and a hatti-sheriff, by which the Sultan grants many privileges to his Christian subjects. I will not deny that these advantages are not revocable at the will of the Sultan. No power, however, is renounced, and when the treaty proceeds to speak of a collective or single interference on the part of the Christian Powers, all it says is, that no right of interference, whether single or collective, shall grow out of the fact that the hatti-sheriff has been communicated to the Powers; but it says not one word of the policy and practice which from time to time have been pursued, or anything in the way of preventing us from performing that sacred duty even as we were in the habit of performing it long before the war commenced. With respect to the objects for which the war had been undertaken, it appears to me that my right hon. Friend has quite misunderstood them in the construction which he gives to the terms "independence and integrity of the Ottoman Empire," and to the guarantee of that independence. I apprehend, what we sought to secure by the war was not the settlement of any question regarding the internal government of Turkey. Great Britain and France have not yet been able to afford a complete solution to the problem which has existed for 600 or 700 years. It was hardly a century and a-half ago when a Mahomedan Empire carried pillage, carnage, and terror throughout Europe; and now, since it has ceased to be an object of fear, it has become the principal cause of anxiety and solicitude to Europe. The juxtaposition of a people professing the Mahomedan religion with a rising Christian population having adverse and conflicting influences presents difficulties which are not to be overcome by certain diplomatists at certain hours and in a certain place. It will be the work and care of many generations—if even then they were successful—to bring that state of things to a happy and prosperous conclusion. But there was another danger—the danger of the encroachment upon, and the absorption of, Turkey by Russia, which would bring upon Europe evils not less formidable than those which already existed. Such a danger to the peace, liberties, and privileges of all Europe we were called upon absolutely to resist by all the means in our power. If it be true that all the securities for Turkey against foreign aggression have been obtained by the treaty, then, looking at, not the mere details, but to the general scope of facts, if I am asked what have been the great benefits achieved by the war, I am bound to say I cannot pretend to find them in any single article, nor in the whole united terms of the present treaty. Many of them are most important, no doubt, but I apprehend the great benefit achieved for Europe is more extended than appears by the terms which have been put upon paper. It has been the moral demonstration on the part of Europe — the great physical as well as moral demonstration which may fairly be said to have been made by all Europe, and which has impressed upon the mind of Russia the great lesson that the opinion of Europe with respect to her tendencies to aggrandisement, whether they arose from policy, or a supposed necessity, they were such as to render it a duty upon Europe to combine all the Powers for the repression of those tendencies. I must confess, Sir, that there are many circumstances which tend to enhance the joy and satisfaction I feel at the attainment of that object. It is almost the first time in the history of the world, certainly it is an occasion of very rare occurrence, that we have seen a war begun and continued with such perfect purity of motives on the part of the Powers principally concerned as in that war which has just been concluded. Once or twice, indeed, unfortunately, it has been stated that a powerful motive with us for commencing the war was the security of our Indian empire, but I am sure that I shall be borne out by this House in saying that that has not been the conviction which has prompted the efforts and sacrifices of England upon this occasion. Although imprudently and lightly such a sentiment has been uttered in this House, yet I rejoice to say it has never had the sanction of the highest authorities of this House. If the purity of the origin of the war has been remarkable, what is it to the rapidity with which its operations have been conducted? We may partly measure that by the expenditure. We have been able to expand our scale of military and naval operations by the modern appliances of science to as great an extent within the short space of twelve months after the declaration of war as would formerly have been scarcely possible in ten, fifteen, or even twenty years. And although many benefits have been conferred by science upon mankind of late years in the arts and pursuits of peace, yet I greatly doubt whether any of them have realised more substantial advantages than this application of modern science to purposes of warfare, which, by enabling us to develope all our resources with unexampled rapidity, has shortened the duration of its destructive ravages, and accomplished its purpose in a time so short that would have appeared almost incredible to former generations. As I have said I do not look to any great advantage to be derived from the terms of the treaty, I need not longer dwell upon them, but there are two questions upon which I should wish to say a few words. With regard to the Principalities, I confess it would have been more agreeable to me had it been possible to have secured to them more of a substantive existence, and it is with satisfaction I find that it was not the fault of England or France that the proposal for the union of those Principalities did not meet with a more decided sanction, but that it was defeated by the opposition of Austria and of Turkey. It may be said it is not desirable to see in the Principalities a repetition of the state of things in Greece, but my belief is that, although the state of Greece may leave much to be desired, and although probably a long period will elapse before she realises all the fruits of freedom, yet I consider that Greece has gained much by emancipation from the Mahomedan yoke. She has received certain elements which go towards making a nation great. She has a free press, a system of education, and of religion, which, compared with that of many countries of Europe, may be called excellent, and a judiciary which, I remember upon the occasion of a discussion in this House, was admitted, on all hands, to have been most perfectly independent. Therefore, I should not have been sorry if, while securing to the Porte the great right it claims—the regular payment of a certain sum of money—we could have secured to the Principalities a more substantive independent existence. I pass from that part of the treaty to another part, as to which, like the right hon. Member for South Wiltshire (Mr. S. Herbert), I beg to be allowed to retain a private opinion—I allude to the neutralisation of the Black Sea. I believe no part of the treaty is more popular in this House and in the country, and many look upon this arrangement as the principal glory of the treaty of peace. For my own part, I confess I view it with far different feelings, independent of the question that neutralisation appears to be welcomed in terms not altogether justified by the facts of the case. Where ships of war are allowed to a certain extent to be kept up, and, as far as I can understand, available for war purposes, I can find no one to tell me what would be the application of that system of neutralisation in a time of war. In a state of peace no doubt the arrangement would work well, and so would all systems; but when we come to times of difficulty, when Russia may again be at war, when she may unhappily have resumed her supposed scheme of aggression upon Turkey, or when the Porte may be at war with any Power, then I believe you will find that neutralisation means nothing more than a series of pitfalls, which, when you come to test them, you will find to be deeper than you expected. With regard to the matter of the Christian privileges in Turkey, I wish to make one remark. I almost doubt whether it would not have been wiser—although I admit the difficulty—to have attempted to recognise in the treaty some rules which should regulate interference on behalf of the Christians than to leave the matter altogether to the example and authority of former policy and practice, and for this reason—in the case of the Principalities, power of interference is agreed upon in a way so that no single Power would be allowed to interfere, but there may be a collective interference. Therefore, Russia cannot interfere with the Principalities. But as to the rights of the Christians in the Turkish Empire generally there is no such provision, but it is left to each Power to do what it thinks best. Therefore, if Russia should conceive herself bound, either by reasons of policy or of general duty, to interpose, such interference will not of necessity be regulated by the obligations of the treaty. I therefore do not think that arrangement is free from the danger of future complications. But all these subjects are small in comparison with that which has been opened to our consideration. Upon that it may be necessary for me to dwell at some length, but there are other questions in connection with the treaty which I am afraid it is impossible for me legitimately to exclude from my consideration. Upon a collateral question I think the House is indebted to the hon. and learned Member for Tavistock (Mr. R. Phillimore) for having raised a discussion upon a most important question, and also for the explanation he has given with regard to the new maritime international regulations. I cannot, after the debate that has occurred, speak unapprovingly of the changes which he condemns, but I think he is entitled to the thanks of the House, both for having brought the subject under our notice, and for the able and considerate manner in which he did so. As to the proposal to submit international differences to arbitration, I think that is in itself a great triumph. It is, perhaps, the first time that the assembled representatives of the principal nations of Europe have given an emphatic utterance to sentiments which contain at least a qualified disapproval of a resort to war, and asserted, at least in qualified terms, the supremacy of reason, of justice, humanity, and religion—a policy not to be departed from except under the necessity of the highest considerations of State policy. I must venture, however, to utter one word of caution. There is one danger that may arise from giving effect to the system of arbitration—a danger easily avoidable, but one which ought not to be entirely left out of view. If by establishing a system of arbitration, instead of a resort to arms in the first instance, you give encouragement to the trumping-up of untenable claims and bad cases as a matter of diplomatic contention between nations, you will end in making more quarrels than you can possibly avert. I hold that no country ought to resort to arbitration until it has reduced its claims to what it thinks the minimum, and brought them to that state in which they are fit to be supported by force. If you lay down that rule, then a resort to arbitration is indeed a powerful engine on behalf of civilisation and humanity; but if by setting up a general tribunal to arbitrate you are to encourage all sorts of persons to raise all sorts of claims, in order that they may take their chance of getting something out of the arbitration when they know they deserve nothing, then what I believe is a beneficial proceeding would be grossly abused and those results would be entirely lost, which, I conceive a proper system of arbitration is calculated to realise. It is not necessary now to enter largely upon the other features of this question; but I may remark that the proposal to establish a system of arbitration —a proposal made, I rejoice to say, by Lord Clarendon, and therefore emphatically an English proposal—a proposal, moreover, accepted freely and gracefully by the representatives of the other Powers —may lead to a diminution of what undoubtedly has been a great scourge to Europe of late years—namely, the enormous cost of its military establishments. It may be in the recollection of many who now hear me, that in one of the later years of his life Sir Robert Peel expressed emphatically in this House the strong sense which he entertained of the needless burden imposed upon the nations of Europe by the vast extent of those establishments, and even of the grave political dangers which they were calculated to create. That favourite catchword, "there is no such good way of preserving peace as being prepared for war," has, I am afraid, been too popular in England, and I rejoice to find that the moment at length is come when we have every reason to hope the greatest military Powers in Europe—Russia and France—are about to set a bold example in the way of reduction of their military establishments. I venture to express respectfully the hope that no false course of public opinion in this country may in any degree mar that beneficial process, or may deter those Powers from proceeding boldly in a direction so consonant with the best interests of humanity and the dictates of religion. But, passing from these very agreeable topics, I feel it my bounden duty to refer to the questions which have been touched by the hon. and learned Gentleman who spoke last. That hon. and learned Gentleman claimed the right to discuss, upon a future occasion, the materials contained in that most important document, the 22nd Protocol of the Conference at Paris. No person can contest that right; but I am afraid the hon. and learned Gentleman will find it not easy, unless he is prepared to raise the question in a very distinct form, amid the pressure of business to draw the attention of the House effectually to the subject. But I feel it is so urgently pressed upon our attention by the manner in which it is presented to us as part of the Protocols of the Congress which has arranged the peace, that we are bound to speak plainly and intelligibly upon the question, unless we are willing to make ourselves parties—I would rather say accomplices—in the proceedings that have been adopted and the intentions that have been more or less distinctly intimated with respect to a subject of such vital importance. With my right hon. Friend the Member for South Wiltshire, I feel the greatest doubt as to the prudence of the course that has been taken. If I look to particular cases—if, for example, I look to the case of Naples—I would say that what passed at the Conferences pleases me extremely; it falls in with all my views. I believe it to be perfectly right and just. I have not the slightest doubt as to the state of the facts. I do not believe that if a representative of Naples had been present at the Conferences he would have been able to give a different colour to those facts. I know well that some of the best and most virtuous citizens of that country are at the present moment, and have been for a long course of years, expiating in dungeons, not their crimes, or even their follies, but their merits, their virtues, and their love of their country. But, although an individual may be justified in saying these things, yet it is a grave question to consider—and I believe it is an entire innovation in the history of Conferences of pacification—what results may grow out, first, of the entertaining of such subjects in formal Conference; and, secondly, of the publication of whatever decision may be arrived at. Now, Sir, what is the position of those Powers which are not represented in the Conferences? How will they stand if their affairs are to be discussed, and their relations to their subjects and the state of their laws handled in Conferences in which their representatives do not sit, and handled, as must necessarily be the case, and as I will presently undertake to show has been the case, by persons who have come there with quite different objects, and who cannot possibly have the information which is necessary to enable them to do justice to the question? I should also like to know what is the exact force or value that belongs to those records that are inscribed upon the Protocols. Are they treaty engagements? Certainly they are not. Do they approximate to the character of engagements? If they do, how near do they come to it? If they do not, how far are they from it? If they do not partake at all of the nature of engagements, what are they? They are authoritative documents. Those who like them may claim them as allies and powerful auxiliaries. Those who do not like them may endeavour to depreciate them. Infinite discussions may arise upon their character. Plenty of room for difference of opinion and debate, and I am afraid plenty of risk of something like confusion in international rights and arrangements, will be supplied by these semi-authoritative records, to which no man can give a certain character, and to which every man may give whatever character he thinks best. The important cases that have been raised have been those of Naples, Rome, and Belgium. I have already spoken of the first; and with respect to the case of Rome I must say, that I honour the courage and manliness of the hon. and learned Member for Dundalk (Mr. Bowyer), who never scruples to do battle on behalf of those whom he thinks to be unjustly attacked; but at the same time I must say that I widely differ from him. I believe him when he attempts to remove the delusions of others to be labouring under deep delusions himself. That Papal Government which he represents as a Government favourable to happiness and to national freedom, I believe to be not only bad, but incurably bad. And that is the real distinction between the case of the Papal Government and that of other Governments whose institutions, whose laws, or whose actual policy for the moment may be bad. There is nothing in the nature or character of the latter which renders it impossible to reform them. There is no principle involved in their constitution which is of an inflexible and unchangeable character, and which may not give way to the demands of civilisation. But a system which establishes a clerical caste, itself appointed and founded for quite other purposes—namely, sacred and spiritual purposes and not for temporal purposes—which takes that clerical class from its own proper sphere, and makes it, now that it has ceased to be superior to other classes in general literature and mental attainments, the master of the temporal concerns of 3,000,000 of men—let the hon. and learned Gentleman rely upon it that not all the speeches that can be delivered here or elsewhere can ever prove that there is even the hope of a cure for such an evil. Let me remind the hon. and learned Member that these questions with respect to the temporal power of the Pope were long ago foreseen by the most sagacious and intelligent men in the Church of Rome, and that Cardinal Pacca himself, an enlightened, accomplished, and intimate friend of Pius VII., has intimated in a published work his opinion, that the time even then was rapidly approaching when the continuance of the temporal power of the Pope would be highly inexpedient with reference to the interests both of religion, of humanity, and of mankind. I will now refer to what took place at the Conference at Paris with reference to the press of Belgium, which I consider is a question demanding the earnest attention of this House. Using the privilege of a Member of the House of Commons, I shall venture to speak, I hope with moderation and justice, and without the slightest tinge of exaggeration, of the language of most distinguished persons belonging to other countries. There are distinctions to be drawn in this matter. I do not intend to comment upon the language of Lord Clarendon, because from the contents of the Protocols I see plainly what his feelings were. He evidently felt himself in a difficulty. He wished to discourage what was going on, and spoke with the reserve which he thought proper, but at the same time fairly intimated that the scheme which had been suggested could find no support or sympathy in England. But, Sir, while I say this of the language of Lord Clarendon, I must say, in fairness and in candour—and I am quite certain every Member of this House will join me—that some most unfortunate mishap must have occurred with respect to the passage read by the hon. and learned Gentleman (Mr. Whiteside). I do not know whether the House has fully apprehended the purport of that passage; but so important, so momentous and grave is the fact that a passage couched in those terms should go forth to the world, with the signature of the British Plenipotentiary appended to it, that I venture to bring it again under their notice, and I am sure the noble Lord (Viscount Palmerston) and his colleagues will see that some explanation is absolutely necessary. The substance of the 22nd and last Protocol is summed up, at the end, in four points:—1, as to Greece; 2, as to Rome; 3, as to Naples; and 4, which touches the point, as to Belgium; and, not in the name of any one, but of the whole assembled Plenipotentiaries, it recites as follows:—

> "That all the Plenipotentiaries, and even those who considered themselves bound to reserve the principle of the liberty of the press, have not hesitated loudly to condemn the excesses in which the Belgian newspapers indulge with impunity, by recognizing the necessity of remedying the real inconveniences which result from the uncontrolled licence which is so greatly abused in Belgium."

So that, according to this ill-omened passage, the licence of the press under Belgian law is greatly abused, there is a necessity for remedying the evils which arise from it, and the necessity of remedying the evils which arise from it are recognized by every Plenipotentiary, even those who considered themselves bound to reserve the principle of the liberty of the press. These propositions are of a most formidable character. They touch us very nearly. If the Belgian press be free, what is the press of England? I will presently state the law of Belgium to the House, and I think the House will see it is more stringent than the law of England, and, standing here in the first and principal fortress of European freedom—that regulated and tempered freedom which we have not seen moving forward on the continent of Europe during the last ten years quite so prosperously as we earnestly desired—standing in the first and principal fortress of European freedom, I do think these matters imperatively call for explanation. The question is opened by Count Walewski on the part of France; and let me do this justice to Count Walewski, that he is perfectly equal and impartial. If he condemns the press of Belgium, a constitutional country which is not represented, he has one and the same measure for other countries. He deals in the same way with Greece, with Rome, and with Naples. His statement is to the effect that assassination is recommended, and, besides the recommendation of assassination, that there are other abuses of the press—that a society, called "La Marianne," is supported—and that, therefore, Belgian legislation is required to be altered, and if that alteration is not voluntarily adopted, it will be necessary to have it adopted under compulsion. That is the declaration of France, and even as the declaration of Count Walewski, I think it formidable enough. I venture to express a hope—there is nothing here, I apprehend, to prevent my entertaining it—that this distinguished gentleman expressed his own personal views, and not the deliberate intentions of his Sovereign or the Government to which he belongs, when he indulged in such language. But now let us carry this proposition further.

As we have done justice to the equality of feeling on the part of France, let us do equal justice to the proceedings of Russia. Russia most wisely and prudently declined to touch the matter; Count Orloff said he had no instructions, and passed by every one of the topics without comment. But what was the conduct of the representatives of Austria and Prussia? The representative of Prussia (Baron Manteuffel), after touching on the case of Greece, begins by stating that he has no doubt whatever as to the necessity and wisdom of a legislation which shall prevent and repress the excesses of the press. But what said Austria? Count Walewski, with much reason, refers plainly to a neighbouring country, but Count Buol goes further, and says that repression of the press, in whatever quarter of Europe—perhaps in whatever island of Europe—must be considered as a European necessity. Having thus dealt pretty inflictively with the case of Belgium, he arrives at the case of Naples and Rome, when his scruples suddenly arise, and he says it is impossible to consider the internal situation of States not represented at the Congress. But he forgets he has been discussing the situation of an independent State not represented at the Congress—the State of Belgium—and has committed himself to the opinion that repression in the case of that press is a matter of European necessity. There appears to have been a kind of rivalry between the representatives of Austria and Prussia; for Baron Manteuffel, while he declines to give any sort of countenance to the discussion about Naples and Rome, goes further and says, admonitions such as were proposed would probably excite in the country a spirit of opposition and revolutionary movements. He discountenances, he does not think proper to enter into, an actual examination of the condition of the Pontifical States, but he who is thus chary of touching upon the condition of the Pontifical States, is as ready as his Austrian brother to deal with the case of the Belgian press, and he not only enunciates the abstract proposition which Count Buol has laid down, but goes a stage further, and says:—

> "That Prussia will readily take part in the inquiry into the measures which might be deemed suitable for putting an end to such practices."

I must say I earnestly hope these declarations are not indications of policy, but that they have issued lightly from the mouths of these distinguished persons, and having been uttered will be regretted and forgotten though they cannot be recalled. In the meantime, are the charges just? I am quite sure that the House will not grudge a few moments of time in shortly considering what is the state of the law in Belgium. Let us see whether the Belgian Government, with which we are closely allied by respect for the Sovereign, by sympathy with the spirit of her institutions, and by a sense of the immense services which the Government and people of that little State, in conjunction with Sardinia, have rendered to the cause of orderly freedom throughout Europe—let us see whether the conduct of the Government of Belgium has been such as to justify the description contained in that unfortunate sentence read by the hon. and learned Gentleman the Member for Enniskillen, and hastily and carelessly, he trusted, amid the pressure of affairs, subscribed by the Plenipotentiaries. Perhaps we can best judge of the law and practice in Belgium if we compare them with what they are in England. In England, I apprehend, no political refugee is expelled unless he commits an offence against the general law of the country, and political refugees, while they live in England, are not placed under a system of exceptional laws. If they conduct themselves well, they enjoy the freedom and privilege of other strangers among Her Majesty's subjects; but in Belgium, in the first place, refugees are not freely received. I have made inquiries into that matter, and I find that of the refugees who have presented themselves at the frontiers of Belgium an immense proportion have been altogether repelled. They are never allowed to enter Belgium except their passports are perfectly regular; because it is fairly assumed, if the system of passports is kept up, that regular passports will be given to none except those whom the Government wish to go out of their own and to be received into a foreign country. The number, if I am rightly informed, repelled by Belgium during the last few years is very large, being not less than from a 1,000 to 2,000 persons. The refugees received into Belgium are very small in number. They are not placed in the same condition as refugees who come to England. They are placed under an exceptional system. They are not allowed to congregate in one place. They are directed where they shall live, and if they break the conditions so imposed they are immediately expelled the country. We have no law—we have no treaty of extradition with any foreign Power which touches the case of political offenders. But, unless I am very much misinformed, Belgium has a law of extradition with France, and, while it was assumed at the Conference that refugees are permitted with impunity to preach assassination in Belgium, that is punishable by the law of Belgium, and the treaty with France binds Belgium to deliver up the person so offending to the Government of France. Is the law of the press one of unrestrained and uncontrolled licence? I hold in my hand the law as it exists in Belgium, and every Member can form his own judgment how it affects the relations with foreign Governments. Perhaps, in order that I may show that the conduct of the Belgian Government has not been altogether wanting in regard to the feelings of other countries, I may mention that this law was passed in the year 1852. The first article runs thus—

> "Whoever by writing or print, or any representation or emblem, advertised, distributed, or sold, put out to sale, or exposed to public view, shall be guilty against the person of sovereigns, or the chiefs of foreign Governments, of culpably attacking their authority, shall be punished by imprisonment from three months to two years, and by fine of from 100f. to 2,000f."

I speak in the hearing of those who can correct me if I am wrong in stating that that is a more stringent law for the punishment of political attacks by the Belgian press upon foreign Governments than any that is known in England for the repression of similar proceedings on the part of the English journals. Such is the Belgian law, which, it must be remembered, is based upon trial by jury. An indictment laid under that statute must go before a jury. But first let me do full justice to the law itself. In this country we have before now notified to the powerful Sovereign of a foreign country that, if he deemed himself aggrieved by the strictures of the British press, our Courts of Justice were open to him, and that he had as good a right as any subject of this realm to appeal to those tribunals for redress. Such was our law then, and such it still remains. The Belgian constitution recognises the same principle, and mark the righteous spirit of their legislation. To remove the prejudice with which a foreign Power might have to contend in appealing to a jury of Belgians, and to relieve it from the odium of itself instituting proceedings in a Belgian Court, it is provided that, whenever a demand is made by a foreign Government to give effect to the law in question, such demand shall be lodged as a confidential document in the office of the Minister of Foreign Affairs, and the Belgian Government shall itself institute the prosecution on its own responsibility and conduct it to an issue. If excesses, therefore, are indulged in with impunity by the press of Belgium, it is clear that the evil is to be attributed, not to the want of a law, but rather to the neglect of putting a law in motion, a fact with which statesmen would have done well to acquaint themselves before they ventured to talk of satisfying "a European necessity." In the protocol it is intimated clearly enough that if the Belgian law be not altered by gentle means recourse must be had to compulsion. The Belgian law, as I have just stated, is based upon trial by jury. Trial by jury for offences of the press is one of the articles of the Belgian constitution, and those articles cannot be changed at the mere will either of the Government or the two Houses of Legislature. Immediately a proposal is made to alter one of the articles of the constitution, the existing Houses of Legislature are *ipso facto* dissolved, and the Members return to their constituents. New elections take place. The Houses meet with double the usual number to a quorum, that is, instead of one-third of its number forming a quorum, two-thirds of it are required, and the proposed alteration falls to the ground unless it commands the approval of fully two-thirds of the Members in attendance. What is now suggested, on the vague pretence of satisfying "a European necessity," is that the Belgian people should be required to change by a deed of their own, the law relating to the press, and to do so in such a manner as to deprive it of the security and protection which trial by jury is calculated to afford. The history of Belgium is that of a very small fraction of Europe. But though small physically and as viewed on the map, morally it occupies a large position. The spirit of their forefathers dwells in unbroken force within the bosoms of the Belgian people; and as it was the object of these Conferences to dispel the clouds of war—not to create them—and to promote, not tumult and disorder, but peace and harmony among nations, I think it right to point out as clearly as it is possible for an independent Member of Parliament to do so, that this appeal to a people, gallant and high spirited as the Belgians are—an appeal which appears to be contemplated under the compulsion of foreign, and, some of them, remote powers, and having for its object the limitation by the Belgians of their own dearest rights and most cherished liberties—is not a policy which tends to clear the political horizon, but rather one which will darken and disturb it, and cast gloom and despondency over a prospect otherwise brilliant and joyous. I have to thank the House for the attention they have given to the observations I felt myself called upon to make, and I shall conclude by expressing a hope that the great Powers of Europe will devote to this question the attention it merits, and not disregard the feelings and interests of a State which, though of secondary importance as regards the extent of its territory, has yet as strong claims upon their sympathy and regard as any that the proudest and most powerful nation could possess.

MR. HADFIELD moved the adjournment of the debate.

VISCOUNT PALMERSTON: I hope, Sir, the hon. Gentleman will not persist in his Motion for adjournment.

MR. HADFIELD said, he would not press his Motion for adjournment; but his object in now rising was to move the insertion of the following words between the third and fourth paragraphs of the Address—

> "To express an hope that Her Majesty will avail Herself of the friendly sentiments now happily existing between Her Majesty and the other high contracting Powers, to negotiate in favour of commerce, not only to advance the common interests of all, but likewise to make the peace permanent."

He thought the Government would greatly benefit the country if they would follow out those openings which now presented themselves by which the commerce of this country might be advanced. He trusted the noble Lord would allow his paragraph to be introduced.

VISCOUNT PALMERSTON: Sir, with regard to the addition proposed by my hon. Friend, I venture to submit to him that however anxious Her Majesty's Government may be—and I am sure in that respect they are only animated by the feelings of the House and the country—to promote the interests of the commercial world, not only for the benefits of commerce, but as the surest foundation of peace, yet that nevertheless this particular Motion of my hon. Friend will not altogether find its proper place in an Address to the Crown relative to the treaty now under consideration. But I hope it will not be supposed that, in declining to agree to the Motion of my hon. Friend, I am at all indifferent to the importance of the subject to which he has directed the attention of the Government, or that we are less disposed to carry it into effect than we should be if we had agreed to his Amendment. Sir, it is satisfactory, no doubt, to the Government to find, that, however various the opinions which have been expressed by different Members as to the different subjects under discussion, no one has felt such strong objections to the Address which has been proposed, and so ably proposed and so ably seconded, by my hon. Friends who discharged that duty, as to lead any hon. Members to offer an Amendment upon which it is desirable, in their opinion, to take the sense of the House. I think this is not only highly satisfactory, but that hon. Members who have strong feelings upon some particular parts of the treaty have exercised a sound discretion in not refusing to give that general assent to the terms of the treaty which is conveyed in the Address on such an occasion as the present. I cannot, however, but express some degree of surprise at the course taken by the noble Lord the Member for Colchester (Lord J. Manners). That noble Lord began by admitting that the treaty had fully accomplished, in regard to European Turkey, the objects of the war, but he contended that there were certain proceedings of the British Government during the conduct of the war which were, in his opinion, so base, and there were omissions in the treaty which rendered it so dishonourable, that it was impossible for him to concur in the Address. The remedy he proposed was by omitting certain expressions, as "joy" and "satisfaction," and, if that were done, he stated that he was ready to assert that the treaty was honourable to the Crown and fully accomplished the objects of the war. The noble Lord was prepared, if these omissions were agreed to by the Government, to concur in the unanimous expression of satisfaction by the House with the treaty laid before us. Sir, we have heard somewhat about mock patriotism. I know not what sort of patriotism it is that induces the noble Lord to say that he thinks a treaty dishonourable, but that he is prepared to express his satisfaction in common with the House that it has been agreed to.

Sir, I can conceive circumstances in which Parliament might express an opinion to that effect. I can conceive that if our fleets were destroyed — if our armies were swept from the face of the earth—if we had been left without allies —if the enemy were thundering at our gates—if the existence of the country were at stake—and if to save us and enable us to restore on some future occasion our strength and resources, and to give us some hope in the future it was necessary to have recourse to a dishonourable treaty to save the very existence of the country—I can conceive under such circumstances Parliament saying that although the peace was dishonourable it was satisfactory that any peace had been concluded. But, in the present state of the country, when the results of the war have been triumphant, when in the very Address to which the noble Lord agrees it is stated that our resources remain unimpaired—when, not later than yesterday evening, we heard from an authority which the noble Lord would be the last to deny, to refute, or to reject, that we are in possession of a mighty naval armament, the like of which has never been seen—that our army is in a condition that has never been surpassed—that, under these circumstances, a Member of this House should say that he thinks the peace dishonourable, yet is ready to express the satisfaction of the House at such a treaty, is, I own, what I did not expect to hear from a Member of this House. If that be the opinion of the noble Lord, I consider that he is bound to oppose the Address, and to state the reasons on which that opposition is founded. Now, Sir, on what point does this question turn? The noble Lord has admitted that the security and independence of Turkey, as far as Europe is concerned, is fully accomplished by the treaty; but he laid great stress on certain dangers that he anticipated upon the side of the Asiatic frontier, from our not having insisted that the forts upon the eastern coast of the Black Sea should not be re-established, and from our not having stipulated for the independence of Circassia. Why does not the noble Lord move a Resolution to the effect that the war ought to have been continued until these objects were accomplished? If the noble Lord really attaches so much importance to these stipulations, he ought to have taken the sense of the House upon them, to have declared that he objected to the peace because it did not accomplish these objects, and that the war ought to have been continued until the Russians had been driven out of Georgia; to have declared that we had neglected the Circassians, and that Russia ought to be compelled to cede those provinces and forts which she now occupies. But the noble Lord, I apprehend, knew too well the feelings of this House and the country to stake his reputation on a vote of censure upon such points as these. I am satisfied that the country will think that the peace which has been concluded is honourable to the country, and that it has fully accomplished the objects of the war.

Why, Sir, what were the objects of the war? The objects of the war were the rescuing of Turkey from those assaults, diplomatic, military, and naval, that were made against the independence of the Sultan and the integrity of his dominions. I maintain that these objects have been fully accomplished, that the treaty guarantees the independence of the Porte, and secures, as far as a political object can be secured, the independence and integrity of that empire. We did not engage to maintain in the Turkish territory this or that race—to maintain one dominant party or the other. Our object was to maintain Turkey independent of foreign conquest and independent of external dictation. The country and Parliament admitted at the commencement of the war that that was an object of European and British interest, that it was an object the attainment of which was deserving of our efforts, and I contend that that object having been accomplished, the purposes of the war have been fulfilled. Sir, the attitude of the people of England during all these transactions has afforded a noble spectacle to the world, and has shown how greatly foreign nations have been deceived, and how little they have understood the real character of the British people. Before the war commenced the impression in Europe was that forty years of tranquillity had sunk the spirit of the British people into a slothful clinging to peace at any price. Europe did not believe that England was prepared to draw the sword for any object short of the actual defence of her own shores. The people of this country showed that, however dear to them peace might be, however highly experience had taught them to prize its blessings, nevertheless, upon an adequate occasion, and for a sufficient cause, they were prepared to make every sacrifice and use every exertion for carrying on with vigour a just and necessary war. When that war had been carried on to a certain point, and when the negotiations for peace were opened Europe was again deceived. Again it misunderstood and misinterpreted the feelings and sentiments of this country. The report was spread that the people of England was imbued with a spirit of war, that they would not consent to any reasonable terms of peace, and that it was from England that would come the obstacles to the restoration of tranquillity to Europe. Again Europe has been mistaken. The people of this country were prepared to carry on the war; they were not, like some other nations, crying out for its cessation; but calmly looking at the objects for which it was undertaken, and, on the other hand, considering the conditions of peace which had been obtained, they accept the peace with thankfulness and with gratitude, because they are convinced that to have carried on the war after we had obtained the objects for which we drew the sword, would have been a course unworthy of a great nation. Now, Sir, the treaty and the arrangements connected with it do not offer to this country those splendid prizes which have sometimes accompanied the cessation of war. There are no conquered territories annexed to the British dominions, no large indemnities exacted from a defeated and subdued enemy; but any impartial man who will look not only at the treaty, but also at the arrangements connected with it, and will examine the bearings of the different articles of which it consists, will see that an effective barrier has been raised against future aggressions, if such aggressive designs should hereafter be entertained. No man, Sir, who looks calmly at and studies the results of the Conferences at Paris but will be satisfied that the country has reason to rejoice at the termination which has been given to the war.

I will now shortly refer to the points which have been secured. The war began with the invasion of the Principalities by the Russians, which was followed by an expedition from this country. I wish the House to go back to that period, and to consider what were then the immediate evils, and what was the remedy which was then proposed to be applied. At that time many men would have been satisfied with the simple expulsion of the enemy from the Principalities, and the obtaining of a security that they should not return to them. When our troops sailed from this country and when our fleet entered the Black Sea, people asked us whether we were going to fortify the Dardanelles, so as to secure the retreat of our forces in case Constantinople should be taken by the march of the Russians by land. Now let any one compare that state of things and the remedy then proposed with the condition in the treaty which has now been obtained, and he must admit that such a change of position in the course of two short years does credit to those by whose exertions it has been brought about. With regard to the Principalities, the Congress at Paris has decided nothing for the present, except that they shall be placed under the guarantee of the European Powers, and shall have such an internal organisation as may be determined upon by concert between them, the Porte, and the allied Powers. I think, Sir, that was the best arrangement which could have been made. If the Congress had taken upon itself, in concert with the Porte, to establish any permanent organisation for these provinces, there would have been the risk that the arrangement determined upon might not have been in unison with what the people of the Principalities thought was required by their interests and their feelings. Questions also arose as to whether they should be united or should remain separate, what should be their form of Government, and what ought to be their relations to the Porte? These were all questions which the Allies felt could not be discussed and settled by the Congress at Paris. They, therefore, adopted an arrangement which secures to the people of these provinces the free expression of their opinions in concert with the Allies and with the Porte. I think that that arrangement was the one most consistent with the principles of justice and with the ultimate interests of the Principalities. It has been asked in the course of this debate whether the elections for the assemblies which are to be placed in communication with the Commissioners of the Allies are to take place during the continuance of the Austrian occupation? Undoubtedly not. It is impossible to suppose that while these provinces are occupied by Austrian troops the elections could take place in a manner consistent with the free expression of the opinions of the people. By the treaty the evacuation of the Russian and Turkish territories is to begin immediately after the exchange of the ratifications, and is to go on without interruption. As the Principalities are close to the Austrian frontier, it of course follows that their evacuation will take place long before that of the Crimea or of the Turkish territory near Constantinople. I think, therefore, that the first point has been settled in a satisfactory manner, and one which, in my opinion, the people of this country will think fiitting and proper.

The next point to which I desire to call the attention of the House is the securing of the free navigation of the Danube. On that subject I venture to say that the arrangement made by the treaty of Paris is infinitely better than any scheme which had at any former period been proposed or even thought possible to attain. That which was last year deemed sufficient was, that a Commission should be constituted for the purpose of preserving the free navigation of the Danube, the territories bordering upon that river still remaining under the dominion of Russia. By this treaty not only is the whole course of the Danube restored to the Turkish Empire, and free from any Russian dominion, but about 200 miles of the lower part of the Pruth—the only portion which is navigable for gunboats of any size—is also separated from the Russian territory, and those important fortresses, Ismail and Reni, are restored to the Porte. There is, therefore, a perfect security that the persons who are most interested in having the navigation of the Danube free for the purposes of commerce will be those in whom the charge of that river will be vested. In the first place, there is to be a European Commission, of which England and France are to appoint members, and which is to take the measures necessary for keeping clear the mouths of the Danube, at which point it was that the measures of Russia for its clearance failed. That European Commission will establish regulations by which the bar at the mouth of the river will be removed, and access will be rendered free. The Treaty of Vienna contained stipulations by which rivers which in their navigable course divided States were subjected to a Commission composed of delegates from the river-bordering States, whose duty it should be to make regulations concerning their navigation, the object being that they should be free to the commerce of all nations, and that there should be established no regulation unfavourable to such commerce. The Danube has never been subjected to that provision of the Treaty of Vienna. Whenever it was proposed that such a Commission should be established for that river, Russia said that it separated Turkey from the Russian Empire, and that Turkey was a country which did not form part of the European political community. Henceforward the Danube will be placed under a Commission of river-bordering States, in accordance with the Treaty of Vienna, and there can be no doubt that to a great part of Germany, and to the Danubian Principalities, it will become one of the most important highways of commerce. Those regulations will now be fully carried out, and I see no reason why those Principalities should not shortly become most important among the nations of Europe. Besides the commercial advantages which are thus secured, it gives to Turkey a far better frontier to the north—it gives her not only full command over the whole course of the Danube, but also possession of those fortresses of Ismail and Reni, which are most important frontier defences.

Then comes the third point, which secures the neutralisation of the Black Sea. It has been stated that neutralisation is only limitation under another name, and, to a certain extent, no doubt that may justly be said; but it is limitation without counterpoise, to which great objection was taken last year, and which, I think, would have been fatal to the independence of Turkey. It is limitation, too, within a very narrow range. It is impossible not to see that, in a great sea like the Euxine, with a vast number of creeks and harbours, with one shore occupied by a people who are under no regular dominion, if there were no armed vessels floating upon it, there would have been great danger of sea pirates springing up. The danger we wished to avoid was, that there should be on the Black Sea a great Russian fleet, threatening at any moment the capital of Turkey, as did the fleet at Sebastopol, ready to convoy a large army to invade Turkey, and therefore constituting a standing danger and menace to the independence of the Sultan. That danger has been completely put an end to. By the arrangements which have been entered into, the small vessels which the Turks and the Russians are each entitled to have in that sea cannot, by any possibility, be dangerous either to one or the other. No man in his senses can suppose that six vessels of 800 tons, and four of 200 tons, can be formidable to the safety of Constantinople. It must likewise be remembered, that the Turks are allowed to have an equal force in the Black Sea, and that England, France, Austria, and Sardinia are each permitted to have two light vessels to watch the mouths of the Danube. Then, if no force be taken into account, except that which is to remain constantly in the Black Sea, the Russian force would be in a minority, and therefore no danger can be apprehended to Turkey from that arrangement. But, over and above this, Turkey may have in the Bosphorus, in the Sea of Marmora, in the Mediterranean, any amount of force which she thinks necessary, or which may come within the compass of her means. She would, therefore, have at hand a fleet amply sufficient to protect her against any danger which may threaten her from the Russian fleet. It is said, however, that there is still Nicholaieff; that although Sebastopol is no longer to be a naval arsenal, yet no stipulation has been made in regard to Nicholaieff, which has hitherto been the building port of Russia in the Black Sea. In the first place, we have the assurance of Count Orloff that the Emperor of Russia will not build at Nicholaieff, at Cherson, or in the Sea of Azoff, any other vessels than those which by the separate convention with Turkey are to be kept in the Black Sea, and that he will not build any larger vessels, nor in greater number than are required to keep up the requisite force. When it is said, as it has been by more than one hon. Member, that these promises are mere words, and that Russia may in secrecy, or by violating her promises, collect in her rivers or in the Sea of Azoff a larger force, it only comes to this, that every treaty is liable to be evaded or violated by the bad faith of the party with whom you contract it. If you cannot rely upon the good faith of nations with whom you make treaties, then you are reduced to the alternative stated by my hon. Friend who moved the Address (Mr. E. Denison)—all wars must be *à l'outrance.* There can be no peace, then, without extermination. Suppose that Nicholaieff had been included in the condition that there should be no naval or military arsenal in the Black Sea. In the first place, you were not entitled to ask that, because you were not in possession of Nicholaieff. Sebastopol we had taken, and we, therefore, were entitled on every principle to demand such conditions with regard to it as were consistent with the objects of the war; but we could with no show of reason call upon Russia to do that at Nicholaieff which we had done for her at Sebastopol—to destroy her docks, which we had never been in possession of. Such conditions, if we had proposed them, would have been rejected with scorn by any Power which had any respect for itself. Were we, then, I would ask, to have continued the war until Russia agreed to destroy her arsenal at Nicholaieff, or till we could march there and take possession of it? The people of this country, I think, would not have been satisfied with such a course. But even if Nicholaieff were destroyed, it would be perfectly competent for Russia, at other parts higher up that great river, to have established another Nicholaieff, which would be just as available for the purpose for which Nicholaieff has been used, and I think, therefore, that the assurances given by Russia on this point ought to be satisfactory to this House and to the country, if we are to place any reliance at all on treaties entered into with foreign Powers.

But, Sir, some hon. Gentlemen are not satisfied with the engagement that there shall be no naval arsenal in the Black Sea. They would wish, apparently, that that condition should be extended to the fortifications upon the coast of the Black Sea. They must forget, however, that a large portion of the coast of the Black Sea belongs to Turkey, and should we have been acting a friendly part towards Turkey if we had insisted upon conditions which would have prevented her from continuing her strong fortress at Varna, or from fortifying any other post—Trebizond, Batoum, Sinope, or any other position which she holds on the Black Sea, and which it is highly essential not only for her interests but also for her security that she should be able to fortify? We are told, too, that there are omissions in regard to the eastern coast of the Black Sea; that having led the brave Circassians to commit things which have committed them with their Government, or with their enemies (as the case may be), we have abandoned them—handed them over was the expression used—to Russia. Now, according to the plain meaning of the words, you hand over to another party that which is in your possession, and of which you have the disposal. But we, Sir, never have been in possession of, nor have had the disposal of, any part of the Circassian territory. The Russians blew up and destroyed the greater part of the forts upon the eastern coast of the Black Sea themselves. Some of them were occupied by detachments of Circassian troops after they were evacuated by Russians, but it never formed part of the operations of the war, as far as it has gone, to make any military movements on the east coast of the Black Sea. We thought—and it appears to me that the judgment of the House has gone with us—that the great object, the first object, to be accomplished was the capture of Sebastopol, the destruction of the Russian fleet, the destruction of that great naval arsenal in the Crimea, and that until that was done it was unwise to divide our forces, or to attempt operations in other quarters which might have led to the failure of both operations. But it was said, and has been repeated in this House on more occasions than one, that we entered into communication with the Circassians. Now, undoubtedly, a person was sent for the purpose of endeavouring to enter into communications with Schamyl, to ascertain his feelings and intentions, and to find out whether, in the event of the arrival of any of our forces on that coast, it would suit him to combine operations with us, and, also, whether he was desirous of having any arms and ammunition which it might be in the power of the Allies to supply him with. That gentleman, however, never reached Schamyl. We never had any intercourse with him, and, consequently, we never entered into any engagement with him. Schamyl never did anything in the world which could in any degree give him a claim upon the diplomatic assistance of the Allied Powers. In point of fact, as was stated by my right hon. Friend the First Lord of the Admiralty, and by the hon. Member for Aylesbury (Mr. Layard), people in general are totally mistaken as to the whereabouts of Schamyl. The general opinion is that he lives somewhere on the shores of the Black Sea, but, in truth, Daghistan, which is the seat of his Government, lies upon the shores of the Caspian, on the northern slope of the Caucasus, separated by a wide interval from the shores of the Black Sea, and totally out of the way of all communication, except by means of an army which had already traversed the country lying between the Black Sea and the Caspian. With Schamyl there had been no intercourse and no engagement; and Schamyl, there is reason to believe, had latterly been on good terms with the Russian Government, and I apprehend that he is in no more danger from Russia now than he was before the war. Those mountaineers had maintained their independence since 1829, and I do not apprehend that, after the great losses sustained by the Russian armies, they are in greater danger than when the Russian forces were intact. Then, again, with regard to the Circassians, properly so called, and more to the south of the Kuban towards the Black Sea, there was no communication with them, and no allied troops landed in their territory, and we had no possible ground on which we could impose on Russia any stipulation in regard to that country. To have required Russia to have ceded Georgia, Mingrelia, Imeritia, however desirable it may seem to obtain such a cession, would have been a demand sure to meet with a positive refusal; and I am certain, besides, that Europe would not have considered the Allies justified in making it. No doubt if the war had been continued through another campaign and the Russian army had been driven from the Crimea, whilst an army had been sent by us into Georgia, and fortune had favoured the arms of the Allies, we might have been placed in a position to demand of Russia terms and conditions with regard to those territories. Nothing short of a great pressure and occupation of the territory by the Allies would ever have induced Russia to consent to a permanent cession of a large and important portion of her southern territory. The value of the forts on the eastern coast of the Black Sea has been exaggerated in a most extraordinary manner. It has been said that they afford to Russia the means of invading Turkey by the Asiatic frontier, but such is not the case. The great line by which Russia would move her forces to invade Turkey in Asia would be over the Caucasus, or by its eastern extremity, or by those rivers which discharge themselves into the Caspian. She has means of collecting any number of vessels sufficient to transport men, ammunition, and stores by the ports she has there, and far greater opportunity of concentrating and supplying her forces in Georgia, than by those small forts on the coast of the Black Sea. Remember, too, that in the event of Russia being at war with Turkey, the condition by which the Bosphorus and the Dardanelles are closed would cease to exist, and the allied fleets would again enter the waters of the Black Sea, and then, with the small naval force which Russia is permitted to maintain there, those forts would be of no value to her against the overwhelming forces which would be brought against them. Whether Russia does or does not rebuild these small forts upon this unwholesome coast, and possessing such bad means of communication, it is a complete misapprehension to state that the destruction of them was a matter of importance for the defence of Turkey.

I will now direct attention to the Asiatic frontier. Ever since the peace between Russia and Turkey in 1829, there have been parts of that line of frontier imperfectly or not at all defined. It is, however, of the greatest importance to Turkey that the boundary should be finally fixed and determined. For this purpose a Commission is to be appointed, and in order that the Commission may be impartial, and act in a fair and just spirit towards both Turkey and Russia, a British Commissioner and a French Commissioner are to form part of it, and they will see that the line drawn is one consistent with the rights of the two countries. One point is essential to be borne in mind, and that is, that all the treaties between Russia and Turkey were annulled by the war, and none of those treaties have been re-established by the peace. Therefore all the rights and privileges which Russia possessed or claimed in regard to Turkey by virtue of those former engagements, whether real or pretended, have entirely ceased to exist. In treating of the boundary between Russia and Turkey upon their Asiatic frontiers, reference will be made to the boundary line as it existed before the war commenced, and not as it was fixed by the Treaty of Adrianople, although that treaty was of course to a great extent the basis of the line as it existed when the war broke out. In the Treaty of Adrianople there were words to the effect that a line should be drawn, and that everything upon one side of the line should belong to Turkey, and everything upon the other side of the line should belong to Russia. I refer to these words in order that I may remind the House that no right, either real or pretended, claimed by Russia with respect to Circassia and the eastern coast of the Black Sea, which was disputed before the war, has been confirmed by the peace. Regard being had to the words in the Treaty of Adrianople, which I have mentioned, and which might, perhaps, be contended to give to Russia everything which was between the Caspian and the Black Sea, the noble Lord opposite (Lord C. Hamilton) certainly was right when he said last night that Russia obtained from Turkey a cession of territory which she had not. She ceded to Russia, by the Treaty of Adrianople, the forts between Anapa and Batoum, and other territory. Now, she had not the whole of the territory so professed to be ceded—she had not the whole of the littoral. With reference to the case of the *Vixen*, to which the noble Lord also referred, I must say that I consider that that was clearly an attempt, by parties interested, to trepan the Government into making a declaration which might have been taken advantage of. The owners of the *Vixen*, although—

> "The world was all before them, where to choose
> Their place of trade, and Providence their guide,"

chose to say that there was no port in the world to which they could carry their salt, except a certain port on the eastern coast of the Black Sea. Now, salt is an emblem of wisdom, but though here there was a whole cargo of it, the managers of the vessel did not appear to have had wisdom enough to take it to any other port. It was a plan to trick the Government. The question, then, thus stands. Russia is in possession of those places, and is able to shut the ports on that part of the coast of the Black Sea. The actual condition of those territories is about this. Upon the south, next the Turkish frontier, is the province of Mingrelia, and beyond it is that of Imeritia, both of which acknowledge the suzerainty of Russia. There are no Russian officers or forces in them that I am aware of, but the inhabitants are Christians, and they regard themselves as being under the protection, and to a certain degree under the domination of Russia, and they go on very well, with their qualified submission on the one hand, and the forbearance of Russia on the other. One of these provinces was occupied by the troops of Omar Pasha; but an Ottoman army was there contrary to the wish of the inhabitants. Omar Pasha himself said, that he was the right man in the wrong place, as he ought to be in a Mahomedan instead of a Christian country, and that he felt all the embarrassments and difficulties caused by the religious animosity of the people. On the north of these provinces come the people called the Abassians, some of whom, to the south, are Christians, while others, to the north, are Mahomedans; they also hold a qualified allegiance to Russia. Further north, towards the Caucasus up to the Kuban, are independent tribes, over whom Russia has never been able to establish her dominion, all more or less at war with Russia, and making inroads which Russia resents. Their condition is much the same as it has been from the peace of Adrianople to the present time. None of these countries have been in the least jeopardised by the operations of the war, nor are they likely to feel any greater apprehension with regard to Russia than they felt before the war, in consequence of the peace. But to guard against the possibility that these people, or the unfortunate people of the Crimea, should suffer from any part they might be supposed to have taken against Russia in the course of the war, there is an article in the treaty by which all the parties to it are bound to give a complete amnesty to all their subjects in regard to any acts by which they may have been compromised. [Lord C. HAMILTON dissented.] The noble Lord opposite shakes his head at that argument. He thinks, perhaps, as some Gentlemen do, that all treaties are waste paper, and that you had better make none. With those who so argue there is no arguing in return, because all human transactions depend upon the good faith of the contracting parties, whether they are private individuals or nations, and the moment you say engagements are worth nothing, you resolve society into its original elements; you go back to the condition of the North American savages or the wildest tribes of Africa, among whom the only protection of man is his own arms, and you put an end to all the arrangements of civilised life.

LORD CLAUD HAMILTON: I never advocated that view. I stated that those people never wished to be subject to Russia, never were subject to Russia, and therefore could not claim the benefit of the amnesty.

VISCOUNT PALMERSTON: My argument applies exactly to the noble Lord's view. Part of the territories are in a qualified degree subject to Russia, part of them are not. The amnesty applies to those who are subject, while as to those who are not subject, but who have maintained their independence from 1829 to the present period, they have had no intercourse with, they have done no action with regard to, the Allies which alters their position towards Russia; they are as able now to defend themselves against Russia if they are attacked as they have been since 1829, with this difference—during that long period Russia had no other enemy, and was able to pour on them the whole force of an army of 800,000 men, while now the numerical force of that army has been greatly diminished, for Russia herself admits that she has during the war lost something like 500,000 men. I maintain, then, that there is no ground for saying that we have omitted to obtain by this treaty of peace any conditions in regard to the Asiatic frontier of Turkey, or in regard to the forts on the eastern coast of the Black Sea, which the operations of the war entitled us to exact from Russia, or which we had any chance of exacting from her except by a continuance of the war attended by great and marked military and naval successes; and it would not, in our opinion, have been consistent with the interests of the country to continue the war simply and solely for those purposes, when the other objects of the war were accomplished.

Now, with regard to the fourth point —the Christian subjects of the Porte. Everybody, I think, has admitted that the firman which the Sultan has recently promulgated is perfectly satisfactory in its terms and conditions; the only doubt which has been expressed by hon. Members is whether it will be adhered to. It is said that that which the Sultan gives to-day he may revoke to-morrow, and that the treaty does not give to the Allied Powers that right of interference which some hon. Members think necessary for the security of the Christian subjects of the Sultan. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) seems to be of that opinion, but I do wish that those who hold that opinion to remember for a moment what was the cause of the war. It was that the Emperor of Russia sent Prince Menchikoff to Constantinople with a demand which, if agreed to, would have given to the Emperor a right of interference in favour of the Christian subjects of the Sultan, which was held by the Government of the Sultan, and by the English and French Governments, and admitted by the greater part of Europe, to have been a practical transference of sovereignty over 12,000,000 of the subjects of the Sultan to the Emperor of Russia. The war took place in consequence of the resistance of the Sultan to that demand; and if the treaty had placed that firman of the Sultan under the guarantee of the Allied Powers in a greater degree than the note of Prince Menchikoff required that the protection of the Christians should be placed under the Emperor of Russia, the only effect of a war commenced to maintain the independence of the Sultan, and to protect him against an authoritative interference of foreign Powers in the relations between him and his subjects, would have been to multiply by five the evil which he had previously resisted, and to give to all the Allies those very powers to resist which they took up arms to defend the Sultan. Therefore, a war begun to maintain the independence of the Sultan would have ended in utterly destroying that independence. We felt that it would have been utterly inconsistent with the objects and principles laid down at the commencement of the war to frame the treaty in such a manner as to give to the Allies an authoritative right of interference between the Sultan and his subjects. The Sultan, however, was perfectly willing to give to the Allies that sort of moral right which I think ought to be considered a sufficient security for the maintenance of the arrangements which were made, and which in themselves were satisfactory. The firman is not included in the treaty, and no Power, therefore, has a right to say, "Here, by treaty, I am entitled to come to you, and to tell you that you have violated your firman with regard to this villager, or that priest, or that peasant, or that farmer, or that merchant, and I call on you by right of treaty to alter your course; and I am to be the party to judge between you and your subjects, and not yourself." But, the treaty having recorded that that firman has been issued by the Sultan, it is perfectly plain to my mind that it cannot be revoked. In fact, that it should be revoked is a thing which I hold to be as impossible almost, morally speaking, as that the sun should go backwards. That which is more possible, however, is that, for some time to come, cases will arise in which the firman will not be fully executed by the authorities of the Porte in distant provinces and in places not immediately under the view of the consuls; and if that should occur, the fact of the firman having been adverted to in the treaty, and the issuing of it having been recorded in the treaty, would give to the Allied Powers that moral right of diplomatic interference and of remonstrance with the Sultan which I am perfectly convinced would be quite sufficient to accomplish the desired purpose. I do not pretend to say that, constituted as the Turkish system is, that so long as Pashas are employed, such as have been, I fear, but too faithfully described by General Williams, that so long as men are placed in command either civil or military on account of reasons having no connection with their capacity, that we shall find that this firman will in every part of the Turkish Empire faithfully be carried into execution. But at the same time the transactions which have taken place at Paris and the stipulations contained in this treaty will give to all the Powers the right of watching whether the firman is carried into effect, and of remonstrance in case of violation of it; and I am convinced that this right will, in course of time, cause the firman not only to be looked upon as law, but to be carried into practice throughout the whole Turkish Empire. It is impossible, in my opinion, to overrate the value of this firman, not only as respecting the condition of a large number of the subjects of the Sultan, but also as affecting the stability of the Turkish Empire itself. Hitherto the Sultan has been like a person with but one leg to stand on, and but one arm to defend himself, for one-half of his subjects have had no interest in maintaining his empire, and have been precluded from all participation in its defence. Now, however, if this firman be but faithfully carried out, all the subjects of the Sultan will have equal rights, and will equally contribute to the defence of his empire. I can quite understand the manner in which some of those persons, whether in this country or elsewhere, who wish to see a great change in Turkey, who wish to see the Ottoman race expelled and a Greek Empire established, run down this great charter to the Christians of Turkey. I can well understand it, because it is manifest that anything which tends to reconcile the Christian population of Turkey to the dominion of the Sultan, by putting them in possession of those civil rights and privileges which hitherto they have hoped to obtain through the influence of Russia, is detrimental to their views. I can quite understand why those persons should view with dissatisfaction any arrangement which is calculated to render contented that Greek population upon whose misery and suffering they rely to overthrow the present order of things in Turkey. I say, therefore, that, as far as the Turkish Government is concerned, I think that every man, looking fairly and candidly into the provisions of the treaty, will come to the conclusion that not only has more been accomplished than any man thought possible when first the war began, but also that all the concessions which the operations of the war entitled the Allies to demand have been obtained. He will, I think, arrive at the conviction that enough has been accomplished to maintain, as far as human foresight can do, the future independence and integrity of the Turkish Empire.

With regard to the triple alliance of England, France, and Austria to secure the faithful performance of the stipulations of this treaty, I must say that I think the ability displayed by my noble Friend (Lord Clarendon), and by his able associate (Lord Cowley), in the negotiations in Paris cannot be overrated. Their names will go down to posterity as the names of men who have taken an active part in accomplishing one of the most important settlements during many ages of history. I think, then, that as far as the Turkish Empire is concerned I have a right to say that we have accomplished the objects for which we undertook the war. But, according to my view, we have gone a little beyond the object for which the war was commenced, and obtained other advantages placed within our reach by the events of the war. The allied fleets in the Baltic had destroyed the fortress of Bomarsund, the construction of which with great care and with considerable secrecy had been begun, and which was destined to be another Sebastopol in the Baltic. We felt ourselves entitled to require that, these fortifications having been destroyed, and the Aland Islands not having been reoccupied (we might, indeed, be said to remain still in possession of them), an engagement should be made that no military or naval establishments should be maintained on those islands, and that no fortifications should be erected there. That was a stipulation which conduced much to the security of Sweden, and which was a great consolation and a great satisfaction to that country. France and England had in the meantime made a treaty which provided against the creation of a great Russian arsenal in the north of Norway, at a part of the coast where, by the sweeping of the Gulf Stream, the waters never freeze during winter, and where, therefore, a fleet supported by a naval arsenal, would have been able during any month of the year to sally forth if war were declared, and to operate over the British Islands and the whole coast of the Baltic. We had by that treaty secured the northern part of Norway. By the stipulation with regard to the Aland Islands we secured Sweden from a danger which might otherwise have menaced her. It cannot, therefore, be immaterial to the House and to the country to find that, taking a large view of the interests of Europe, we have thus not only secured, as far as arrangements could do it, the southern part of Europe from danger of Russian aggression, but we have also placed a barrier between her and the north of Europe, where the danger lay nearer to our own shores ; and was more likely to threaten our own homes. I think that is also a matter honourable to the country, and which must more than fulfil the objects for which the war was begun. Then, I say, that in regard to the treaties, there is nothing of which the country may not be proud, and at which it ought not to rejoice.

Among other topics that have been brought forward during this discussion the proceedings recorded in the protocols have been alluded to. In the first place there comes an hon. and learned Gentleman who objects greatly to the declaration about neutral vessels. Now, it is almost unnecessary to say that, however true may be the statements of the hon. and learned Gentleman (Mr. R. Phillimore), with regard to international law on this subject, the question is whether the policy of the change is not one which deserves the approbation of a commercial country. There is no doubt that the acknowledged public law of Europe is such as the hon. and learned Gentleman represented it. If it had not been so, there would have been no need for the declaration appended to the treaty. The change referred to in it was, however, practically made when the war began, and our experience of the advantage which resulted from it led Her Majesty's Government to think that it would be a wise and politic measure to make permanent an arrangement which had only been temporary, and likewise to couple it with the resolution that privateering should cease. Who are the parties who would be most benefited by the change if it should become general in the practice of nations? We ourselves are not the least likely to profit by such a change. It was owing to the actual relaxation of those laws that during the whole of this war our commercial relations have not suffered, and the interests of the country have remained unaffected in any degree. The parties most likely to profit by the change, however, are the smaller neutral Powers not engaged in war, and who certainly are deserving of encouragement from the greater Powers, alone likely to become belligerents. But let hon. Gentlemen only look at the policy of the measure. It is said that this right of capture was essential for reducing your enemy. Now, tell me any war in which any country was ever induced to make peace by the principle that free bottoms should not make free goods. The fact is, that wars are carried on by fleets and by armies — by the destruction of fleets at sea and by military operations and the capture of strongholds on land. But the idea that the results of war depend on the capture of an enemy's goods on board of neutral bottoms can only originate in a mind wholly unacquainted with the most familiar lessons of history. On the same principle, you might justify the ravages in the Palatinate, and the burning of towns, and the massacre of their inhabitants. But the moderation of recent times has pronounced such practices to be odious; and I am satisfied that these relaxations—so far from depriving us of any weapons to be used in future wars—will be likely to attract to us the sympathies of other countries. I, therefore, am decidedly of opinion that this declaration is one which the good sense and feeling of the country will think is just and proper. My right hon. Friend (Mr. M. Gibson) said that there is no difference between a capture made by a privateer and a capture made by a regularly commissioned vessel of war. But I say there is the greatest possible difference. The vessel of war is commanded by an officer of the Queen, responsible for his acts, and incapable of abusing his power, whilst the commander of the privateer is responsible to nobody, and we all know that privateers have committed acts at which humanity shudders. The declaration against privateering was, therefore, I maintain, perfectly justifiable, and the extinction of that barbarous practice, while it will not trench on the just rights of belligerents, will be a solid gain to the cause of modern civilisation.

Passing to the subject of the occupation of Italy by foreign troops, was it possible, when the representatives of the Great Powers met together for the purpose of putting an end to war, which, if it had continued, might have enveloped the greater portion of Europe in its rage—was it possible, I say, that they should shut their eyes and close their lips to the state of things in Italy? Was it possible that they should forget, when making arrangements for Turkey and Greece, that a State in Italy had been occupied by the troops of two foreign Powers for a period of seven years, not during war, but during peace? Is that a state of things which ought to continue to exist? And I must say if the representatives of the Great Powers had departed from Paris without saying one word about the military occupation of the Roman States, I think that the English Government would have been justly called to account for this serious omission on the part of their representative. But, Sir, that occupation was discussed. It was stated to be one of those occupations which ought to cease, but the cause which had occasioned the occupation was considered—and what was that cause? The misgovernment of the State so occupied. The hon. and learned Member (Mr. Bowyer) had launched out in an eloquent description of the reverence felt by the people of Rome for the Pope. He stated that he lived in his palace, to which all had access, and that he was perfectly secure. I have no doubt that the hon. and learned Member has spoken the complete truth in that respect. I never for a moment could suppose that the head of the Roman Catholic Church—the centre of the respect of all possessing the Roman Catholic religion—could be in personal danger from his subjects. I believe the Pope to be a most well-intentioned Sovereign; but I cannot say the same of those who govern in his name. I am afraid that his power is not equal to his good qualities. Those who exercise the real power are guilty of acts of tyranny and oppression, the truth of which cannot be exaggerated, and the truth of which is but little known, I apprehend, to the people of this country. It was for the purpose of putting an end to that tyranny that the French and Austrian troops were sent into the Italian States. When my noble Friend (Lord Minto) went on his mission to Italy, he gave sound and moderate advice to the Governments of Italy—advice which some of those Governments had begun to follow when the revolution in Paris broke out, and under the stimulus thus given them the wild spirits of Italy rose against everything like established order, and committed such excesses that the Pope was obliged to quit his capital. Although some atrocities were then committed, as was to be expected in times of such popular convulsions, yet the Provisional Government of Rome endeavoured to mitigate them to the best of its power, and the Holy City had not of late years been better governed than it was during the temporary absence of the Pope. The re-establishment of the Sovereign Pontiff was subsequently effected, but not without the application of the crushing force of foreign military occupation. That measure might have been excusable at the time it was undertaken, but no man could contend that its continuance down to the present time without any symptoms of its being voluntarily put an end to, was a satisfactory state of affairs, or one that did not call for grave consideration. What had the Papal Government been doing during the last seven years, and why had it not adopted the internal improvements suggested, not only by England and France, but by Prussia and Austria, and which, if effected, would have converted turbulence into order, and dissatisfaction into content? Yet all the vices and abuses then existing had only gone on increasing, and the consequence was, that we were now told that foreign occupation was necessary to protect the head of the Roman Catholic Church from personal insult.

But, then, if the government of the Roman States was bad, that of the Two Sicilies was still worse. The representatives of England and France were, therefore, perfectly justified in calling the attention of the Plenipotentiaries of the other European Powers to the anomalous and unfortunate position in which a great part of Italy now stood.

I now come to the question of Belgium. Much unjust animadversion has taken place as to the part taken by England in the Congress relative to the excesses of the Belgian press. The occasion of these discussions I believe to have been some newspapers published in Belgium, but not by Belgians. I have a higher opinion of the people of Belgium than to believe that they would be parties to such baseness as to assist in newspapers advocating the assassination of the rulers of other States. The noble Lord (Lord J. Manners) spoke of an attempt on the part of the Conference to destroy the liberty of the press—what! was it an attempt to destroy the liberty of the press to prevent newspapers from preaching assassination? My notions of liberty of the press certainly do not go so far as those of the noble Lord. Surely newspapers may be prevented from advocating odious crimes without destroying the freedom of the press. It was not wholly unnatural that the Government of France, finding that the newspapers of a contiguous State, speaking the same language, preached up the assassination of foreign Sovereigns, should have expressed a desire to see such an odious practice checked. Lord Clarendon very properly declared that, as the representative of a country of which the freedom of the press was one of the fundamental institutions, he could not identify himself with any measure tending to destroy that liberty in any other country; and there is nothing in the concluding sentence adverted to by the noble Lord the Member for Colchester which diminished the force of that declaration. It has been asked, why did not my noble Friend (Lord Clarendon) take a more sturdy line, and denounce, in indignant terms, this unworthy attempt to injure the freedom of the press? Why, Sir, in reply to that I have only to say the Plenipotentiaries met for the purpose of agreement, and not for the purpose of quarrelling. If my noble Friend wished to break up the Conference by a fine melodramatic scene, and a piece of declamation, using fine flaming sentences upon the liberty of the press, no doubt he might have done so, using sentences which would have received the approbation of any hustings in this country. But such was not his object. My noble Friend expressed his determination calmly, that he would have nothing to do with any proceeding which tended to any practical restriction of the freedom of the press; and I think the House will perceive that, though those expressions were couched in civil and courteous language, they were not the more liable to be misunderstood, and were quite as effective as if uttered in a violent and angry manner. I can assure the House that, if my noble Friend were left to his own natural impulse, he would never give any countenance to an infringement of the liberty of the press. My noble Friend told me the view he meant to take if such a matter came under discussion at the Conferences, and we entirely agreed in his views. This is not the time or place, however, to make a public declaration on this subject regarding the future. We speak for ourselves, but the House may be perfectly certain that it will never find a British Government, through foreign interference, dictating or attempting to dictate to any independent nation what it should do for the purpose of gagging its press. The Belgian Legislature has taken measures upon this head which will, I believe, be sufficient to prevent the commission of the gross abuses complained of. What would be thought if, in this country, newspapers were published by foreigners urging the assassination of a friendly ally? Surely such conduct would excite the indignation of every honourable and right-minded man.

With regard to the peace, I know that there are some in this country who would have been better pleased if no acceptable offers had been made to us, and if the war had gone on, for they anticipated that in that event greater success would have attended our arms, and a more brilliant meed of glory. Such a feeling, I must confess, was not unnatural. Those who saw the magnificent fleet that was reviewed the other day at Spithead, who know in what an admirable condition our army in the Crimea now is, and who are aware that our commerce is unimpaired and that our resources are undiminished by the recent conflict, cling to the thought that if the war had been prolonged for another campaign still greater advantages than those already attained might have been secured. It is more than probable that such would have been the case, and certainly if no conditions likely to accomplish the objects of the war had been offered us no peace would as yet have been made, and we should have had at least one campaign more. But a grave responsibility devolved on us, and when we were offered terms of peace that seemed well calculated to achieve the purposes for which we had drawn the sword, we felt that it would ill consist with our duty and the dignity of the nation to reject them. A just and necessary war I regard as a duty, but when a war ceases to be just and necessary I hold it to be a crime. We must gratefully acknowledge that up to the point to which the late war was carried we were favoured by that Almighty Power who always regards with sympathy the cause of right and justice; but it may not be presumptuous to conjecture that if we had pressed the contest beyond the strict limits of integrity, the favour heretofore vouchsafed to our arms might, notwithstanding the number of our forces and the magnificence of our fleet, have been completely withdrawn. As my hon. Friend, who seconded the Address, said, "the race is not always to the swift nor the battle to the strong," and, although, humanly speaking, our means seemed fully adequate to the contest, we might have had bitter cause to deplore a struggle to which we were tempted by no worthier emotions than our pride and our lust of conquest.

Of the previous century one-half was passed in war. The different wars in which we were engaged in the seventeenth century lasted altogether more than forty-four years. In this century, of which little more than half has expired, we have seen nearly forty years of uninterrupted peace. That, I think, is a good augury for the advancing civilisation of Europe, and is still more satisfactory with regard to the future. We may hope that the peace just concluded, strengthened as it is by alliances of the most extensive character, will assure a continuance of peace equal at least to that which has endured since the termination of the war in 1815. We left off that war, having been the enemy of our great and powerful neighbour, and when peace put an end to hostilities it did not put an end to the feelings which the war had excited, and although we were friends according to common parlance, yet anything but friendly feelings existed between the people of the two countries. We have now concluded a war in which England and France have fought side by side, reciprocally admiring each other's valour, having suffered the same dangers and privations, and made the same efforts which were crowned with the same success, which had cemented an alliance that I trust, is destined to endure for many, many years. But, more than that, we have associated with us a noble State, not equalling England or France in extent or population, but noble in everything that is calculated to dignify mankind—I mean Sardinia. That great people—for greatness depends, not on population or magnitude, but upon inherent qualities—has assisted the great Powers of Europe in a most important war in acquiring not only the glories of war, but the honours of peace. That nation has taken its place at the Congress table, and while other countries greater than itself had taken no part in the war, or, like Prussia, only came in at the conclusion, Sardinia has been an integral element of the Congress, and has the distinguished honour of being a contracting party to one of the most important arrangements ever made by any Congress. Austria was for a long time separated from both England and France by alliances of another kind and divergences of particular opinions. Austria is now bound by the tie of alliance with England and France. Sweden, long balancing between great fear on the one hand and trifling hopes on the other, has now associated herself with England, France, Austria, Prussia, and Sardinia. These alliances are not the offspring of a day, or the chance products of accident, but the results of full deliberation, and the tendency of great material and political interests. They are the more likely, therefore, to endure. What is the effect of that state of Europe upon the course the more likely to be pursued by Russia? Many people think that no reliance is to be placed upon Russia, but that she will continue her long-cherished projects of aggression. I, Sir, for one, do not concur in that opinion. My belief is that the present Emperor of Russia is a man of kind and benevolent feelings, not inspired by ambition of conquests, or at least that the conquests at which he aims are conquests over indolence, undeveloped natural resources, and all those difficulties which prevent the progressive improvement of a nation. My hope is, that he will turn the great power which he possesses to the promotion of the internal prosperity of his vast empire. That is a task with which the noblest man might be contented, and which the greatest and ablest man, however long-lived he might be, could not accomplish. It is said that if the resources of Russia are developed, she will only become more able to continue acts of aggression. I think that is also a mistake. In proportion as nations become prosperous, in the same proportion they value the wealth and comforts which their exertions have procured for them, become wedded to the arts and pursuits of peace, and are weaned from the occupations and objects of war. If, therefore, the Emperor of Russia should devote his energies to the development of the natural resources of his country, to the cultivation of those vast plains which are now arid wastes and barren tracts, and to the connection of distant parts of his empire by the modern improvement of railways, he will increase the probabilities of peace; but, on the other hand, if those expectations should be deceived, if a period of repose should only be used for the purpose of organising the means of fresh aggressions, then the alliances to which I have just pointed, the common union which has been established between the Powers of Europe, would oppose an insurmountable barrier to any attempt which might be made to violate the peace of the world. Therefore, Sir, looking east and west, looking north and south, looking from the centre of Europe to the extreme confines of Asia, I see nothing but sources of hope in every direction. I trust that this war will have settled the division in every part of Europe —that the nations of Europe will turn their attention to the cultivation of the arts of peace, and that those jealousies and rivalries which formerly divided nation from nation, and turned into animosity those feelings of self-pride and self-respect which ought to lead to friendship, will be extinguished. I say that, looking in all directions, I see nothing but sources of consolation and of hope; and I trust the time is far distant when it will be the lot of any Minister of England again to call upon this noble nation for support in any war. If such an occasion should arise, I am convinced, however distant it may be, however the nation in the interval may have devoted itself to the arts and pursuits of peace, the same warlike and manly spirit which was brought out by the late crisis, will be found still living in the breast of England. I trust that period may be long deferred, and that the youngest man who sits in this House may not live to see the time when it will be necessary for the responsible servants of the Crown to call upon the people of this country to support their Sovereign in the prosecution of any war.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Committee *appointed* "to draw up an Address to be presented to Her Majesty upon the said Resolution."

The House adjourned at half after Two o'clock.

# HOUSE OF COMMONS,

## *Wednesday, May* 7, 1856.

MINUTES.] PUBLIC BILLS.—2° Sleeping Statutes; Scientific and Literary Societies.

### THE TREATY OF PEACE.

Report of Address *brought up*, and read, as follows:—

"MOST GRACIOUS SOVEREIGN,

"WE, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave to convey to Your Majesty our sincere acknowledgments and thanks for the important communication which Your Majesty has been graciously pleased to make to us of the General Treaty concluded at Paris on the 30th day of March, between Your Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of Russia, the King of Sardinia, and the Sultan, by which Peace has been established between Your Majesty, the Emperor of the French, the King of Sardinia, and the Sultan, on the one hand, and the Emperor of Russia on the other:

"WE beg to assure Your Majesty, that, while we should have deemed it our duty cheerfully to afford Your Majesty our firm support if it had unfortunately been found necessary to continue the War, we have learned with joy and satisfaction that Your Majesty has been enabled to re-establish Peace, on conditions honourable to Your Majesty's Crown, and which fully accomplish the great objects for which the War was undertaken:

"WE beg leave to express to Your Majesty the great satisfaction which we feel, at finding that while those Alliances which have so mainly contributed to the vigorous and successful prosecution of the War, have been equally effective in the consolidation of Peace, Powers which have not taken an active part in the War, have combined with the belligerents to give additional firmness to the arrangements by which the repose of Europe is in future to be protected from disturbance:

"WE humbly state to Your Majesty that we rejoice that, notwithstanding the great exertions which the late War has rendered necessary, the Resources of the Empire remain unimpaired:

"WE beg to express our hope that the Peace which has now been concluded, may, under the favour of Divine Providence, long continue to shed its blessings over Europe; and that harmony among Governments and friendly intercourse among Nations may steadily promote the progress of civilisation, and secure the welfare and happiness of Mankind."

Address *agreed to*.
To be *presented* by the whole House.

### TITHE COMMUTATION RENT-CHARGE BILL.

Order for Second Reading read.

MR. ROBERT PHILLIMORE:* Sir, I rise to introduce to the House a question of grave importance, and of no mean difficulty; and, upon many accounts, I could have wished that the discharge of such a task had been entrusted to abler hands than mine. But, I may truly say, that if the bestowal of much pains upon the subject, added to an earnest and heartfelt conviction of the justice of the cause which I have undertaken to advocate may, in some degree, compensate for other deficiencies, of which I am sincerely conscious, then, Sir, I am not without apology for the position in which I find myself.

I have to submit to the House that the present system of parochial rating practically inflicts a grievous injury upon a particular portion of Her Majesty's subjects, —that this injury has been the unintentional result of recent legislation,—that it is continually increasing,—that it has been for some years admitted and condemned by the highest and most impartial authorities,—that it remains, nevertheless, to this hour, unredressed.

And, Sir, if I can in this debate sustain, by argument and proof, these propositions, I shall not, I am certain, invoke in vain the succour of Parliament. Nor will that succour be the less readily afforded, because this particular portion of my fellow-subjects who have principally sustained this injury happened to be the parochial clergy of the Church of England. I should, indeed, be loth to believe that any difference of religious creed, which may exist among the Members of this House, will interfere, by a mean and unworthy jealousy, to prevent the doing of justice to any other religious body of their fellow-subjects. I am about to ask for no privilege—no favour—but for simple, long-delayed justice to a body of men, who are, to say the least, second to none in their claim upon the gratitude of the country.

Sir, the grievance is, that the rent-charge, which represents the ancient tithe, has, since the passing of the Parochial

Assessment Act, been subjected to an excessive amount of rating, and especially poor's-rate, scandalously and notoriously disproportionate to the amount to which other hereditaments are assessed.

This is my first proposition, and, in order to establish it, I must make a great demand upon the indulgence of the House. I must review the history of the legislation upon the subject. I must call the attention of the House to judicial decisions, to the circulars of Poor-Law Commissioners, and especially to two Reports; one upon Local Taxation, in 1843, by the Poor-Law Commissioners;—another upon parochial assessment, by the House of Lords, in 1850, and to the evidence taken before it.

I must begin as far back as the statute 43rd Elizabeth, c. 2. That statute in general terms imposed the rate "upon every inhabitant parson, vicar and other, and upon every occupier of lands, houses, tithes impropriate, propriations of tithes, coal mines, or saleable underwoods."

Under this statute a practice sprung up of rating the hereditaments not according to an estimate of their net annual value—a rule introduced by a later statute—but according to a just proportion of relative liabilities. It is very important that the House should bear this in mind, as it will appear that the injury done to the tithe-owner has mainly resulted from the fact that the principle of the new law has been in practice applied to the tithe-owner, while that of the old law has been continued with respect to the occupiers of other hereditaments. It is important to observe, that, under the statute of Elizabeth, the mode of assessing the poor-rate became, and has continued to be, the pattern for the assessment of other rates.

The rule of law with respect to assessment, on the principle of relative liabilities, was thus stated, in the year 1830, by the Court of Queen's Bench, in a case which obtained great notoriety—the King *v.* Joddrell, (1 *Barn. & C.* 403.) The Court said—

> "The second objection was, that the farmer's share of profit ought to have been rated, or, which is the same thing, the appellant should have been rated proportionally less. Of the whole of the annual profits, or value of land, a part belongs to the landlord in the shape of rent, and part to the tenant; and whenever a rate is according to the rack-rent (the usual and most convenient mode), it is, in effect, a rate on a part of the profit only. It must, therefore, in the next place, be ascertained what proportion the rent bears to the annual profit or value, and that will show in what proportion all other property ought to be rated. If, for instance, the rent is one-half or two-thirds of the total annual profit or value of land, the rate on all other property should be on a half or two-thirds of its annual value."

The statute of Elizabeth remained unchanged for about two centuries and a half.

In the year 1834, the present Poor Law Act, (4 & 5 *Wm.* IV., c. 76) was passed; and in the year 1836, the Tithe Commutation Act (6 & 7 *Wm.* IV., c. 71) was passed, and it contained this important clause upon the subject now in debate.

> "Tithe commutation rent-charge shall be subject to all Parliamentary, Parochial and County, and other rates, charges, and assessments, in like manner as the tithes commuted for such rent charge have theretofore been subject."

The effect of this statute, which, perhaps, under all circumstances, was a wise compact between the Church and the State, was, nevertheless, first to give the tithe-owner a sum less than two-thirds, according to some estimates, of the actual value of tithes at the time of commutation; secondly, to deprive the tithe-owner of any share in the increased profits of the future improvements in, or enclosures of land.

In the very same year, namely, 1836, the present Parochial Assessment Act (6 & 7 *Wm.* IV., c. 96) was passed, containing the following enactments—

> Sect. 1. "Whereas it is desirable to establish one uniform mode of rating, for the relief of the poor throughout England and Wales, and to lessen the cost of appeal against an unfair rate, be it enacted, that from and after such period, not being earlier than the twenty-first day of March next, after the passing of this Act, as the Poor Law Commissioners shall, by any order under their seal of office, direct, no rate for the relief of the poor in England and Wales shall be allowed by any justices, or be of any force, which shall not be made upon an estimate of the net value of the several hereditaments rated thereunto; that is to say,
>
> "Of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenants' rates and taxes, and tithe-commutation rent-charge, if any, and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent."

But the tithe-owner becoming alarmed lest the just operation of these two Statutes—namely, the Tithe Commutation Act, and the Parochial Assessment Act — should place him in a comparatively unfair position with respect to future assessments, procured the insertion into the Parochial Assessment Act of the following proviso.

> "Provided always that nothing herein contained shall be construed to alter or affect the principles or different relative liabilities (if any), according to which different kinds of hereditaments are now, by law, rateable."

The intention of this proviso is clearly manifest from the following extract from a letter of the Poor Law Commissioners, dated September 19, 1837.

> "As the profits of the farmer will not be rated under the Parochial Assessment Act, the tithe-owner would appear to be entitled to a deduction proportionate to that profit."

[Mr. BOUVERIE: That was before the Queen *v.* Capel.] I am perfectly aware of that. I will mention that case in due order of date. And now I must draw the attention of the House to an important decision bearing upon the question of rating, delivered in 1839. It was the case of the Queen *v.* Lumsdaine. In that case Mr. Justice Littledale said—

> "The statute 43 Eliz. c. 2, s. 1, embraces two classes of persons subject to taxation; occupiers of real property, and inhabitants in respect of personal property. Hitherto rates upon the latter class had been in practice confined to stock-in-trade and shipping; but on future occasions other kinds of personal property may perhaps be rated and be held rateable. The provisions of this Act apply only to the former class of rateable objects, and leave the second at large as before. There is nothing that amounts to a repeal of the law on this head, nor can the Act be considered as a declaratory one."

Here, the House will see, therefore, is a distinct judicial declaration that stock-in-trade is rateable under the new law. The bearing of this upon the subject in debate will presently appear.

Now I come to the year 1840, and to the decision of the Queen's Bench in the case of the Queen *v.* Capel, which I promised the right hon. Gentleman, the President of the Poor Law Board, to notice in its proper place. The effect of that decision was to reject the proviso in the Parochial Assessment Act as unintelligible and inoperative; the Judges refused to take any cognisance of the history of the introduction of that proviso; and pronounced that the practice of rating according to relative liabilities was illegal, and that all property must now be rated upon an estimate of its net annual value.

That case has, I think, been very much misinterpreted, and not clearly understood, but it certainly took away from the tithe-owner the benefit of a proviso upon which he had relied as a security from illegal assessment.

Shortly after this decision, on the 16th of September, 1840, the Poor Law Commissioners—one of whom was the present Chancellor of the Exchequer—put forth a circular in which they expounded the law as follows:—

> "The estimate of the net annual value—is formed on the supposed rent which might be realised by the letting of rateable hereditaments. This will entitle the tithe-owner to an advantage which the Commissioners believe he has not in all cases had the benefit of. The rent which a tenant would consent to pay for the rent-charge, supposing the rent-charge to be let, would obviously be a sum which would remunerate him for the trouble of collection, and insure him against all risks of loss of rent-charge itself, and of loss of interest occasioned by the obligation to advance rent, and by occasional delays in recovering the rent-charge; and against all incidental expenses incurred in enforcing his rights.
>
> "The compensation of the tenant taking those risks will obviously exceed the payment which the tithe-owner would make to an agent or collector, who incurs no risks, and is not bound to insure and pay to the tithe-owner a certain fixed sum at fixed times. To the benefit invoked in this distinction, the Commissioners consider the tithe-owners to be clearly entitled, by the express terms of the definition of net annual value in the Parochial Assessment Act."

Now, Sir, on the 18th of June, 1840—there was introduced into Parliament, one of those annual Acts, specimens, I think of very sorry legislation, by which stock-in-trade was exempted from liability to being rated; and which annual Act, in spite of the promise given at the time that the question should speedily be dealt with in a permanent and satisfactory manner, has been renewed continually for sixteen years, up to the present time.

Mr. Speaker, I beg to be understood as not expressing any disapprobation of the public policy and expediency of according this exemption to stock-in-trade. I am bound to say that I believe the rating of this kind of property would be found to be impracticable; but I contend that the operation of this exemption was injurious to the tithe-owner in a much greater degree than to the owner of any other hereditament. And in order to support this proposition, I will read an extract to the House from the evidence of the present Chancellor of the Exchequer, given before the Lords' Committee in 1850, upon this point.

> "There is a serious mistake (he says) which persons often commit with reference to the rateability of stock-in-trade. They take the whole stock-in-trade of the country as one aggregate, and from that they infer the great relief that would result if it were rated. But if a rate were

imposed upon stock-in-trade (we will assume that the ambiguity of the present law could be got over, and that such a rate might be levied upon stock-in-trade), the effect of that rate would be to give very little relief to the agricultural interest; and for this reason, that stock-in-trade is, for the most part, collected in the town parishes. It would materially alter the relations of the payments made by different occupiers of houses within those parishes, but it would have very little effect upon the occupiers of agricultural land in rural parishes. Take, for example, any ordinary rural parish; there is scarce any stock-in-trade in it. The stock-in-trade, giving the expression the largest acceptation that can be given to it, merely consists of a few shops in a village, if there be a village in the parish, the stock-in-trade in which is of an extremely limited value. There is perhaps a blacksmith's forge and perhaps a carpenter's tools which might be rated. This would be the whole amount which would be brought within the rate as stock-in-trade in such a parish. Now, such is the ordinary case of rural parishes. The greater number of rural parishes have no town in them, nor even a considerable village. The occupiers of agricultural land in rural parishes of that description would derive no sort of benefit from the rate being imposed upon stock-in-trade in Oxford Street, or in the Strand, or in Liverpool or Manchester; the whole of the relief which would be derived from the imposition of a rate upon stock-in-trade in a town parish would go to the occupiers of houses not being traders in that parish."

Mr. Lewis is asked—

"Supposing that the stock-in-trade of tenants was rated, would it not make a great difference to the tithe-owner?"

"Unquestionably the tithe-owner in a rural parish would derive benefit from rating the farmer's stock; he is just one of those persons who would derive benefit from rating the farmer's stock. In a rural parish the stock of a farmer is much more considerable than the stock of an artisan or tradesman; and, therefore, if that stock were held to be rateable, which it has never been hitherto, or if it were made rateable, no doubt considerable advantage would accrue to the tithe-owner."

And, Sir, as this is the first citation which I have made from this Report, it may be convenient to remind the House, that this Committee of the Lords was appointed in the Session of 1850. In that year Lord Portman obtained a Committee on the laws relating to parochial assessments. The Committee consisted of—

Lord Portman in the Chair.

Lord Camoys.
Lord Wodehouse.
Lord Lilford.
Lord Redesdale.
Lord Wharncliffe.
Lord Ashburton.
Lord Hatherton.
Lord Vivian.
Lord Overstone.
Marq. of Lansdowne.
Earl of Minto.
Earl Fortescue.

Earl of Hardwicke.
Earl of Malmesbury.
Earl of Chichester.
Earl of Stradbroke.
Earl of Yarborough.
Earl of Lovelace.
Viscount Sidney.
Bishop of London.
Bishop of St. Asaph.
Earl of Lonsdale.
Bishop of Manchester.
Bishop of Oxford.

This Committee was, as the House will see, composed of eminent and distinguished persons; but it would be impossible to contend that it was constituted in any manner to favour the claims of the clerical tithe-owner.

To resume the thread of my argument as to the injury done to the tithe-owner, by successive leigislation, as well as by successive judicial decisions since the Tithe Commutation Act, I say that this stock-in-trade exemption is one of the various instances in which, while every other class of Her Majesty's subjects have been relieved, the tithe-owner has had his burdens increased and his income diminished.

I come now to the last instance of legislation of this class. In 1846 the Corn Laws were repealed. I mean to offer no observation upon the general question of that most important change in the public policy of this country. But I am entitled to make this remark with reference to the subject now before the House, that the effect was to occasion a fall of ten per cent (according to a fair calculation) upon the tithe rent-charge, which had been settled—the House will remember—upon the averages of corn produce. And, Sir, I appeal with confidence to the recollection both of the House and the country, as to the conduct of the clergy on this occasion; with the full knowledge that the main source of their subsistence was about to be seriously diminished, but being told, and believing at the same time, that the food of the poor was about to be made cheaper and more abundant, they steadily refused, in spite of the strongest temptations to interfere, in any way to impede the course of legislation in either Houses of Parliament, upon the subject of the repeal of the corn laws; and by such conduct they have earned for themselves an enduring title to the gratitude of their fellow-countrymen, and surely have also established a claim to have the remainder of their income protected from the grievous injustice of unequal assessment. To obtain which relief I must add, they have had recourse to no unworthy arts of agitation, but have thrown themselve, like loyal and faithful subjects, upon the justice of the Imperial Parliament. They asked for justice, not for favour. I trust, nay, I am sure, Sir, that they will not be disappointed in the response which Parliament will give.

I have now laid before the House all the statutes—all the judicial decisions—

all the poor-law circulars, which materially affect the question in debate. I am anxious in the next place to demonstrate the injury which the practical working of the new system has, contrary to the intention of the Legislature, inflicted upon the tithe-owner. The parish rate, Sir, comprehends all assessable value, whether it arise from hereditaments of land, or hereditaments of rent-charge. It was the theory of the Parochial Assessment Act that all hereditaments should be rated on the estimate of their net annual value. My complaint is, that, in practice, the rent-charge—which, be it always remembered, is the principal source from which the maintenance of the clergy is derived—has never been so rated. I appeal to the Report itself of the Lords' Committee, in 1850, which resolved—

> "1. That the principle of the Act 6 & 7 *Wm.* IV. c. 96, which requires that every person shall be rated on the net annual value of the real property, in respect of which he is rated, is imperfectly carried out in practice; that, for the purpose of providing a remedy for the inequality and injustice arising from the general practice, it is expedient to adopt measures for assimilating the practice to the principle of the law.
>
> "10. That the tithe commutation rent-charge is generally assessed on the known full value thereof, while the assessment on other property is made on an estimated value. That the rates on the tithe rent-charge are charged in an unequal proportion, to the injury of the owner thereof, whenever the other property is not assessed at the full value thereof. That the rent-charge, like other property, should be assessed on the rent which a tenant would pay for it. That from the value of the tithe commutation rent-charge no special deduction to which other property is not entitled should be made."

I perceive that the amount of difference to the injury of the tithe-owner has been estimated by the present Chancellor of the Exchequer as ranging itself between thirty and forty per cent.

That opinion will be found in the Report on Local Taxation in 1843. And, in 1850, the same high authority thus gives his evidence before the Lords' Committee:—

> "Are you aware what the actual practice has been in rural parishes, as to rating with reference to the tithe?"
>
> "I am aware that, before the Tithe Commutation Act, the practice as to rating tithe varied considerably. In some cases, the rate upon the tithe was paid by the occupier, and no rate at all was imposed upon the clergyman. There is no doubt that the Tithe Commutation Act has operated very considerably to the disadvantage of the tithe-owner with respect to rating. It has acted injuriously to the tithe-owner in this manner—it has exhibited the entire amount of his tithe in a public and authentic form; and, therefore, the tithe commutation being known and ascertained, the overseer has put down the tithe-owner in the rate-book at that full amount; but, being himself generally a farmer, he rates other farmers in the parish at an amount less than the net annual value. That practice certainly gives to occupiers of land within the parish an advantage, in comparison with the tithe-owner. He puts the tithe-owner, we may say, at a hundred per cent.; and he puts the occupiers of lands and houses at eighty per cent., or at eighty-five or ninety per cent., and perhaps, sometimes, at a less amount; but, at all events, he generally contrives to rate other species of property below the full net letting value. It is in this manner that the present system is detrimental in its working to the tithe-owner; and, as I conceive, the tithe-owner has a legitimate ground of complaint as to the working of the existing law, I may state, that one of the objects which the Bill—which is now before the House of Commons—has in view, is as far as possible to secure a uniform rating of all species of property up to the full value. I need not tell the Committee that any attempt to secure the rating of property up to its full value is extremely difficult; there is always an unwillingness to set down the full value of anything, from an apprehension that it will lead to increased taxation; there is a constant struggle to keep the assessment below its full value, partly with reference to other classes of property in the same parish, and partly with reference to the county-rate; because, if one parish can keep down its rating below that of another parish, although it may be rated fairly as between all persons in the parish, it gains in the county-rate, if other parishes are rated up to the full value. Therefore there is a constant disposition to keep the assessment for local rates below the full value; and one of the objects which this Bill has in view is as far as possible to secure a uniform rating up to the real value of the rateable hereditament. As far as that object would be attained, there is no doubt that the practical injustice of which the tithe-owner now reasonably complains would be remedied."

In these concluding observations, the Chancellor of the Exchequer alludes to a Bill introduced into the House in 1850 by the present Home Secretary and himself, contemporaneously with which the Lords' Committee sat.

Sir, I have received an immense number of letters from clergymen, all, more or less, tending to expose the cruel injustice of the present working of the law.

I will not detain the attention of the House by reading them, but I must remark that those who talk about "wealthy parsons" and "fat livings," are little aware of the struggling poverty which is the lot of many of our parochial clergy.

It is not known, as it should be, that the average value of the livings in the English Church is nearly £100 per year less than that of the preferments in the Established Church of Scotland; the truth is, that the average value of livings in England is little above £150 per year, while that of the Scotch preferments is rather above £250.

There is one letter, however, which I have in my hand, and which I will read to the House. The writer says :—

> " The aggregate of the land in this parish, exclusive of glebe land and houses, contributes, when a rate of one shilling in the pound is struck, £47 *3s.* 10*d.* My rent charge, which is paid by the respective owners of all this land, will this year contribute £12 8*s.*
>
> " Thus, a nominal tithe of the produce of the land, is compelled to bear a quarter of the burden borne by the land arising from local taxation.
>
> " The injustice in my case is caused by the irregularity of assessment of land and rent-charge respectively, the rent-charge being assessed at its full rateable value, and the land being considerably under assessed.
>
> " I know of one instance, in which land which is let at 30*s.* per acre is assessed at 17*s.* per acre.
>
> " It may be said that there is a legal remedy for this grievance. I answer that there is a nominal remedy, but virtually there is none. What is the remedy ? A valuation of the land ; an appeal to petty sessions ; a further appeal to quarter sessions ; a war between parson and people, and a ruinous expense. Twice I have asked for a moderate relief, and I have been met with violence and a combined opposition. It is a case of one against many—the one weak, the many strong."

I hold in my hand a synopsis of cases, showing the great injustice at present done to the parochial clergy, and I will lay one or two of those cases before the House. In one case, the gross rent-charge was £238 10*s.*—the value of the house and glebe was £26 5*s.*, making a total of £264 15*s.* — the outgoings in ratio amounted to £185 12*s.* 4*d.*, which included £26 12*s.* 4*d.* for poor-rates, so that the net income of the clergyman was only £79 2*s.* 8*d.* In another case, out of an income of £84 9*s.* 11*d.*, the poor-rate amounted to £12 3*s.* 9*d.*

This variance between the theory and the practice of the law, and the impossibility of working the principle of estimating the net annual value has received a remarkable legislative recognition. The Property Tax Act of 1842 sactioned the practice against the law ; for it is enacted by 5 & 6 *Vict.* c. 35, s. 64, rule No. 11 :

> 2.—" Where the said rate shall be made throughout by such pound-rate on any proportionate part of the annual valne as aforesaid, the proportion thereof shall be observed as in the said rate, but the assessment thereon to be made under this Act shall be made at the same sums respectively as they would have been estimated at if the said rate had been made on the full amount of such annual value."

Mr. Speaker, my second proposition is, that the present legal remedy is costly, uncertain, and odious—so much so, as to be practically inapplicable—to be, in fact, no remedy at all.

In the first place, if a clergyman be over-rated he must prove the fact, not as formerly, by showing a relative inequality, but by showing that his neighbours are under-rated, by probing and laying bare the private affairs of those with whom he is in daily intercourse, and with whom it ought to be his principal object to live in uninterrupted harmony. Upon this point, also, I can call the Chancellor of the Exchequer as a witness. He says—

> " It is to be remembered, that anything in the nature of an appeal against an assessment or rating is always troublesome, and is generally expensive and odious. That latter circumstance has great influence upon the clergy ; it is an unpleasant task for a clergyman, in general, to appeal against a parish rate ; he does not wish to enter into litigation with his parishioners, he wishes to retain his influence over them, undisturbed by contests about pecuniary interests ; and I believe, in the majority of cases, from very proper and generous feelings, he restrains himself from appealing against rates, even though they are not equal rates. As far as possible, therefore, I think some public authority ought to step in, and save individuals from the responsibility of objecting to an unfair rate ; and, as far as possible, the rate should be made, by a public authority, an equal one."

Mr. Willis, the eminent solicitor, whose evidence is well worthy the attention of the House, expresses his opinion upon the difficulty and expense of the appeal, as follows :—

> " Will you be kind enough to state to the Committee what that difficulty is ? "—" The difficulty is this, every one who appeals, is bound to state the grounds of his appeal ; he may allege that he is over-rated. If he states that he is over-rated *per se*, the fact may not turn out to be so ; it may not appear in the abstract that he is over-rated ; therefore, appealing *per se*, he might fail ; but he may go on, and he may say, ' I am over-rated compared with A, B, or C,' and then, if he were to show that he is rated at the full sum for which his tithes will let, or for which his lands will let, and that others are rated at two-thirds only, I do not know, in the present state of the law, under the Parochial Assessment Act, whether the result would not be to quash that rate ; I am not sure that it could be amended, because the law is that no rate shall ' be of any force,' unless it is made in a given manner ; and if you show that it is not made in such a manner, I am afraid the result must be not to get the rate amended, and so do justice by the appellant, but simply to quash that rate ; I have felt that difficulty, and on the part of the clergy I need not say that it is a most formidable one. But even if it should be thought that the rate could be amended, it could only be amended as to the individuals with whom I compare myself whom I make parties to the appeal. I am bound to give notice to all to whose rating

> I object, and the amendment of the rate would be confined to those cases. Where one general principle pervades the rate, it is perfectly obvious that such amendment would not effect the object I have in view—the obtaining of a correct assessment in this parish; it would only make it *pro tanto* less objectionable. If, however, I give notice that the whole rate is void, upon the ground that it is not made in conformity with the provisions of the law, I must then show that the whole rate is bad, at least, I must have so many cases of undue rating as to induce the tribunal to infer that the whole is bad, that the erroneous principle pervades the whole rate, and then it would be quashed. I need not state, I think, how difficult it would be for an appellant to do this, to select his cases, and to bring the evidence that would be needful before the tribunal to which he resorts."

I have in my hands, Sir, a letter from a clergyman who did prosecute his appeal, and who succeeded in showing that his neighbour was assessed at too low a valuation, but who found that the consequences of pursuing his success to a practical result, would be so expensive and so odious that he abandoned his triumph as soon as he obtained it.

I have many other letters from clergymen upon the same subject—the burthen of them all is to show that the parish priest is placed in this dilemma—either he must resort to a remedy which indisposes his parishioners to receive his ministrations, or he must submit to be deprived of a portion of his maintenance which he can often but ill spare. Sir, I rejoice to say that with few exceptions, they have adopted the latter alternative. All the more necessary therefore it is that Parliament should interfere to protect those whom it has unintentionally injured, and who are, practically speaking, unable to protect themselves.

Sir, my third proposition is—that the tithe commutation rent-charge having been fixed upon the principle of giving an uninproveable hereditament to the tithe-owner—the commutation having been settled by adding to an agreed net annual value the taxes then in existence—that this compact between the State and the Church has been violated. First, by imposing any new taxes at all upon this rent-charge. Secondly, by imposing taxes, having the improvement of property for their object, upon an unimproveable hereditament. Again, Sir, I refer to the testimony of the Chancellor of the Exchequer in 1843 and 1850.

It must not be forgotten that the burdens imposed by the law upon the clergy are by no means their only burdens. Their voluntary burdens are necessarily very great; they are in continual contact with suffering and want, and there is a continual demand upon their limited means of als-giving. Nor is this all: I heard the noble Lord, the Member for the City of London, say the other night, in answer to a statement of the large amount of voluntary subscriptions, by which education was promoted in this country, that much which was called voluntary was not so, inasmuch as the large subscriptions come from the clergy, who derived their incomes from the State. Well, Sir, I fully acknowledge the truth of this observation, with respect to the amount voluntarily subscribed by the parochial clergy, and I claim the fact as an additional argument, if any were needed, for doing them justice—I do not ask for favour—as to the compulsory taxes imposed upon them.

Now, Sir, what is the conclusion from these premises! That for this acknowledged and demonstrated injustice, which is continually increasing—which is really eating up the incomes of the poorer clergy—the Legislature is bound to find a remedy.

Sir, the remedies for this wrong appear to me to be of two kinds—one of which proposes to itself an alteration of the whole mode of parochial assessment. Such a scheme was to have been propounded by the Secretary for the Home Department, in 1850; and he brought in a Bill with this object, but it never travelled beyond the first reading. Why, I do not know, but I imagine that it must have been on account of the unpopularity of its scheme, which was supposed to have been founded on a principle of centralisation and of interference with local management.

I offer no opinion upon the wisdom of such a scheme; but of two things I am certain, first, that no individual independent Member could introduce it with the slightest chance of success; secondly, that it was abandoned by the Government.

The other kind of remedy proceeds upon the principle recognised—as I have shown—by the Property Tax—of admitting and endeavouring to counterbalance the injustice, by allowing certain deductions, by way of compensation, to the tithe-owner, before his rent-charge be rated.

It appears to me that, if exact justice cannot be done, yet the balance may be equitably redressed upon this principle.

Before I explain the details of my Bill, let me remind the House of the amount of abortive legislation upon this subject.

It will be remembered the Parochial Assessment Act passed in 1836; the first attempt at Amendment was by yourself, Mr. Speaker, and Sir E. Knatchbull in 1838; the second by Mr. P. Scrope and Mr. Hawes, in 1840; the third by Mr. Hodges and Mr. Wrightson, in 1841; the fourth by Mr. Cornewall Lewis and Sir George Grey, in 1850; and the fifth, which an hon. Member has just put into my hand, by Mr. Peto and Mr. Hadfield, in 1854.

Such have been the attempts at legislation—but the tithe-owner remains without redress. Let me conclude with the authority of my right hon. Friend the late Chancellor of the Exchequer, the Member for the University of Oxford, who I have the happiness to know supports the principles of my measure. In 1852, he said—

> "But, Sir, the clergy have a real grievance at this moment. It is admitted by all authorities—Professor Jones, Mr. Cornewall Lewis, and every man who has examined the subject of local rating, will tell you—that the clergy suffer cruelly by being rated for local taxation upon their gross incomes. Now, I would rather redress that grievance than grant them a new and exceptional privilege."

And now, Sir, thanking the House most heartily for the indulgent and remarkable attention with which they have honoured me, and assuring them that had I not taken all the pains in my power to master a very complicated and difficult subject, I should not have presumed to address them at such length—I will briefly mention the principal features of the Bill of which I have now the honour to ask for a second reading. The greater part of the first and second clauses is declaratory; and such has been the discrepancy of practice in various parts of England, that a plain legislative statement even of the deductions, which may now be claimed by law, would be a considerable boon to the clergy. After reciting these, I proceed to propose new deductions, and—First, the land tax; and, surely, it is contrary to every sound principle of finance to tax a man upon a tax. Secondly, the stipend of a curate, whenever one is employed. In some instances, the Legislature compels a curate to be kept—but I extend the exemption to all cases in which one is employed, whether his employment be compulsory or not; and on this principle, that the criterion of the rate is the lettable value of the property rated—if the rent-charge of a living to which a curate was attached was rented, would not the payment of the curate be deducted from the rent of the rent-charge? Take the case of a sequestrated living. The ordinary is bound to tell the sequestrator, his ecclesiastical bailiff, first to defray the expenses of maintaining the parsonage house, and of serving the cure, and then to let the remaining rent-charge.

Thirdly, I propose to allow the deduction of payments made to Queen Anne's Bounty, that is, payments made for a loan, by obtaining which the predecessor perhaps of the present incumbent has enlarged or rebuilt the parsonage house. It is sometimes said that the case is analogous to a mortgage on the estate of a tenant for life, but there is a manifest fallacy in this argument. A lay tenant for life can let his house, and while, perhaps, he is living in Italy pay off his mortgage; but a clergyman is bound to reside in a house, perhaps, too large for him, and to the building of which he has been no party. It seems only fair, then, that this exemption should be allowed.

The third clause corrects what is admitted to have been a mistake in the schedule of the former Act, and by the insertion of additional columns prevents the recurrence of a mistake which has frequently caused rateable value to be placed under the column of gross estimated rental.

The fourth clause provides that the rent-charge shall not be subject to the payment of rates and taxes imposed since the commutation of tithes. I have already entered at length into a defence of this provision.

The fifth clause renders it compulsory on justices, before allowing the rate, to inquire into the accuracy thereof, and imposes a penalty upon overseers who make a false declaration.

I have been informed that this clause is much opposed by gentlemen who discharge the office of magistrates in their counties, and I perceive at this moment that this information is likely to be correct. All that I would say upon the subject now is, that the clause forms no part of the principle of the Bill.

The last clause provides that valuation lists shall be open to inspection.

And now, Sir, I will sit down with the expression of my hope that no objections to the details of this measure will prevent the House from going into Committee upon the merits of the principle which it contains.

I do most earnestly trust that the House will not, by refusing to give a second reading to this Bill, that is by rejecting its principle, refuse to entertain the claim of justice which is preferred to it by the tithe-owner, and especially by the parochial clergy, or show that it is indifferent to their long and patient suffering.

LORD ALFRED HERVEY seconded the Motion. He said the position of the clergy, scattered as they were about the country, made it impossible for them to exercise much pressure in defence of their claims; and even if they could they were not the men to take up a cause of a merely personal nature, that was one reason why he advocated the measure. The provisions which had been applied to houses and lands had been greatly neglected in the case of rent-charges, which it was not usual to let, and which, therefore, were not properly valued, but the same principle ought to apply to both. The rent-charge ought to be rated according to the estimated value, and not according to the gross value. The recommendation of the Poor Law Commissioners to this effect had been totally disregarded. Other properties were rated at less than their estimated value, often at two-thirds less, while the rent-charge was estimated at its full value. That had the effect materially of raising the rate on the rent-charge, so that when other property paid 1*s.*, the rent-charge paid 1*s.* 6*d.* No doubt by the Parochial Assessment Act an appeal had been provided for the incumbent, but it required a voluntary movement, and a direct appeal to those who were interested in keeping up the present system. Out of 15,000 parishes in England, 11,000 were without any valuation, and the valuation of the remaining 4,000 had been very imperfectly taken. The Poor Law Commissioners had stated that farms were often rated at one-half of their real value, and the injustice thus done to the tithe-owner was often not less than thirty per cent. Various proposals had been made to meet the evil—one was that twenty per cent should be deducted from the rent-charge. That proceeding would be to place the clergymen in an invidious position, and to make it appear that he was rated at less than his neighbours. The Poor Law Commissioners had recommended a fresh valuation of assessed property; but that would excite great alarm and opposition throughout the country. It was a fact of his own knowledge that clergymen of £400 a year paid £100 in rates and taxes. There were, besides, the charities, life insurance, and other expenses necessary to his position; and he thus had very little left for his own benefit. The clergy asked for no advantage that was not enjoyed by the other classes of the community. He, therefore, appealed with confidence to the House to allow the Bill to be read a second time.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. BOUVERIE said, as far as the grievance complained of was concerned, he apprehended it was indisputable. It was admitted on all hands that the practical working of the system of assessment had resulted in an inequality, and therefore in injustice with respect to its dealings with the parochial clergy. So far he agreed with his hon. and learned Friend the Member for Tavistock, but he could not approve the remedy which was proposed to remove that grievance. The state of the law on the question was this: Tithes, by the Statute of Elizabeth, were subject to poor rates. In early times a portion of the tithes was appropriated to the maintenance of the poor. There was a division of the tithes, in olden time, into three or four portions, one of which was the patrimony of the poor. Therefore, when the Statute of Elizabeth made tithes contribute to the poor rate, it involved no new principle, it was only continuing a charge to which the clergy were liable at Common Law. Tithes being subject to poor rates, the question had always been upon what principle that rate should be assessed. The Courts of Law had recognised at all times only one principle—namely, that all property subject to the poor rate should be taxed equally. The tithe-owner, in common with the owner of every other species of property, was to be rated according to the great principle of parochial assessment, namely, the value of the property as it would let to a tenant. The principle established in the Parochial Assessment Act was no new principle; it merely declared the principle which had been established by a long course of decisions, that the value of the property taxed should be taken to be that for which it could be let, the tenant paying all rates, taxes, and charges. When that Act was passing through the House of Lords the

Archbishop of Canterbury expressly moved that tithes should be exempted from its operation, but that proposal was altogether repudiated, and the result was the adoption of a proviso proposed by the Duke of Richmond, that there should be no alteration of the law with respect to the rating of tithes and other kinds of property. Then came the Tithe Commutation Act, converting tithes into a rent-charge. The amount of tithes had hitherto been uncertain for the purposes of rating, but now the amount became a well known and constant quantity. That was the source of the grievance of which complaint was made, because the tithe-owner's rent was known, but the land-owner's rent was not known; and those whose duty it was to make the assessment reduced the amount of assessment of the land-owner, while they assessed to the full value the owner of the rent-charge. That was a serious grievance, and his hon. and learned Friend by his Bill proposed to remedy it. Now, what was the amount of property to which this grievance applied? He (Mr. Bouverie), of course, in an argument of this nature, put aside all consideration of the hardship which might be inflicted on the parochial clergy, as such. They must not be influenced by their sympathies for the clergy; what it was their duty to guard against was, whether in this or any other form of taxation, that no injustice was done. He could, if required, make out a good case of sympathy in favour of small landowners. The amount of property to be thus exceptionally dealt with was £4,050,000. That portion of it which belonged to the clergy was 2,411,000; the remainder, amounting to 1,639,000, was the property of lay impropriators, schools, colleges, lessees, and others, to none of whom could the complaint of a personal grievance apply. His hon. and learned Friend would, he trusted, permit him to defend the consistency of the opinion given by the Chancellor of the Exchequer upon this subject. The hon. and learned Gentleman had quoted that right hon. Gentleman as an authority in favour of this Bill, but he thought that his hon. and learned Friend was altogether mistaken on that point. His right hon. Friend the Chancellor of the Exchequer was asked whether it was his opinion, if the Parochial Assessment Act were strictly carried out, there would be any injustice done between the tithe-owner and the land-owner, and he answered "No," and that he thought if the Bill had been carried into effect the injustice complained of would never have arisen. The right hon. Gentleman then went on to say, "I am not aware of any other disadvantage to which the tithe-owner is subject than this, that his cards are shown, whereas the cards of the other ratepayers are not shown." And he added that all other occupiers should be compelled to show the annual value of their land in such a way as to ensure equality of assessment. That was the remedy proposed by the right hon. Gentleman the Chancellor of the Exchequer. But his hon. and learned Friend (Mr. R. Phillimore) suggested a different mode of meeting the evil which did not appear to him (Mr. Bouverie) to be adequate to the purpose desired. By the second clause of the Bill it was proposed to deduct charges for collection, the usual tenant's rates and taxes, all ecclesiastical dues, and the repairs of the chancel and church. The law, as it now stood, allowed all those deductions. It was also proposed to deduct the land-tax, the stipends of curates, and the charges paid under Queen Anne's Bounty. The land-tax was a landlord's tax, it was not deducted in estimating the rateable value of land, and there was no reason why the tithe-owner should be placed in a different position from the owners of other property subject to poor rate. With regard to the stipends for curates, a large proportion of curates were kept in towns, where the grievance did not exist, and as to those clergymen who did not choose to perform their duties personally, they had no claim whatever. With regard to the payments under Queen Anne's Bounty, it would be a very large estimate to say that twenty per cent of new incumbents' houses had been recently built throughout the country, in respect of which alone those payments were due, and therefore a deduction on that ground would be no consolation to the eighty per cent of the clergy who were not subject to the charge. As to the alternative of making the assessment on two-thirds or four-fifths of the tithe commutation rent-charge, the same temptation would exist to induce those who made the rate to lower unfairly the estimate of other property as existed now, and no remedy would be afforded for the grievance of which the parochial clergy complained. He could not agree that the tithe commutation was a bargain made by the State with the clergy, and that the State had no right to subject it to new taxation. If the Legislature thought fit to impose new taxes upon the tithe rent-charge the owners had no more right to complain than the owners of other property. When the tithes were commuted the tithe-owner was credited with the receipt of the gross sum yielded by his tithes. Since that time the charge for poor rate in this country had been diminished £1,500,000, and if impositions of another kind had been put upon the tithe-owner, of which he complained, he ought to give credit, on the other hand, for the benefit derived from the reduction of the poor rate. He willingly admitted the disinterested spirit which the clergy had exhibited on the repeal of the Corn Laws, which seriously threatened to lessen the value of their peculiar property; but he was glad to say, as yet, it had been productive of no practical loss to them. As to the assertion of the hon. and learned Member for Tavistock, that the right of appeal was a mere mockery, the appeal given by the law now was no greater hardship upon clergymen than upon the hon. and learned Gentleman or any ratepayer who was overrated. There seemed to him to be no other possible mode of remedying the injustice than by giving an appeal, whereby, if in any one instance the rate could be shown to be unequal, it would be put straight. If the hon. and learned Gentleman could point out any practical means of facilitating appeals he would consider of it; but he must protest against clause 5 of the Bill, which constituted the justices, whose function now merely was to sign the rate, a Court of Appeal. It would be intolerable for justices to have to sit as a Court of Appeal every time a rate was allowed. He approached the subject with no prepossessions against the clergy, but he felt bound to point out that, while the clergy had an indisputable grievance which, he believed, might be remedied, the measure of the hon. and learned Member for Tavistock would not, in his opinion, afford any real remedy, and neither was it sound in principle. He was not prepared to object to the second reading of the Bill, but he had pretty clearly indicated what portions of it he should object to at a future stage.

Sir JOHN PAKINGTON said, he wished to inquire where the Chancellor of the Exchequer was. He had no doubt the right hon. Gentleman in the chair was unable to answer the question; but the right hon. Gentleman ought certainly to have been present. He was the highest authority on the subject; he had spoken upon it, written upon it, and given evidence upon it; and his authority could be cited against the opinions of the right hon. Gentleman opposite, the President of the Poor Law Board. Why, the right hon. Gentleman the Chancellor of the Exchequer had distinctly expressed an opinion in favour of the views of the hon. and learned Member who brought in the Bill. Yet the right hon. Gentleman (Mr. Bouverie), though not objecting to the second reading of the Bill, had done his utmost to destroy it. He (Sir J. Pakington) had long felt the deep injustice which the clergy suffered from the present system of rating. [The Chancellor of the Exchequer here entered the House.] He was happy to see the right hon. Gentleman. He believed he might appeal to him against the opinion of the right hon. Gentleman the President of the Poor Law Board (Mr. Bouverie), who had just spoken in opposition to this measure. The arguments of the right hon. Gentleman were no answer whatever to the proposed measure. No doubt rating ought to be equal, and what the clergy complained of was, that they were not equally rated. That was the very grievance the Bill was brought in to remedy. The House was only asked to do an act of justice. Justice required that the clergy should be rated on a different principle. The case in the Queen's Bench, that the rule of rating under the Parochial Assessment Act applied to tithes, had been commented upon in a Report signed by the Chancellor of the Exchequer. And the clergy complained that they were not really rated on the principle of that Act, but were assessed on different principles from other ratepayers. They also complained that they paid on a different value from other ratepayers, especially considering that the stock-in-trade was exempted; and they complained of the effect of the fixed nature of their rent-charge. The right hon. Gentleman the President of the Poor Law Board said the principle of law was, that all rating ought to be equal. He did not dispute that *dictum*, but, on the contrary, his argument for the Bill, as he had previously stated, was that the clergy were not equally rated. The House of Lords had expressed their opinion by Resolution, that the rent-charge ought to be assessed, not in the full value, but at the rate which a tenant would pay for it. The right hon. Gentleman the Chancellor of the Exchequer, in the Report of the Commission of which he was the most conspicuous member, estimated the difference in the rating of owners of tithes and owners of other property in many cases at twenty per cent, and in some 10,000 or 11,000 cases at thirty or forty per cent. He concurred with the hon. and learned Gentleman (Mr. R. Phillimore), that, practically, the remedy of appeal in the case of clergymen was worthless, and he found the Chancellor of the Exchequer, in the same Report, making the same assertion. The Commissioners also said—

> "We consider that the clerical tithe-owners have very just grounds of complaint as to the manner in which the rent-charge is valued in the majority of cases throughout England and Wales, and, therefore, are fully entitled to protection as effectual as can be devised against the evil."

Those words were most conclusive as to the justness of the complaint and the necessity for protection. As to the objection of the right hon. Gentleman (Mr. Bouverie) to the deductions for salaries of curates, he thought there was some weight in it; but that was a mere question of detail. He thought the measure, with some modifications, would deserve the sanction of the House.

Mr. HENLEY said, he was glad that the President of the Poor Law Board had agreed to let the Bill go to a second reading, because it was admitted on all hands that the holders of tithe property were labouring under a grievance. He did not think the House had anything to do with the question whether this property was owned by rich or poor persons. The real question was, whether there was equality or inequality of taxation in regard to this description of property. The true principle was involved in the question, "If A were possessed of 100 acres of land, and B of a tithe rent-charge of £100 a year, what would C and D give for the rent of each? Let the House look at the items which the hon. and learned Gentleman (Mr. R. Phillimore) gave by way of compensation. First, there was the curate, whose salary the hon. and learned Gentleman said ought to be deducted. But, suppose the Legislature divided the parish, and assigned a portion to the curate. The tithe rent-charge would then be divided with the parish, and the curate would pay one portion, being a district clergyman, and the incumbent the other portion. He did not see that this charge ought to be a deduction. Such a deduction would operate unequally; because, if a clergyman did not keep a curate, the Bill provided no remedy for his admitted grievance. Money borrowed upon the tithe rent-charge for the building and repair of houses was another item. That was a mortgage, but it did not affect the generality of livings. The fourth clause of the Bill referred to additional charges which might be put on this particular species of property. The hon. and learned Gentleman said that a rent-charge was a fixed and unimprovable rent, and ought not to be subject to additional charges of any sort. But that argument cut both ways. Was the rent-charge to be a fixed quantity which was never to have another burden upon it? That, he considered, was very dangerous ground to take. It was true that a rent-charge was an unimprovable property, but it was certain of payment, and he thought that the gain in one part might very fairly be set against the loss in some other respects. The parochial assessment was generally a little below the rent; but in one case which had come under his observation it was considerably above the rent. He thought the owners of tithe rent-charge had a grievance to complain of; but he felt bound to say that the Bill would not, in his opinion, relieve it. The House, however, by agreeing to the second reading of the Bill would admit that there was a wrong to be remedied. What that remedy should be he would not undertake to say, although it would probably be found either in allowing a small per centage or in giving greater facilities of appeal.

Sir WILLIAM HEATHCOTE said, there were some deductions which were naturally just in themselves, but there was another class which the hon. and learned Member for Tavistock sought to adjust by means of compensation. Whether the remedy for the grievance under which the tithe-owner laboured was to be found in the Bill of the hon. and learned Member was a matter for discussion. The tithe rent-charge represented the right to take the tenth part of the produce of the land, but it was a different thing to rate property after all deductions had been made. The house of a clergyman, for instance, was quite out of the category of property. In dealing with a property representing only a share of any given property, taxation ought to be placed on a different footing. There were two distinct sets of reductions in the Bill, one to be supported on its own merits, the other founded on inequalities in the rating, and in considering the question these matters ought to be taken into full consideration.

The CHANCELLOR of the EXCHEQUER said, it was his belief that the clerical tithe-owner was subject to a real and substantial grievance in the rating of these tithes, arising from the fact that the surveyor who made the rate was for the most part a farmer of the parish, whose assessment of the property of his own class was usually below the full value, while the value of the tithe commutation rent-charge, being publicly ascertained, was entered in the rate book at the entire value, and thus placed the clergyman at a disadvantage as compared with other parishioners. The House was aware that there was a double motive for thus assessing the property of the parish. In the first place, if the rental of a farm were greater than the assessment, each parishioner was a gainer as compared with the tithe-owner, who was assessed at the full value. There was another advantage in a low assessment, in regard to the county-rate. If a rate of 4*d.* or 6*d.* in the pound were laid over the entire county, those parishes that were assessed at only 60 or 70 per cent of the value, paid a smaller percentage than those who were assessed at 80 or 90 per cent of their value. He was, therefore, of opinion that the House ought to remedy that grievance. But the hon. and learned Gentleman (Mr. R. Phillimore) did not propose to deal with this real grievance of over-assessment of some parishes and under-assessment of others. He established certain deductions, beginning with the amount of the salary and stipend of a curate. [Mr. R. Phillimore: The land tax.] Very possibly the tithe-owner might be entitled to deduction in that respect, but he would not, on the present occasion, enter into that question. The law regarded the tithe as property, and not as salary. If it were considered as property, and not as the remuneration for service, he could not see the equity of deducting the salary of a curate. If a person absented himself from his benefice the law compelled him to keep a curate during his absence; but in that case he exercised his own judgment as to his absence, and, therefore, could not be said to be compelled to keep a curate. The provision of the Bill upon that point was not, therefore, of particular value. More might be said in favour of the deductions on account of Queen Anne's Bounty, because a clergyman was merely a tenant for life of his house—he could not dispose of it, as it was in the nature of an official residence, and he did not even stand in the same position with regard to it as an ordinary tenant for life. He was not aware that any objection could be made to that section of the Bill. With regard to the 4th clause he fully agreed with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). He thought no distinction could be made between new charges and old charges, and there was no reason why this species of property should not be subjected to the same new charges as any other species. If the principle were admitted, why should it not include the increase of existing charges? In the case, for instance, of a police rate, separate from the county rate, the clause would be applicable, whereas if the police were charged upon an existing county rate it would be inapplicable. One argument used in favour of the tithe-owner was founded upon the abolition of the rating of stock-in-trade, but he could not see its force. In town parishes the tithe system altogether failed, because the tithe being the tenth part of the increment of the soil, there was no increment of the soil as the ground was covered with houses. But in ordinary cases the tithe-owner was the owner of the tithes of a rural district containing few shops and scarcely any stock-in-trade, and, therefore, practically he was not damnified by the disuse of the law for rating stock-in-trade. He (the Chancellor of the Exchequer) still retained the opinion he had formerly expressed as to the injustice under which the tithe-owner laboured by the existing law, and he thought the House ought to apply itself to the removal of that grievance, but he doubted whether it would be effectually remedied by the proposed measure.

Mr. GLADSTONE said, he must beg to express his gratification at the general tone of the debate, and at the fairness with which gentlemen connected with land, and therefore interested in rating as many classes of ratepayers as possible, besides that to which they belonged, had admitted the grievance of which the tithe-owners complained, and endeavoured to facilitate its removal. His right hon. Friend the Chancellor of the Exchequer had discussed the subject with the fairness eminently characteristic of his mind, and his knowledge of it was no doubt greater than that of any other Member of the House; but, in order to illustrate the difficulties with which his hon. and learned Friend (Mr. R. Phillimore) had had to contend in grappling with it, he must remind his right hon. Friend that some of the principles laid down in the Report signed by him went far towards supporting that 4th clause to which he was now opposed. He would respectfully press upon the House that, after the universal admission which had been made as to the existence of the grievance which was the subject of the Bill under consideration, it would not be altogether creditable to allow small difficulties of detail and small differences of opinion to prevent the application of a remedy to that grievance. They ought not to fold their arms and say, "Although the grievance is plain, palpable, and even scandalous, we cannot, on account of difficulties of detail, attempt to provide a remedy." It would be far better to apply a remedy which was open to some abstract objections than any longer to neglect the subject. Although the right hon. Member for Oxfordshire (Mr. Henley) objected to some provisions of the Bill, he understood the right hon. Gentleman, and he likewise understood the Government, to pledge themselves, in voting for the second reading, that they would honestly endeavour to make the Bill as effectual a remedy as possible for admitted grievances. The first object of the Bill was to fix by law certain deductions to which the tithe-owner was entitled; its second object, and that which presented the greatest difficulty, was to counteract the effects of the inequality of assessments. With regard to the two modes of proceeding pointed out by the right hon. Member for Oxfordshire, he hardly thought it would be worth while to pass a Bill to improve the method of appeal, since the more elevated the character of a clergyman, and the greater his desire to maintain unbroken relations of amity with his parishioners, the greater would be his reluctance to resort to any appeal that could be provided. The general feeling of the House seemed to be favourable to a deduction on account of the parsonage house, as that house was not built for the enjoyment of the clergyman, but in order to fasten him to his duty. The question of a deduction on account of the salaries of curates was one of the greatest intricacy, and he should look for guidance upon it to the authority of practical men such as his hon. Colleague, and the right hon. Gentlemen, the Member for Oxfordshire (Mr. Henley) and the right hon. Baronet the Member for Droitwich (Sir J. Pakington). He would, therefore, venture to suggest to his hon. and learned Friend, to Her Majesty's Government, and to those Gentlemen that felt an interest in the measure, whether, upon the whole, it would not be most expedient to refer the Bill to a Select Committee, not for the purpose of taking evidence upon the subject, but for the purpose of closely and carefully considering in juxta-position the various remedies proposed to meet a grievance universally acknowledged. At all events he ventured to hope that the labours of his hon. and learned Friend, as well as the expression of opinion elicited that day, would not be unattended with beneficial fruits.

Mr. HADFIELD said, he wished to observe that the Parochial Assessment Act of 1836 was very much complained of. He would therefore give notice that when the Bill was in Committee he would move the insertion of clauses to remedy the evil, and removing the restriction which prevented persons from appealing to the Superior Courts without the permission of the magistrates.

Mr. WIGRAM said, he was anxious merely to say that whether the law was theoretically right or theoretically wrong, it was admitted on all hands to inflict a great grievance upon a large class of the community. He would therefore suggest that Her Majesty's Government should apply itself to determine what was the proper remedy for the grievance, as it was quite hopeless for a private Member to expect to carry a measure through if he had to encounter at every turn objections on the part of the Government to the details of his Bill.

Sir HENRY WILLOUGHBY said, he would admit that the clergy had a great grievance to complain of under the present state of the law; but at the same time he was prepared to contend that the general system of rating was unjust. It was unjust as regarded the growers of raw produce throughout the country, which meant every occupier of land throughout England and Wales. Occupiers of land were rated in a way that no other employers of capital were; for they were rated according to their production, and according to the amount of industry which they brought to bear upon the working of the soil. He thought, therefore, that the whole question of rating should be grappled with.

Mr. NAPIER said, he would advise the hon. and learned Gentleman (Mr. R.

Phillimore) to let the Bill be considered by a Select Committee, but not to hand it over to the Government, who had neglected to provide redress in the case of the clergy of Ireland, some time ago; it was, he thought, for the House itself to provide the remedy.

Motion *agreed to.*

Bill read 2°.

## AGGRAVATED ASSAULTS BILL.

Order for Second Reading read.

MR. DILLWYN, in moving the second reading of this Bill, said, there could be no difference of opinion as to the imperfect working of the present Act for the repression of aggravated assaults upon women and children. Such offences occurred in the metropolitan district at least upon the average as frequently as one every day. The police reports and our daily experience consequently proved that the existing law was quite insufficient to prevent them. Now, in his opinion, it was an erroneous view to think that the main object of punishment should be the reformation of offenders. The principal object, and in fact the only one which justified us in administering punishment, was the repression of crime, and the more simply we kept that system in view the better. It was not his intention to deny that the reformation of offenders, if it could be compassed by the same means, was a very desirable object, but he must deny that it was practicable to include this with the other, as the express objects of our penal legislation. Looking at our whole penal code, the penalties awarded for crime, as far as he understood it, did not contemplate the reformation of offenders. Centainly, the sentence of death did not contemplate that object, nor did long imprisonments, nor penal servitude. A great objection, also, to long imprisonment was, that, in the first place, we had not the means of carrying it out, and, in the next, if we were to extend the length of the term of the imprisonment for offences, we should not be able to provide sufficient prison accommodation. It did not appear, from the conduct either of those who had undergone long imprisonment, or of those who had returned from transportation, or of the ticket-of-leave men, that they had been very much reformed. Neither did he believe that our prison discipline, as at present conducted, was at all likely to reform criminals. He would now call attention to the different remedies that had been suggested for the prevention of the particular class of crimes which he had in view; and he believed none of those remedies, except the infliction of corporal punishment, which was what he proposed, were at all likely to attain their object. Imprisonment was not calculated to deter a man of brutal and savage nature, under the strong influence of ferocious passions, of anger or jealousy, or under the excitement of drink, from the commission of those offences; no matter to such a man whether the penalty were three, six, or twelve months' imprisonment, it would not check his rage. Nor was it probable that solitary confinement, which had been recommended as a substitute for a longer term of imprisonment, would in those cases be effectual, though in many instances, such as those of larceny, swindling, and other such crimes, he believed that shorter sentences of solitary imprisonment would be a great saving of expense, and give a much better chance of reforming the offender. To a man who had once experienced it, doubtless solitary confinement was a very dreadful sentence, but not so to one who had not experienced what it really was. In the cases which he had in view, it was desirable to prevent first offences, and there must be some penalty which should inspire active fear, and an immediate terror. Another suggestion which had been made was, that there should be a cheap law of divorce. That was a very large question, affecting the social and domestic relations of the whole people, and one which required very grave consideration. He certainly should approve of it as a civil remedy, for he believed that by separating persons who were ill matched, the cause of many of those crimes would be removed. But it would, without doubt in many instances, be holding out a direct inducement to commit the assaults which he desired to restrain, if the punishment of those assaults were to be associated with facilitating a divorce; and therefore he did not wish to mix up the question of the law of divorce with the question which he had now brought before the House. Besides, the law of divorce could only apply to the case of a wife; but many of these aggravated assaults were not committed by men upon their wives. Within the last three months there had been three or four gross cases made public of assaults by men upon their concubines; and although a woman had no right to live with a man in that relation, he ought to be punished if he treated her brutally. There were also cases of men assaulting their mothers and sisters, and worst of all, there were cases of men assaulting children, which deserved the most prompt and severe punishment. One case, which he had noticed, was that of a man who had just had an illegitimate child sworn to him, and immediately wreaked his vengeance upon the child as soon as he got out of the Court. In these and other cases, a law of divorce would of course afford no remedy. He did believe that the only way to meet the whole class of such cases was by imposing corporal punishment, for he was firmly of opinion that would deter from crimes of that nature. They were essentially different from cases of theft and other crimes, in which the offender deliberately weighed the consequences of his act, and knew the loss of character which he would have to sustain. These assaults were committed in a momentary passion, and the forcible threat of a good flogging would be more likely to have an instant effect upon a man, at such a moment, than the contemplation of a more prolonged sort of punishment. It was almost invariably true, that the greater the bully the greater was the coward, and the fear of actual pain upon his own back would operate upon any man who was capable of cruel ill-treatment of the woman he was bound to protect. Such men, like dogs, were of a brutal nature, and if we wanted to cure dogs of the habit of running after hares or sheep, we did so by whipping them, until we acquired a control of them, and taught them to restrain their savage propensities. He believed that, by such a punishment as he recommended, there would be a chance, not only of deterring men from these offences, but of reforming them also. Nothing but the fear of pain and shame would do it; and shame might do much with them; but if they were only to be sent to prison, they were too depraved in character to feel any shame for that, and would meet with associates in prison, who would sympathise with them, and keep them from any sense of degradation. But a man who had been flogged for such an offence, would be laughed at even by his fellows whom he met in prison, and would be put to shame. Now he was perfectly aware that more than one objection had been raised to the system of punishment he recommended. One was, that it would prevent a reconciliation between the husband and wife, after the sentence should have been inflicted. He did not say but that, in some cases, it might do so; but he believed it would make these assaults of very rare and infrequent occurrence, and that general effect would be well worth the occasional chance of preventing a reconciliation. But in many cases it was his belief that it would not prevent a reconciliation. He knew a case of a man in South Wales, many years ago, who was continually brought up by the Poor-Law officers for deserting his wife and family, and sent to the House of Correction for it. At last he was brought up and indicted under an old Act of Parliament, as an incorrigible rogue and vagabond, at the quarter sesssions, and he was sentenced to be whipped—and he was whipped; he went back to his family, and never appeared before the Magistrates again; but they lived happily together ever since, although his wife was the cause of his having undergone that punishment, and he really became a reformed man. Another objection was, that flogging would tend to degrade and brutalise a man, but he did not attach any weight to that argument, because he believed that the man who committed these assaults was such that he could not very well be degraded—he was a thorough brute, and as a brute he must be treated, and be cowed by the fear of the lash. It had been said that this would be a retrograde step in our legislation; but what did that mean? If it tended better to attain the great end of legislation, the prevention of crime, it would surely be a step in advance. When we wanted to cure a disease, we did not look for the most agreeable but the most efficacious medicine, and if we found a medicine that was nastier than any other which had been previously tried, but that effectually cured the disease, we did not call it a retrograde step but an advance in the art of healing. Besides, it would not be an innovation in the law, after all. There was the Act of the 7 & 8 *George* IV., chap. 39, which provided the punishment of whipping for malicious injuries to property. There was also the Act for the punishment of assaults upon Her Majesty the Queen, in which case hon. Members must be well aware that the principle of corporal punishment had been quite successful for the prevention of the offence. Another objection which had been made was, that such a power as that of inflicting corporal punishment ought not to be given to one or two Justices of the Peace. But the Magistrates were already invested with very large powers, which they generally exercised in a very satisfactory manner; they were always subject to the observation and comments of the public press, and he believed their decisions inclined usually to the side of mercy rather than the other way. His attention had been called to the meeting of women at Leicester, who had petitioned against this Bill. But he could not attach much importance to that meeting. He had never expected that women would hold meetings in favour of the Bill, or take any public part in its advocacy. By doing so, women would of course have exposed themselves to a great deal of personal ridicule, and their compassionate, long-suffering, uncomplaining spirit would indispose them to plead their own cause, and to demand such a remedy as this. The women felt no doubt that they might safely leave their cause in the hands of a Parliament of men. But notwithstanding all that had been stated, he still had reason to believe that the feeling amongst the female sex was in favour of the law which he proposed, and that they did consider it to be necessary. After all, it was not altogether a woman's question, but it was much more a man's question. It concerned the character of our own sex that we should repress these unmanly assaults; and he believed that upon the men who committed them they had a worse and more injurious effect than they had upon the women who endured them. The noble Lord at the head of the Government said, in the debate of 1853, that if the working of the law then enacted should be found unsatisfactory, he would be prepared to reconsider this question; and that if that law were insufficient, Parliament might have recourse to stronger measures. He (Mr. Dillwyn) believed that, since that period, there had been a great change of public opinion and feeling upon this subject, and he therefore trusted that the noble Lord at the head of the Government would offer no opposition to the second reading of the Bill.

SIR GEORGE GREY said, that, notwithstanding the general and very just desire that those offences to which the Bill of the hon. Gentleman referred should be checked by the strong hand of the law, he felt bound at once to state the reasons which induced him to think that the specific change which the hon. Gentleman proposed would be inexpedient, and ought not to be adopted by the House. The Bill contained almost a complete code of provisions upon this subject, but substantially it made only one alteration in the existing law. A Bill upon this subject was brought in three years ago by the right hon. Gentleman now the Chairman of the Committee of Ways and Means, who was then the Under Secretary for the Home Department (Mr. FitzRoy) and was passed into a law. What the hon. Member for Swansea now proposed to do was to repeal that Act, and to re-enact it verbatim, with the addition of another punishment to be attached to the offence in question. There could be no difference of opinion about the character of that offence, and with much that had been stated by the hon. Gentleman, he, and he thought every one else, must agree. There could be no sympathy with those persons whom he had justly described as men of brutal and savage nature, who were guilty of these aggravated assaults on women, and especially on their own wives. There could be only one desire about it, that these offences should be checked. But much of the reasoning of the hon. Gentleman was based upon the general assumption of his that long imprisonments were inexpedient, that they were expensive, and that they could not so well be inflicted, and therefore the hon. Gentleman, irrespective of these particular cases, would recommend corporal punishment to be substituted for long imprisonment inflicted by law. And so, as regarded the question of divorce, the hon. Gentleman was in favour of a cheap system of divorce, but he did not propose anything of the kind. What, then, did the hon. Gentleman propose? The existing Act gave summary jurisdiction to two magistrates in ordinary cases, or to one police or stipendiary magistrate, to deal with these aggravated assaults, and to inflict a penalty of not exceeding six months' imprisonment, with or without hard labour; or else the magistrates had the alternative of inflicting a fine not exceeding the sum of £20, with imprisonment in default of its payment; and there were other provisions enabling them to bind the persons over to good behaviour. Now the hon. Gentleman proposed to repeal the punishment which was imposed by the present Act, and to reduce the six months' imprisonment, in all cases, to two months' imprisonment, but to couple that sentence of imprisonment, of which the minimum was to be fourteen days, and the maximum was to be two months, in every case, according to the wording of the Bill, with the infliction of corporal punishment. Now, he (Sir G. Grey) thought it would be very inexpedient to require the magistrates in all cases, and without any discretion whatever, to visit these cases with corporal punishment, in addition to the limited imprisonment. If the House sanctioned it, they would be, for the first time, placing in the hands of the civil magistrate the power of inflicting corporal punishment in the case of an adult. There was at present no law which gave the magistrate such a summary jurisdiction ever adults, for any offence. What would be the state of the law if this Bill were passed into an Act? The magistrate might send the case, if it were a very aggravated one, to be tried by a jury at sessions or assizes. But if this Bill became law, when the man was convicted in such a case, the judge at the assizes, or the chairman of the quarter sessions, would not have the power of inflicting corporal punishment, although the magistrate would have that power if he disposed of the case by his own summary jurisdiction. He thought that was a power so extensive that the House should be cautious how they placed it in the hands of the magistrates, to be exercised in a summary way. But the hon. Gentleman had assumed without sufficient proof that the present law was inadequate to the attainment of its object. Now the hon. Gentleman must have entertained a very Utopian view of the powers of Parliament if he had thought the present law would effect the complete repression of all this class of offences. It was doubtless the fact, that they were still of frequent occurrence, but the number of such offences which had occurred since the Bill was passed should be compared with the number of them previous to that date. There was another circumstance which the hon. Gentleman had likewise overlooked. The Act enabled any person to prefer a complaint in these cases; it multiplied the cases which might be brought before the Police Courts and magistrates, and he (Sir G. Grey) believed that it brought many offenders to justice who would before have escaped any punishment; and the cases which were made public were those in which justice was done upon persons who before that Bill was passed would have escaped the cognizance of the law, and whose cases would not have become known. The hon. Gentleman had anticipated the objection as to the effect which the infliction of that punishment which he proposed would be likely to have upon the domestic peace of the families of the husbands and wives who were to live together afterwards. By the present law, if the complaint were made by the wife, or by any person on her behalf, and the magistrate inflicted imprisonment, either with or without hard labour, it often happened that the husband was released before the expiration of his sentence, at the earnest intercession of the wife, there being reason to hope that the effect of the punishment had been such as would induce better conduct on his part, and better treatment of her in future. In such a case did not the husband go back to his home with feelings more likely to tend to the future peace and comfort of his wife, himself, and their children, indebted as he was, for the remission of a part of his sentence to her intercession, than he would if he were sentenced, as he might be under the Bill now before the House, to imprisonment for fourteen days, with a severe flogging, to go home with a sore back, and with feelings of the greatest irritation against the wife who had caused that sentence to be passed upon him? For all these reasons, he thought they ought to have a longer experience of the existing law before they meddled with it, and that they ought not to adopt the measure now proposed.

Mr. PACKE said, he thought there was one great objection to the Bill in its present shape, that it gave the magistrate no option as to the mode of punishment; but, independently of that, he thought the operation of the present law had not been sufficiently tried, and he must therefore oppose the further progress of the Bill.

Mr. BIGGS said, he was of opinion that there was no *primâ facie* case for making a new law on this subject, nor did he think that the operation of the proposed measure would be salutary. He judged from what he knew the opinion of the House had been on the system of flogging in the army and navy. He should therefore feel it his duty to oppose the Bill. There was one strong reason that induced him to take this course, namely, that the women of England did not wish for the Bill—they did not wish that this punishment should in any case be inflicted upon their sons and brothers. A meeting had recently been held by women at Leicester on this subject, and, with the permission of the House, he would read a Resolution which had been passed at that meeting. It was moved—

> "That whereas that meeting fully appreciated the benevolent intentions of the Legislature, they could not allow the Bill now before Parliament to pass without expressing their opinion as to the inutility of this barbarous and obsolete mode of punishment, believing that such a law would have the effect of further brutalising and demoralising those that came under its lash."

That Resolution had been unanimously adopted. He therefore considered that the measure was not only unpopular, but supererogatory and uncalled for.

MR. WHITBREAD said, he wished to know what were the reasons why they were called upon to support the present measure? He supposed that in ordinary cases there were three causes which stood in the way of bringing criminals of this class to justice. The first was, that it was plain there was some sort of lingering affection still left on the part of the wives; the second was the fear that their husbands, when they came out of prison, would treat them more cruelly than before; and the third, that whilst the husbands were in gaol, the wives would be in absolute want of support. Now as to the first of these causes, he would be extremely sorry to diminish by legislation the chances of bringing to justice criminals of this nature; but, doubtless, so long as these unhappy women could forbear, it would be better for them. Then, with regard to the second, the magistrates had the power to make a criminal find bail that he would not ill-treat his wife for twelve months after he was set free from prison. With respect to the third, he had a proposal to suggest, which he would bring forward on a future occasion. Strongly opposed as he was, under ordinary circumstances, to make prison labour remunerative to the prisoner, he thought there was a special case, when labour might well be made remunerative for the benefit of the wife. In that respect he thought the law did not meet the ends it had in view.

MR. BENTINCK said, he could not help expressing the regret which he felt that the right hon. Gentleman (Sir G. Grey) had opposed the Bill, and he certainly could not agree with him in the views he had expressed. He (Mr. Bentinck) heartily concurred with the hon. Gentleman who had moved the second reading of the Bill, that punishment was intended to prevent crime, and not to reform criminals; and he thought the House was bound to confine itself strictly to that view of the subject. It was pretty plain that the existing measure had not had the effect which the right hon. Gentleman (Sir G. Grey) had anticipated. Then his hon. Friend (Mr. Dillwyn) only asked the House to do as much for the protection of women as they were ready to do for that of animals. What, then, were the objections that were urged to the magistrate having the power of extending the punishment for this crime, and adding to it corporal punishment? There was an argument that he had often heard urged out of the House, but not within it on this occasion, that it was opposed to what were called the rights of man; but it had been said on this occasion that the punishment would tend to brutalise and degrade the minds of those whom it visited. But he would contend that there was no possible means of reducing to a lower step of brutalisation ruffians who could be guilty of such a crime as the Bill now under consideration was calculated to deal with.

MR. BARROW said, he thought that a man who could be guilty of the crime which was the subject of consideration would not be deterred from such conduct by this brutalising punishment—an expression he felt no difficulty in using with respect to it. There was another objection which might fairly be made to the use of this punishment—it was an infringement of personal liberty. Now, he (Mr. Barrow) claimed the right of every Englishman not to be subjected to corporal punishment—except after that verdict had been given which they claimed as one of their greatest privileges — namely, that which was given after a trial by jury. He did not believe this measure would in the least lead to the reformation of criminals.

CAPTAIN SCOBELL said, that the House appeared to him to be arguing the question upon much too narrow a basis. Perhaps some Member of the House might some day meet some saucy boy, perhaps under fourteen years of age, and give him a box of the ear; he might be found guilty of an aggravated assault, and then, whether he were a Member of that House, or any one else, he must be flogged under the provisions of this Bill. If any punishment less than flogging could be devised he would support it. He had seen a great deal of flogging in the navy—in his younger days he had seen twelve or fourteen men flogged one after the other, and he had very rarely seen them cured of their faults. Now, the men in the navy were better conducted, and flogging was much less frequent. If a man were guilty of the atrocious habit of ill-treating his wife, or any woman under his protection, he would punish him in the most severe manner—he would give him the hardest and dirtiest work that could be devised, but he would not flog him. If that were the punishment, in half the cases, depend upon it, the wives would not come forward to prosecute.

Lord ROBERT CECIL said, he wished to point out that, by the first clause of the Bill, it was provided that this punishment was only to be put in force in cases which the magistrate should think could not be satisfactorily dealt with by the 9 *Geo.* IV., chap. 31. It must be remembered that this punishment was to meet offences which were so brutal that no punishment could be degrading to those who were guilty of them. Flogging was still continued in the army and navy, and it was only the excess of it which had been abolished, and that all allowed was injurious. The hon. Member for South Nottinghamshire (Mr. Barrow) objected, in certain domestic arrangements which he seemed to contemplate, to being flogged without the consent of a jury; but what possible connection could the form of trial have with the particular punishment to be inflicted? The main objection urged against this punishment seemed to be that it would not only not effect a reform of the criminal, but would absolutely obstruct it; but that argument was founded on a misapprehension of the first object of punishment, which was to deter. A man was flogged, not for his own benefit, but for the benefit of the people who were not flogged.

Mr. MUNTZ said, he believed the cause of the existence of this crime among the working classes was the impossibility there was, under any circumstances, of man and wife ever being separated from each other. Whatever might be the crimes of man or woman in that rank of life, however they might hate and detest each other, they could not get rid of the marriage tie; and he verily believed their conduct in this, and similar cases, was founded upon this sense of impossibility. As to the offence itself, so far was it from being confined to the male sex, that he (Mr. Muntz) knew of one or two cases were women had thrashed their husbands most severely; and with respect to the wives bringing their husbands to justice, he well remembered punishing one ruffian himself, who was ill-treating his wife, by knocking him down, when directly after he (Mr. Muntz) got his face scratched by the wife for assaulting her husband. There were faults on both sides, and he very much doubted whether corporal punishment would have the effect of diminishing the offence of woman-beating. How would any hon. Gentleman meet his wife, he should like to know, after she had been the means of getting him a good flogging? For himself, he confessed he should not be disposed to be very affectionate under such circumstances. Let the hon. Gentleman bring in a Bill to regulate the law of divorce, giving married persons among the working classes the opportunity of being separated for a sufficient reason; let him do away with the reproach of there being in this matter one law for the rich and another for the poor, and he would be acting more beneficially for their interests than if he carried this measure.

Sir STAFFORD NORTHCOTE said, he quite agreed with the noble Lord the Member for Stamford (Lord R. Cecil) that the first object of punishment was to deter, but, to effect that certainty of punishment was quite as necessary as severity, and if the imposition of this punishment should make wives more unwilling to prosecute and magistrates more unwilling to convict, this Bill would have quite a contrary effect to that which its advocates aimed at.

Mr. STUART WORTLEY said, he could not bring his mind to approve of the Bill of the hon. Member for Swansea. He very much doubted if there had been any increase in this crime. He did not believe there had been, judging from his experience of the Superior Criminal Courts, in which all cases were tried of assault with severe wounds, or when anything in the nature of an attempt on life was made. He thought that the increased public notice which was bestowed on these cases was due to two causes. First, because it was a popular topic, so that every newspaper reported every case of the kind; and, secondly, because the increase of moral improvement among the working classes had made them more sensitive to conduct of this kind whenever it did take place than they were before; so that the wife was often encourged and compelled to come forward, and more encouragement was given than formerly to prosecute for this offence. He thought the apparent increase of the crime, which was not real, was due to other causes. What was the real difficulty in the way of punishment for this crime? Why, that in the majority of cases the wife herself was the first to come forward, and throw herself upon her knees before the magistrate, praying that her husband's sentence might not be passed. With that impression he certainly thought a law which would subject the husband to corporal punishment would rather increase than diminish the evil. The additional exposure which would be given to the offence, and the degradation of the punishment, of which the man must bear the marks about his body for the rest of his days, would often deter the unfortunate wives from applying to the magistrate at all, and thus defeat the very benefit that was intended.

Motion made, and Question put "That the Bill be now read a second time."

The House *divided*:—Ayes 97; Noes 135: Majority 38.

Bill to be read a second time upon this day six months.

The House adjourned at ten minutes before Six o'clock.

---

# HOUSE OF LORDS,

## *Thursday, May* 8, 1856.

MINUTES.] PUBLIC BILLS.—1ª Hay and Straw Trade.

2ª Smoke Nuisance Abatement (Metropolis) Act, 1853, Amendment; Marriage Law Amending.

### HER MAJESTY'S ANSWER TO THE ADDRESS ON THE TREATY OF PEACE.

THE LORD CHANCELLOR *reported* HER MAJESTY'S Answer to the Address of Monday last, as follows:—

"MY LORDS,

"I RECEIVE with sincere Pleasure the loyal and dutiful Address which you have presented to me on this Occasion.

"I HEARTILY thank you for your cordial Co-operation in the Measures which I considered necessary for the Prosecution of a War, which, in conjunction with My Allies, I have been enabled to conduct to an honourable and successful Termination, by the full Accomplishment of the Objects for which it was undertaken.

"IT is most satisfactory to Me to feel that Peace has been re-established on a Basis which affords the best Security for its Permanence; and I trust that, by God's Blessing, it may long continue to promote the Progress of Civilisation, and the Happiness and Welfare of Mankind."

### MESSAGE FROM THE QUEEN—MAJOR-GENERAL SIR W. F. WILLIAMS, K.C.B.

Message from THE QUEEN, *delivered* by the LORD PRESIDENT and read by the LORD CHANCELLOR, as follows:—

"HER MAJESTY being desirous of conferring a signal Mark of Her Favour and Approbation on Major General Sir William Fenwick Williams, K.C.B., for the eminent and distinguished Services rendered by him as Her Majesty's Commissioner at the Head Quarters of the Turkish Army in Asia, and particularly in the gallant Defence of Kars, recommends to the House of Lords to concur in enabling Her Majesty to make Provision for securing to Sir William Fenwick Williams a Pension for £1,000 per Annum for the term of his natural Life."

EARL GRANVILLE: I beg to give notice that to-morrow I shall ask the House to take into consideration the Message which Her Majesty has been graciously pleased to send to us. I may also take this opportunity of stating, that Her Majesty has been graciously pleased to announce Her intention of conferring upon General Williams the dignity of a Baronet under the style and title of Sir William Fenwick Williams of Kars.

### MURDER OF MISS HINDS—PETITION OF THOMAS DUNNE.

LORD LYNDHURST *presented* a petition from Thomas Dunne one of the persons convicted for the murder of Miss Hinds, and now under sentence of death in the gaol of Cavan, Ireland, complaining that the Attorney General for Ireland has refused his fiat for the issuing of a writ of error to the Court of Queen's Bench, and praying for relief. The noble and learned Lord requested that the petition, upon which the life of the prisoner depended, might be read by the clerk, and said that he should be glad to hear the opinion of the Lord Chief Justice, whether the objection raised by the petition had any validity.

Petition read.

The Petition stated that one of the jurors originally sworn had, subsequent to the opening statement of the counsel for the Crown, but before any evidence had been given, been taken ill, and had been discharged; and that another person had been sworn in his place, without the petitioner having been informed of his right of challenge; whereby he had suffered prejudice; and that the Attorney General for Ireland had refused to issue his fiat permitting a writ of error to be sued out.

LORD CAMPBELL said, that having been called upon by his noble and learned Friend he could not refuse to state the opinion he had formed on hearing the petition read, which was that no ground had been laid by the petitioner to call for their Lordships' interference. No writ of error could be brought without the fiat of the Attorney General; for if any person convicted of a crime could at his own pleasure stop the execution of the criminal law, an entire perversion of justice must be the consequence. The Attorney General was therefore vested with a discretionary power which bound him to refuse his fiat whenever the application for it was made to him, as appeared to him to have been the fact in this instance, without any colour or show of right, but merely to defeat the course of justice. He (Lord Campbell) would venture to say that no Attorney General ever existed, either in England or Ireland, who, if their appeared to be an arguable point, ever refused his fiat. There was no reason for supposing that any error had been committed in the conduct of the trial. Before any evidence was taken the usual intimation was given to the prisoner by the Clerk of Assize, that if he wished to challenge any one of the jury he might do so before they were sworn. One of the jurymen was taken ill and was replaced by another name from the panel before any of the witnesses had been called; and the prisoner who had the assistance of counsel, having been asked whether he had any objection to the person substituted, answered that he did not know him and took no exception to his serving. What, then, was the gravamen of the allegations of the petition? That the Clerk of Assize did not repeat the intimation that the prisoner had a right to challenge the jurors as they came to be sworn. The prisoner's counsel must have known what were the rights of their client in regard to the challenge, and as no objection was taken and the trial was allowed to proceed, there was no ground now for saying that the investigation was not impartially conducted. If the man had been acquitted he could not have been again put on his trial for the same offence. Having, however, been fully convicted, his complaint was wholly unfounded; and, if their Lordships consented to listen to it, they would set a very dangerous precedent.

THE LORD CHANCELLOR said, that he not only concurred in the observations made by his noble Friend, but thought that even if the petition had stated a case for the Attorney General's fiat, it would be impossible for the House to interfere. Their Lordships had nothing before them to vouch for the truth of the statements in the petition. The law provided a course for a person convicted to bring his trial before a court of review, and if their Lordships listened to the prayer of this petition they would have petitions from all persons convicted praying that writs of error might be issued. He trusted their Lordships would not listen to the prayer of the petition.

LORD ST. LEONARDS entirely concurred in all that had been said by his noble and learned Friends, that no case had been made out for the interference of the House. There had been no denial of justice to the prisoner. A simple technical objection had been taken, over which that House had no jurisdiction. The prisoner made no objection to the fresh juryman, the trial proceeded, and was regularly conducted to an end, and it resulted in a conviction of the prisoner. Upon such a state of facts the House had no power whatever to interfere with the course of justice. The petition did not go against the finding in the present case, but for such an alteration of the law as would prevent a recurrence of what had taken place.

LORD BROUGHAM thought the Attorney General for Ireland had exercised a sound discretion. It was necessary that some such power as that of refusing a fiat should be lodged in the proper officer, else there would be a writ of error in every criminal case; but he thought that some of the powers of the Attorney General, in relation to civil plaints, should be taken away from him.

LORD LYNDHURST observed that after what had fallen from his noble and learned Friends, and after reading the petition with attention, he had come to the conclusion that the Attorney General for Ireland had exercised a sound discretion, and that the cause of the petitioner had suffered no injury at his hands. The petition, however, was of a serious and unusual character, and he (Lord Lyndhurst) had acted under a sense of duty in presenting it.

Petition to lie on the table.

## MERCANTILE LAW AMENDMENT BILL.

THE LORD CHANCELLOR observed that he had intended to move the third reading of this Bill that evening, but deferring to the opinion of a noble Friend, a great authority on commercial questions, who assured him that there was among the mercantile classes of London a strong prejudice against certain of its clauses, he had altered his purpose, and would move that, with a view to afford more mature deliberation, the Bill be referred to a Select Committee.

LORD OVERSTONE was understood to say that the Bill had excited very great alarm and apprehension amongst the merchants of London. They feared that under its provisions contracts which they had hitherto considered binding might be set aside by what had passed in mere conversations; and that the Bill would lead to much misunderstanding, to perjury and fraud. Under these circumstances the mercantile community felt exceedingly desirous to have an opportunity of laying their views before their Lordships.

LORD CAMPBELL said, he had not expected that the Bill would meet with any obstruction, and thought that, if the noble Lord who last spoke had not listened to the opinions of others, but exercised his own judgment, he would have found that there was no ground for the alarm which it was alleged existed. He denied, too, that the merchants of London had been taken by surprise in the matter, as a Commission had been for the last two years sitting upon this subject.

EARL GREY approved the course taken by the Lord Chancellor, and submitted that ample opportunity to explain their objections to the measure should be afforded to those among the traders of London—and they were believed to be a majority—who viewed the Bill with alarm.

LORD ST. LEONARDS also commended the course adopted by the Lord Chancellor.

LORD STANLEY OF ALDERLEY observed that he did not share the apprehensions of those who viewed the Bill with alarm. Full time had already been allowed for the consideration of the subject, and though he offered no objection to the postponement of the third reading, he protested against its being stated that the commercial community had been taken by surprise.

THE LORD CHANCELLOR said, he trusted it would be understood that he did not entertain any doubt as to the propriety of the clause which abrogated so much of the Statute of Fraud; but after what had passed between him and his noble Friend, who was so eminently qualified to give an opinion, and who said that there was a general feeling against the clause, he thought it would not be desirable that the Bill should go down from their Lordships' House to the other House of Parliament with the chance of it being said that it was a piece of hasty legislation. He thought it right to err by giving too much consideration than too little, and he could not help thinking that when the matter was considered those persons would see that it was not open to the objections that they had made.

Order for the Third Reading read and *discharged:* and Bill *referred back* to the same Select Committee to which it was formerly referred.

Order of the Day for the Third Reading of the Mercantile Law (Scotland) Amendment Bill read and *discharged.*

## VOTE OF THANKS TO THE ARMY, NAVY, AND MARINES, MILITIA, &c.

LORD PANMURE rose to move that the thanks of the House be given to the Army, Navy, and Marines employed in the operations of the late war, and to the Embodied Militia; and said:—My Lords, I shall as briefly as I can, consistently with justice to the subject, bring before your Lordships the Motion which I have to make. The House has this day presented at the foot of the Throne its thanks to Her Majesty for the announcement of the return of peace; but, before we surrender ourselves to the enjoyment of that peace—before we hang up our swords on the wall, from which I trust it will be long ere we shall take them down again—there is a duty which remains for us to perform, and which I have the greatest satisfaction in inviting your Lordships to perform—namely, the duty of returning thanks to all branches of Her Majesty's service for their zeal, their courage, and their endurance during the period of war through which we have just passed. In so doing I shall endeavour to avoid every controversial point which might tend in the least degree to detract from that unanimity which I am quite sure your Lordships all wish to evince on the present occasion.

My Lords, the first branch of Her Majesty's service to which I will allude is the Navy of this country. We have on this occasion no great triumphs to acknowledge, such as those of Trafalgar and the Nile; but, nevertheless, we have to acknowledge services on the part of the Navy which, though not brilliant were yet of the utmost importance, and such as must command the gratitude of this country. In the Baltic we have seen the Navy maintain in that inhospitable sea one of the most difficult blockades without the sacrifice of a single one of Her Majesty's ships, and almost, I might say, without injury to any individual in our service. The Navy has distinguished itself there by reducing one of the strongholds of the enemy. The Navy also blockaded with perfect success the strong fortresses and harbours on those coasts, and swept the Baltic Sea of every vessel belonging to the enemy, confining within Russian ports the vast Navy of the enemy. Such have been the deeds performed by our Navy in the Baltic, for which I shall move your Lordships to return thanks to that distinguished branch of the service. In the Black Sea, though there has been no brilliant action performed by the combined Navy, yet there has been an attack on the fortress of Sebastopol and on Kinburn, and these deeds, together with the manner in which the Navy twice swept the Sea of Azoff, and rendered the greatest assistance to Her Majesty's Army, deserve the gratitude of the country, and I am quite sure will receive it. But the services of the Navy have not been sufficiently known in one respect to which I shall take the liberty to direct your Lordships' attention. The assistance which the Navy rendered to the country in carrying on this war by furnishing the means of transport for the Army and stores ought, I think, to be more publicly known. The following is an account of the troops, horses, stores, &c., conveyed in British transports, ships-of-war, &c., during the years 1854 and 1855:

| | | |
|---|---|---|
| **I.—Troops.** | | |
| British, from Great Britain (including Militia) to Mediterranean, Foreign Legion, Transport Corps, &c. | 123,105 | |
| British, from Mediterranean to Black Sea | 26,659 | |
| Total British | | 149,764 |
| French, from France to Baltic and Mediterranean | | 52,919 |
| Sardinians | | 19,301 |
| Total troops to seat of war | | 221,984 |
| Troops moved in Black Sea | | 170,634 |
| Troops moved coastwise, &c. | | 43,185 |
| Grand total troops conveyed | | 435,803 |
| **II.—Horses.** | | |
| British, from Great Britain | 13,302 | |
| British, from Mediterranean | 9,766 | |
| Total British | | 23,068 |
| French | | 2,195 |
| Sardinian | | 3,325 |
| Total horses to seat of war | | 28,588 |
| Horses moved in Black Sea | | 24,038 |
| Horses moved coastwise | | 2,296 |
| Grand total horses conveyed | | 54,922 |
| **III.—Stores.** | Tons. | Tons. |
| British, from Great Britain | 281,004 | |
| British, from Mediterranean | 35,735 | |
| Total British | | 316,739 |
| French | | 18,881 |
| Sardinian | | 4,298 |
| Grand total stores conveyed | | 339,918 |

In carrying on the war, the services of the Navy have been rendered with the utmost effect whenever it was brought in contact with the enemy, or whenever it was called on to assist in the conveyance of troops and munitions of war; and I think, under these circumstances, I may fairly assume that your Lordships are ready to accord with one voice to that branch of Her Majesty's service your cordial approbation. I cannot close this enumeration of the services of the Navy without saying how fully I concur in the tribute paid by my noble Friend (the Earl of Ellesmere) the other night to the memory of a gallant admiral in that service, now no more—I mean Admiral Boxer—by whose endeavours some system was first established in the small and narrow harbour at Balaklava—a system which, though afterwards worked out with great perfection, he, nevertheless, was the first to begin.

My Lords, I pass now to the next branch of Her Majesty's service, one with which I am not ashamed to say my sympathies and affections are more immediately concerned, having been connected with that service in my early days, and having ever since, consequently, felt for it the warmest and sincerest attachment. In moving your Lordships to accord your thanks on the present occasion to the Army, I have no fear but I shall secure your cordial concurrence. The Army of England was first embarked, as your Lordships are aware, in the year 1854, to take part in the war on the enemy's territory. In alluding to this event I cannot forget that the Army was led from England by one to whom we looked up as the great pupil of the illustrious Duke of Wellington, and as one who, better than any other man, knew almost the individuals of which the Army was composed, who commanded their respect, had earned their love, and who concentrated in his own person their fullest and most entire confidence. It did not please Providence to permit Lord Raglan to see the end of the triumphant career which he commenced. When that Army left this country, full of vigour, though small in numbers, none felt any doubt that the honour of the country was safe in its hands. No one felt any doubt that its banners would be always carried foremost in the fight, or that the credit and the name of England would be nobly maintained. My Lords, there were, however, some considerations which gave room for anxiety. That Army was called upon to fight in the same field and on the same side as the army of France. Old animosities and antipathies were to be wiped away; new rivalries of friendship were to be established; and I have no hesitation in saying that it was by the tact, the skill, and the chivalrous generosity which preferred the weal of another to the advantage of self by which Lord Raglan was actuated that the cordial union between the Armies of the two nations was brought about. He implanted this good feeling so deeply on the minds of his officers and soldiers, that when new levies joined a similar inspiration seized them, and during the whole of Lord Raglan's career the cordial friendship which existed between the Armies of England and France was most remarkable. Nor did it exist only during his lifetime, for after his sun had gone down it left its genial influence behind it; and it is to his exertions that I attribute the cordiality which has up to this hour subsisted between the Armies of the two countries. It is not necessary for me to remind your Lordships of the career of that Army. When it first landed in the East it was not immediately called into action. The first foe which it had to encounter was that which it is most difficult, nay, impossible to overcome. It was disease. When the Army lay at Varna and in its neighbourhood, it encountered that fell pestilence of the country which swept before it many gallant and ardent spirits ere they had time to prove their might in battle. But this had the effect of showing the people of England that the Army which had gone forth possessed not merely physical, but also that moral courage, which enabled it to endure privations as well as fight battles. On that account, the people felt the greatest confidence in the Army. When it was called into action, we cannot forget the victories of the Alma, of Inkerman, and of Balaklava, and that on no occasion during the whole war on which the Army of England was called upon to face the enemy in the field did it ever suffer the smallest reverse. My Lords, I need hardly recall to your recollection the circumstances of the siege of Sebastopol; that siege so long, so wearisome, and so full of hardship, in which the patience and endurance as well as the gallantry of the Army, were, for a longer period than is on record with regard to any other siege, constantly tried. Yet all the difficulties and dangers of that siege, all the privations to which the Army was exposed, never for a moment shook or impaired its discipline; and when that siege resulted in the surrender of the town, the Army was found ready to repair the disorganisation which such a siege must introduce into the ranks of any Army, to resume its drill, and to recomplete its formation; so that it is at the present moment one of the finest Armies that England ever possessed. I am tempted to read to your Lordships a portion of a despatch which has been already given to the public, which will prove that the Army is in a condition of which the nation may well be proud. Writing on the 19th of April, Sir W. Codrington says:—

> "I have the satisfaction of assuring your Lordship of the steady, the good, the healthy appearance of the Army; of its very apparent efficiency in every branch; of the order, quietness, and regularity with which every regiment passed by; and it was a subject of pride to us all to feel that such was the appearance of the Army of England in the Crimea."

That is the testimony of the Commander in Chief to the present state of the Army; and I must take this opportunity of stating that this efficiency is due, not to anything which has been done from home, but to the exertions of the officers who are present with the Army, and to the cordial co-operation of every one of them, from the highest to the lowest, with its Commander in Chief. This is not an inappropriate time for me to state to your Lordships something respecting the sanitary state of the Army. I am happy to be able to state that, although the Army is at a considerable distance from home, and is subjected to the risks of encampment in the field, the results of a comparison between its health and that of troops at home are truly remarkable. The last account of its sanitary condition is for the week ending April 21. The strength of the Army was then about 70,000 men. The admissions to the hospitals were 1·56 per cent in proportion to the strength; the deaths 0·02, and proportion of sick to well 3·72 per cent. I have had the curiosity to compare this with the sanitary state of that portion of the army which is at home in camp at Aldershot. I find that at Aldershot the assumed strength is 16,000. During the above period the admissions were 2·71 per cent; deaths 0·006, and the proportion of sick to well 3·59. It is very gratifying to find that, after all the Army has gone through, its sanitary condition is so good.

Another point to which I wish to refer is the casualties which have occurred during the war. Various exaggerated and unfounded reports have been circulated with reference to the losses which this country has sustained by the war. I have been induced to have prepared a statement which will show to your Lordships, as nearly as may be, and on very good grounds, what our losses really have been during the two years of war.

| | Officers. | Men. | | |
|---|---|---|---|---|
| Killed in action from 19th Sept., 1854, to 28th Sept., 1855 ............ | 158 | 1,775 | = | 1,933 |
| Died of wounds during the same period......... | 51 | 1,548 | = | 1,599 |
| Died of cholera ............ | 35 | 4,244 | = | 4,279 |
| Died of other diseases to 31st Dec., 1855 ......... | 26 | 11,425 | = | 11,451 |
| Died of wounds and disease from Jan. 1st, 1856, to March 31st, 1856 ... | — | 322 | = | 322 |
| Total deaths ...... | 270 | 19,314 | = | 19,584 |

Discharged from the service since commencement of the war to 31st March, 1856:

| | |
|---|---|
| Wounds ........................ | 1,875 |
| Disease ........................ | 998 |
| | 2,873 |
| Add deaths as above......... | 19,584 |
| Total loss ............ | 22,457 |

If we compare this with the reported loss of the Russians, if we compare it with what may be presumed to have been the losses of our Allies, we ought to feel gratitude to Almighty God for having permitted the scourge of war to fall thus lightly upon this country. We are led, and, I think, upon good authority, to believe that the Russians have lost not much under 500,000 men during the war. I will not venture—for I have no authority to go upon—to say anything about the losses of our Allies, but I say again, notwithstanding our own losses, we ought to feel the utmost gratitude and satisfaction that the arrangements which were made for the care of our troops should have been the means of saving so many valuable lives.

I cannot pass away from the deeds of the Army before Sebastopol without repairing an omission in the earlier part of my speech with reference to the Navy; and it is not too late. Your Lordships are all aware of the important services which were rendered by the Naval Brigade in the trenches before Sebastopol; and I am sure you will join with me in testifying your high appreciation of them.

I do not mention on this occasion the names of any officers who are now living, because I find that it is not usual in general Votes of Thanks to the Army, and, if I were to do so, I should run up a catalogue, including the names of almost every officer in the Army. But we cannot forget those who have fallen in this war, and it is but fitting, I think, that we should pay our tribute of gratitude to them. We cannot forget the names of such men as Cathcart, Goldie, Strangways, Adams, Campbell—and Torrens, who, though he did not die in battle, yet sank under wounds which he had received on the field. We cannot, we never shall, forget the names of such distinguished men, whose remains lie on the field where they earned their glory. It is most gratifying to me to be able to say that steps have been taken by my noble Friend near me to guard and preserve inviolate the cemetery where they lie. Promises have been made, which I am certain will be performed, that every respect will be paid to their remains by the nation, who is happily now no longer our enemy.

My Lords, I now pass to another portion of the British Army for which I claim the thanks of your Lordships—I mean the Foreign Levies which have entered our service during the war. These now amount to full 15,000 men, active, well trained, and well organised soldiers; ready to enter into active service had the war continued. The British German Legion, under the able guidance of Baron von Stutterheim, musters at home and abroad a force of 9,000 men; the Swiss Legion amounts to 3,138 men, and the Italian Legion to 3,662, in all 15,790 men. Some of these are now quartered at Scutari, two regiments of the Swiss are at Smyrna—all men anxious and eager for the field, and most disappointed that they have not had an opportunity of distinguishing themselves. I trust that when the time comes to dispense with the services of these men we shall not forget the zeal which they have shown in rallying round the standard of England, so that by our treatment of them we shall make our good name respected throughout Europe, and should again occasion arise—as I trust it never may—we may be able again to invite their services, with the full expectation of our call being cheerfully responded to by them. The only other portion of the British Army to which I shall advert is more intimately connected with Turkey. I mean the Turkish Contingent. This force, as your Lordships are aware, was handed over to the service of this country by a special convention entered into with us. It was commanded by officers of the British Army—and when I say the British Army, I include both the Queen's and the Indian Armies. It was placed under the command of General Vivian, of whom I must say that he has so organised and formed it that, had it been called into active service in the course of the present spring, it would have been perfectly ready to take a part in any operation—perfect in its transport service, and in all its arrangements for service in the field.

I pass now, my Lords, to the last branch of the service to which I shall refer, and I have not the least doubt that I shall have your as cordial assent in proposing to your Lordships to thank the Militia for its zeal in Her Majesty's service, as I have received to the thanks to those branches of the service I have already named. I promised not to introduce any controversial point. I will not say whether the Militia was originally placed on the most advantageous footing for the country; but this I will say, that all the assistance which the zeal and the energy of the gentlemen of England could afford has been cheerfully and promptly afforded to Her Majesty's service. There is a remarkable fact connected with this war to which it is right I should draw your Lordships' attention. In all former wars this country has been compelled to have recourse to pressing in the Navy, and the ballot for the Militia. On this occasion we have mustered a more numerously manned fleet and a larger body of troops than in any former war, and no compulsion, either of the pressgang or of the ballot, has been resorted to. It is a proud thing for this country to be able to say that we have sent on the seas a gallant and brave fleet—that we have assembled in the field so numerous and well-appointed an Army—and yet that every man in that Fleet and in that Army was a volunteer. The Militia, upon this voluntary system, has now mustered 63,603 men in its ranks; it has given to the regular army, since November, 1854, no fewer than 33,000 men; and it has not only done that, but it has exhibited an earnest desire to serve Her Majesty in foreign parts, and no fewer than eleven regiments of Militia, mustering very nearly 6,000 men, are now serving the Queen in the Mediterranean garrisons. In addition to these, Her Majesty's Government have been obliged reluctantly to decline the proffered services of twenty-two English regiments, four Scotch regiments, and twelve Irish regiments; and I am quite confident that it was only the knowledge that the offer could not be accepted, which prevented every Militia regiment in the United Kingdom from expressing their desire to serve Her Majesty, not only in Gibraltar, Malta, the Ionian Isles, but in any of our colonial possessions; nay, I know that some of them were most desirous to serve in the field with the regular Army. I am gratified to be able to state that Her Majesty has been graciously pleased to allow those Militia regiments who have been serving abroad to bear on their colours the word "Mediterranean," as a memento to posterity of their patriotic zeal. I cannot express all that I feel with reference to the services of the Militia during the present war. They have exhibited an example which proves to all countries that the gentlemen of England, however apparently devoted to the arts of civil life during peace, are ready to give their services to the Crown, in a military capacity, the moment war breaks upon the land, and we have the gratification of knowing that these gentlemen have shown such a zeal, such a desire to perfect themselves in their new profession, that they have made themselves in a very short time equal to officers of the regular Army, and many of the regiments of Militia have become, in a very short time, equal to regiments of the line. I have stated in this House already that in the garrison of Gibraltar it was a Militia officer who commanded a brigade in the field, and who received from General Fergusson the highest encomium for the military talents which he exhibited, and which have only been drawn from him by this war. I trust that this Militia force, now that the war has closed, will not be allowed to subside nor to lose its present efficiency.

My Lords, while returning your thanks to the Army, Navy, and Militia for its services during the present war, it would not be becoming in your Lordships to forget how much we are indebted to our Allies who have been united with us in the prosecution of this war. To the army of France we owe much, for from them, I believe, we have learnt something in regard to the mode of conducting war. We owe them much for the cordial manner in which they have at all times united with our troops, and for the good feeling which has always existed between the soldiers of all ranks in both Armies. Much of this is due to the conduct and ability of those officers who have acted as Commissioners with each Army. Too much praise cannot be given to the French Commissioners who were attached to our head-quarters, for their efforts to maintain these excellent relations, and I deeply regret that one of them, Colonel Dieu, is not alive to receive from this country that meed of praise. Our own Commissioners, Sir Hugh Rose and his brother Commissioner, serving with the French Army, no less merit that approbation which I am sure your Lordships will cordially join with me in testifying to them. The Sardinian Army also has played a very distinguished part in the Allied forces, and has earned for itself the highest glory by its conduct in the Crimea. In the combat at the bridge of Traktir, they made a most successful resistance against overwhelming numbers, and by this time they have returned—the greatest part of them—to their own country, gratified at having acted with the French and English Armies, and carrying with them, as a memento of that co-operation, the English battery of four guns, to the fire of which General Marmora attributed some portion of that day's victory, and which General Codrington, with that readiness which distinguishes him to mark bravery and loyalty, begged General Marmora to accept in memory of the day. With regard to our Allies the Turks, for whom we took up arms and along with whom we have fought, the history of the war shows that upon every occasion when they have come in contact with the troops of the enemy in the field they have beaten them, and have won for themselves imperishable honour. We have seen enough to be convinced that there is no nation in Europe which can furnish more efficient troops, if properly formed and properly led, than the Ottoman Empire. It is upon the leading and organisation of troops that success will always depend, and it is because the troops are properly organised and led by British blood of the first families in the land that they have always succeeded in whatever they have undertaken and wherever duty called them. My Lords, I have now concluded the observations which I have to make upon this most interesting subject; but before I sit down I would earnestly entreat your Lordships, now that peace is restored, not hastily to part either with that imposing Navy which has been collected after two years of war, or to part with that fine and noble Army which we have now on foot. We cannot forget that at the commencement of this war, to use the mildest language, we found the greatest inconvenience from the want of instruction under which our officers were labouring, and from their being unaccustomed to move our troops in anything like masses. You have now an Army formed in masses; let me advise you to keep it. You have now an Army formed in divisions and brigades; let me advise and entreat your Lordships not to lose sight of that formation, but to instruct your officers and men in the movement of these bodies, and to keep them accustomed to them. Above all, I entreat Parliament, now that peace has been restored, not to rush back to that false and mischievous economy which has been practised in former times, and for which I do not blame any one Government more than another, for all have been equally to blame, but by which very large expenses were ultimately incurred, because thereby our naval and military establishments were allowed to fall into decay and inefficiency. We have learned a lesson from the late war, and I trust that that lesson will not be forgotten. A fair and proper economy ought of course to be observed, but I hope we shall not be in a hurry to revert to that false economy which, in truth, when an Army has to be raised to a war standing, is the cause of much additional and unnecessary outlay. If at the beginning of this war our Army had been as efficiently organised as it is at the present moment, we could have increased it at much less expense and with much more rapidity. I hope, therefore, that the country will not give way to the pleasures of a false economy, but will maintain the Army in such a state of organisation and discipline as shall enable us at any moment (should occasion arise) to place it on a war footing in the most speedy and efficient manner, without having as we have had within the last two years, almost to create a new Army for the occasion. The noble Lord concluded, by *moving* to resolve—

> "That the Thanks of this House be given to the Officers of the Navy, Army, and Royal Marines who have taken Part in the Operations of the late War, for the meritorious and eminent Services which they have rendered to The Queen and the Country during the Course of the War:
>
> "That this House doth highly approve and acknowledge the Services of the Petty and Non-commissioned Officers and Men of the Navy, Army, and Royal Marines who have taken Part in the Operations of the late War, and that the same be communicated to them by the Commanders of the several Ships and Corps, who are respectively desired to thank those under their Commands for their exemplary and gallant Behaviour."

THE EARL OF DERBY: My Lords, whatever differences of opinion may have interfered with our unanimity upon a late occasion, when we were asked to adopt an Address to Her Majesty on the subject of the peace—whatever doubts may have been entertained with respect to the merits of that peace, or the results which have been achieved by the efforts of our Army and Navy—I am sure that I express the universal opinion of your Lordships when I say that on all sides of the House there can be but one feeling of concurrence in the Motion which has just been made by the noble Lord opposite, and of approval of the manner in which he has introduced it. If I presume for a single moment to intrude upon your notice, in the presence of many much more competent than I am to do justice to the exertions and services both of the Army and of the Navy, it is only because the position which I have the honour to hold in this House makes me desirous of testifying, in the fullest and most significant manner, that among your Lordships there can be no difference of opinion upon the present occasion, but that all alike concur in giving their tribute of praise and gratitude—however feeble or inadequate to the occasion that tribute may be, or however below the merits of those to whom it is paid—to our own gallant forces by land and sea, to the Militia of the United Kingdom, and to those brave men who have been associated with us in the hour of trial and of victory, and our alliance and close friendship with whom, I trust, will not terminate with the war in which we have fought and won together.

I need hardly say that I concur, as all your Lordships must, in the tribute of praise which has been paid by the noble Lord to the soldier-like qualities, the high bearing, and the distinguished services of the gallant and lamented Commander of our Forces; and I am sure that all who knew him, and all who had the happiness of being in any way connected with him, will feel that the eulogium of the noble Lord does not surpass, but rather falls short of—as most eulogiums must do—the merits of that great man. I concur entirely with the noble Lord not only in attributing to Lord Raglan much of the credit which has been gained, much of the efficiency of the troops under his command, much also of the good understanding which subsisted between the various portions of the allied Armies during his lifetime, but also in believing that his memory and example have since his lamented death exercised no unimportant influence over the temper and discipline of the service.

My Lords, no words of mine—no words that can be uttered—can do justice to the services of that noble Army, whose devoted gallantry in the field, whose unflinching courage in the hour of battle, and, above all, whose patient heroism in the midst of disease, famine, and privations of every description,—keeping alive under all difficulties and discouragements not only the strictest discipline, but the most fearless valour and the most unhesitating devotion to duty,—reflect more credit upon them than any army ever gained before.

Although, as the noble Lord has observed, the sister service has not enjoyed the same opportunities of distinguishing itself by brilliant actions, yet in every direction in which its efforts have been made available it has brought to the common cause great zeal, great energy, and great courage. If it has not gained any conquests over hostile fleets it is because no hostile fleet has dared to face it; but, wherever its services have been demanded, it has shown that the officers and men of the present day are not inferior to their predecessors in those qualities which at all times have distinguished—and I hope will continue to distinguish—the British Navy. The noble Lord most properly abstained from mentioning the name of any individual in either service who is yet living to receive in his own person the tokens of the gratitude of his country; but there was one omission which for some time I apprehended he was going to make, for it was not till near the conclusion of his speech that he referred to the valuable services of the Naval Brigade—services which it is impossible too highly to appreciate—services which, though not rendered on their own element or in the exercise of their own profession, excited the admiration of the whole Army, displaying, as they did, a courage almost reckless and exertions almost superhuman. But when the noble Lord alluded to those officers of the Army whose loss the country had to deplore, and whose names are to be cherished in our memory, there is one officer of the naval service whose name might have been not unworthily introduced, although I may think it invidious to select from among those who are still living, the name of that gallant Admiral who has happily returned to reap the fruits of the gratitude and admiration of his country, yet I may be allowed to say that it would not have been inappropriate to remember that, while he enjoys in his own person the honour and the glory that have fallen to his lot, his feelings of pride and satisfaction must be dashed by some melancholy recollections, and in the private bereavement of that gallant Admiral the country will not forget that it has lost the services of an able and distinguished officer, who, if he had been spared, we might have fondly hoped, would have trod in the steps of his father and have earned for himself a high place among the naval heroes of England. I regret also that the noble Lord, in enumerating the services of the various branches of the Army and Navy, omitted to refer—though I am sure inadvertently—to the efforts of a corps which deserves, as it will receive, the thanks and gratitude of the country. I did not hear a single word from him with respect to the Royal Marines, and yet there is no body of men whose services were more valuable or more cheerfully rendered during the late war, especially when they occupied a most exposed position upon the heights of Balaklava. Nor can there be any doubt that had the war continued we should have found the Turkish Contingent and the Foreign Legions most efficient and useful auxiliaries. I avoid all reference to the policy of the original formation of those legions; but with regard to their present position and future services, I am quite certain that whatever objections may have been taken to the manner in which they were originally raised, there can be but one opinion among your Lordships, that, the war having now closed, those foreign troops ought to be dealt with liberally and generously. They have come forward to assist you in your hour of difficulty; many of them will have exposed themselves to consequences and have placed themselves in a position most inconvenient and unpleasant; their relations with their own countries have been to a great extent disturbed by their enlisting in your service. How you may be able best to dispose of them is not for me to say, but I am quite sure that the country will wish and expect you to deal with them in a handsome and generous manner.

One word with respect to another body to whom our attention is called by the Motion of the noble Lord. I mean those country gentlemen of England who, sacrificing their own private and domestic ease and comfort, have exposed themselves to all the inconveniencies and privations attending active service, and those men who, enlisted only for casual and very temporary service within their own immediate neighbourhoods, have cheerfully responded to successive demands to undertake permanent duty, willingly withdrawing themselves from their ordinary occupations to enter upon a military life—who, when their services were still further called for, joyfully left their homes and their country to perform garrison duty abroad—a duty which they discharged with remarkable success—thereby enabling you to send Her Majesty's regular troops to the immediate seat of war, thus adding materially to the efficiency and number of your Army in the Crimea—and who, I venture to say, would only have been too happy, if Her Majesty had thought fit to accept the tender of their further services, and permitted them to share the perils and glories of war by the side of the regular troops, would only have been too happy to render their services. I trust that now the war has closed—now that you have proved the efficiency of the Militia—now that through its instrumentality no fewer than 100,000 men have been raised, of whom 30,000 have already been draughted into the regular Army—now that you must be satisfied that, had the war continued, a large proportion of the remaining 70,000 would have permanently joined Her Majesty's forces—I trust that your Lordships will not be in haste to dispense with a service which has been so valuable an assistant to the regular force. I know that in a time of peace you cannot keep the militia regiments permanently embodied, nor do I think it desirable that you should do so; but I trust that we shall not again fall into the error, which has been committed on former occasions, of suffering the skeletons of those regiments to crumble to pieces—of allowing the staff and organisation of those regiments to fall into disuse and inefficiency—and of neglecting to retain such a nucleus of each regiment as, called out every year, or at all events once in two years, for a limited period of service, may, in the first place, keep alive the skeleton of the militia system, to be filled up and completed when occasion should occur; and, in the next, to maintain among the men that military feeling and those habits of discipline which must enable them in the hour of peril to render good service to their Sovereign and their country.

My Lords, I entirely concur in the concluding observation of the noble Lord both in regard to the Militia and the regular Army, that nothing can be such false economy as hastily to do away with your present establishments. Reduction, and that, too, on a large scale, must undoubtedly take place; but, in the meantime, however you diminish numbers, keep up the efficiency of your system—keep your improved organisation complete, and retain your men, not merely as an agglomeration of men and regiments, as at the commencement of the war, but as an army which, though not numerous, is regularly embodied into divisions and brigades, habituated to act in concert; so that whenever we shall be again at war, numbers may be all that we shall require—and numbers, you may depend upon it, the spirit of the country will always supply. In this way you may in peace constantly preserve the perfect miniature of an organised and effective war establishment. I shall not venture further to intrude on your Lordships' attention. I need hardly say that I cordially concur in the Vote of Thanks moved by the noble Lord—a Vote in which I am sure not this House only but the whole country to a man will heartily join.

THE DUKE OF CAMBRIDGE: My Lords, I beg to give my most cordial assent to the Motion which has been submitted to your Lordships. It would ill become me, as a member of the Army, to add one word to what has fallen from both sides of this House as to its recent conduct; but I may, perhaps, be permitted to observe that, having witnessed some of the glorious achievements of the late campaigns, as well as the hardships to which both the officers and men of the army were exposed, I can state that those hardships were borne with a cheerfulness and a patient endurance which reflected the highest credit on every one subjected to them. My Lords, it required all the energy of mind and body possessed by all grades of the service to contend against the difficulties and privations experienced in the months of November and December, 1854; and I am convinced, that not only those who survived that portion of the campaign, but the relatives and friends of those who fell, will feel grateful to your Lordships for the handsome and liberal manner in which their bravery and fortitude have been acknowledged. One more tribute I am anxious to pay, and it is chiefly to do so that I have risen on this occasion. Allusion has been made to the services of the Navy, and I may observe that, although it so happened that the portion of the fleet sent to the Black Sea had not those opportunities of distinguishing itself which were afforded to the Army, yet this circumstance arose, as has been already explained, from no fault of our officers and seamen, but simply because their enemy did not choose to meet them. Whenever a chance of acquiring distinction offered itself, the Navy evinced only too eager an alacrity to seize it, and, having myself seen the fleet go into action before Sebastopol on the 17th of October, I am sure that all who were engaged in that operation merit the best thanks of this House. And further, having been likewise an eye-witness of the assistance rendered by the sister service to the Army, I can assure your Lordships that without that cordial co-operation the country never could have arrived at the result which has now been so happily attained. From the Admirals down to the humblest seamen on board the fleet, every person worked earnestly and zealously to relieve the wants of the Army—wants which, as is well known, were great and urgent; and if no other advantage should flow from the war than that good feeling and perfect harmony between the two services which recent events have so much tended to strengthen, I should regard the result as a most fortunate one. On the part of the Army, then, I gladly avail myself of this opportunity to express its gratitude for the invaluable co-operation it received from the officers and men of the Navy. There is another body to which I wish to refer—I mean the Militia, which I am delighted to find has not been omitted from this Vote of Thanks. Although that force did not actually share in the operations of the war, it has come to my knowledge that many Militia regiments would have willingly gone out to join the Army in a body; and there can be no doubt that by those regiments, volunteering as they did to serve on the Mediterranean stations, they were of the greatest use to Her Majesty's Government and the country, inasmuch as they enabled the regular troops then quartered at those stations to proceed to the seat of the struggle at a moment when their assistance was most essential. I therefore heartily unite in the expression of our acknowledgments to the Militia for their valuable services to the country; and, having myself seen many of the regiments, I may be allowed, in conclusion, to remark that, but for the difference in their uniform, I should hardly have been able to distinguish them, in many instances, from regiments of the line.

THE EARL OF CARDIGAN said, that as an humble member of the Army, he must be allowed to express his participation in the satisfaction at the Vote of Thanks proposed by the Minister of War to the Army employed in the East. He was also anxious to pay his humble tribute to the memory of Lord Raglan, under whose command all the great victories of the Crimea had occurred. It was unfortunate that the noble General had not lived to reap the best reward of his great services—the restoration of peace to his country and to the world; and he must also deplore that that gallant General had not survived to receive at the hands of their Lordships that Vote of Thanks, to the larger share of which he was so well entitled. The present efficiency of the Army and is organisation, never before exceeded, were chiefly owing to Lord Raglan, who acquired the confidence and inspired the devotion of every soldier of every grade in the Army. He would refer to what had been so eloquently said by a right hon. Baronet, of great experience and eminent talent, in the other House of Parliament:—

> "I, Sir, have had the advantage of being from early youth a friend of the late Lord Raglan, and I say that in valour, courtesy, firmness, and honour, he was a bright example of an English General. He had, upon the ground to which I have referred, great difficulties to contend against, but by his courtesy he won the esteem of two Marshals of France in a combined operation. His valour was proved when he led—a circumstance new in our annals—British troops side by side with French to the storming of a strong position, defended by brave soldiers, worthy of the adversaries against whom they had to contend. He had, I say, great difficulties to contend with, but, thanks to his courtesy, the Alliance remained unbroken. Although his conduct during some part of his command had been made the subject of adverse comment, I think that, taken all in all, we shall not for some time look upon his like again."

He (the Earl of Cardigan) entirely concurred in that statement and that opinion; and he should only add the expression of feeling of a General Officer, who was now under inquiry in a public hall not far from that House, and who had been constantly on habits of intercourse with the late lamented Lord Raglan. That General Officer said:—

> "The General worthy to command such troops in the hour of danger would be one whose high courage and firm will could keep the groups of men together, and give them still in the eyes of the enemy the semblance of a powerful force. In the British Army they believed that such a General was Lord Raglan; and the gallant officers and soldiers of the French Army, ever keen in their scrutiny of a General's capabilities, warmly shared in that opinion. After the fight of Inkerman, when for a time he was reduced to act on the defensive, Lord Raglan displayed the singular faculty he possessed of conveying to the minds of all who approached him the fixed determination of his own. Without dissembling facts, he would calmly withhold his assent from gloomy apprehensions, and would manfully call attention to the special business of the time, and, by a power not to be described in words, he threw upon those who conversed with him the energy of his own undaunted nature. Men went to him anxious and perturbed, but they came away firm and determined."

He (the Earl of Cardigan) thought that, without any stretch of imagination, the House could see the great qualities of Lord Raglan as they had been called into play after the battle of Inkerman.

The memory of that great General was respected and beloved by every soldier and every officer in the Army. Every one felt confidence in him; and he (the Earl of Cardigan) only hoped that, if the war had continued, equal confidence would have been felt in those who should have succeeded him. It was, therefore, that he (the Earl of Cardigan) said that every one would view with gratification and satisfaction the restoration of peace to this country and to Europe. The war, he was bound to say, had been, in his opinion, carried on with great vigour and effect by the Government; and he believed the peace, by which it had been now concluded, to be honourable, and likely to prove conducive to the permanent happiness of the country. Nor should it be forgotten how large a tribute of the national gratitude was due to the noble Lord the Foreign Secretary, who on this, as on all other occasions, had displayed firmness, energy, and talent. Participating in the sentiments of satisfaction which all Englishmen must experience when war was no longer necessary, he would merely observe, in conclusion, that the loss of Lord Raglan as Commander of the Army, and the thought of the manner in which the command had been frequently changed since the death of that distinguished officer, in no degree diminished the feelings of gratification inspired by the reflection that an honourable peace had been at length concluded.

EARL GRANVILLE: My Lords, I, in common with all other members of your Lordships' House, have listened with extreme satisfaction to the speech of the illustrious Duke who has addressed us, and I am sure that your Lordships will concur with me in the opinion that the discipline and well-being of the Army must have been, in no trivial degree, promoted by the opportunity afforded to the soldiers of observing the firmness and fortitude with which a personage of such exalted rank shared their dangers, privations, and hardships. Nor can I permit the debate to close without presenting, on behalf of the Government, my sincere thanks to the noble Earl opposite (the Earl of Derby) for the generous and very useful speech he has this evening delivered. It is most beneficial to the interests of the nation that, irrespectively of political differences, sentiments such as those that have fallen from the noble Earl should have been heard from the Opposition benches. The speech will prove of great value in promoting in both branches of the service the conviction that party considerations do not affect the members of the naval and military professions, who may rest confidently assured that if they serve their country faithfully they will command the support and sympathy of all the great political parties of this country. It is also a particularly graceful part of the speech of the noble Earl, in which he spoke in such handsome terms of the gallant foreigners who came forward to take part in what they deemed a just and necessary war; and the allusion comes with singular grace from the noble Earl, remembering the part he took on former occasions when the question of foreign contingents was under consideration. The remarks he has made this evening will, I have no doubt, be read with interest and approval throughout Europe. What the noble Earl has said respecting the system that should be pursued in reducing the numerical strength of the Army has my cordial concurrence. The principles the noble Earl has laid down are those which influence the Government in general, and my noble Friend the Minister for War in particular, whose views are not to encourage the country in a lavish expenditure on military establishments, nor to keep up a larger Army than the nation requires, but, at the same time, to take care that such an efficient organisation shall be maintained as will allow the power and resources of the Army to be developed at the smallest possible expense and at the shortest possible notice, if, unfortunately, war should again arise.

EARL GREY said, that no one could agree to this Vote with greater pleasure than he should, and he should not have troubled the House with a single word but for something which fell from his noble Friend (Lord Panmure) in his concluding observations. He concurred with him in opinion that the reduction of the Army on the advent of peace should not be hasty, and that care should be taken to preserve the Army in a state of perfect organisation, and to provide for the instruction of officers and men in the duties of their profession. But though he agreed with his noble Friend to that extent, he was alarmed when his noble Friend added, that he hoped we should not fall into the mistake of former times of peace, by adopting a false economy with regard to the Army, although he said he did not blame any particular Government for that false economy. He

(Earl Grey) differed from his noble Friend, and he would assert that the economy which had been adopted was not a false but a wise economy, which had contributed very much to the success of the present war. He was of opinion, and he had laboured for twenty years to impress on others that opinion, that our Army was not kept up in the manner in which it ought to be, and owing to the system of its administration, it was not prepared for the trials to which it was likely to be exposed, and failed when the day of trial came. He denied, however, that these difficulties arose from insufficient sums of money having been granted for the Army, and he would maintain that the grants made by Parliament from the time of Waterloo, down to the present war, were liberal and ample, if properly applied, to have kept the Army in a state of the highest efficiency. During that period the Government, pressed by the House of Commons, had exercised a wise economy in the expense of the Army and Navy, and to that much of our present success was attributable; for what was most remarkable in this war, and most contributed to convince Russia of our power, was the extraordinary resources which this country had accumulated during the period of peace, and had displayed when the time of war arrived. What could be more extraordinary than the rapidity with which ships, guns, and all the machinery of war had been produced by means of the resources which had grown up in those years during which we had followed the policy he had described? Did not every one believe that the large fleets, and the new species of means of warfare which had been created in a marvellously short space of time, had its effect upon the enemy? He had, himself, seen a floating battery, one of those extraordinary machines of war, cased in mail, and impervious to almost any shot, launched within three months after its keel had been laid down in a private establishment; and this was but one of several similar vessels which had been built by private firms in an equally short space; and gunboats in great numbers had been built with equally extraordinary rapidity. How was it that our private merchants had building yards and mechanical appliances which enabled them to create so powerful a force in so short a time? It was by the extraordinary development of industry, commerce, and manufactures during peace which had been fostered by the small demands which had been made by the State for military purposes. If anything could afford a striking proof of the wisdom of the policy which this country had pursued, it was the contrast between our position and that of Russia. The policy of Russia had been to keep up, at the expense of an immense pressure upon the resources of the people, an enormous military force. That force was a source of apprehension to many persons, but when the time of trial came it was found that it was not able to cope with those resources which nations that had acted upon a different policy had developed. If we were not misinformed, Russia was now convinced of her mistake, and saw that, to be really powerful, she must not press too heavily on the resources of her people in time of peace. That was the policy on which this country should act, and he protested against keeping up large military establishments. He would never consent to the policy of keeping up a large Army, ready at a short notice to take the offensive on the Continent. Nations were acted upon by much the same influences as individuals, and he believed that the possession of a too ready means of offence was likely to create a pertinacious spirit in a country. He thought, therefore, that we should only keep up an Army and Navy sufficient to keep off aggression; nor could he ever consent to keep up an establishment calculated for some supposed necessity for offensive operations out of the country. He should not have made these remarks but for the observations of his noble Friend.

*Agreed to, Nemine Dissentiente.*

*Ordered*, That The LORD CHANCELLOR do signify the said Resolutions, by Letter, to the Commissioners for executing the Office of Lord High Admiral of the United Kingdom and to the Field Marshal Commanding in Chief of Her Majesty's Forces.

Then it was *moved* to resolve—

"That the Thanks of this House be given to the Officers of the several Corps of Militia which have been embodied in Great Britain and Ireland during the Course of the War, for the zealous and meritorious Services which at Home and Abroad they have rendered to their Queen and Country:

"That this House doth highly approve and acknowledge the Services of the Non-commissioned Officers and Men of the several Corps of Militia which have been embodied in Great Britain or Ireland during the Course of the War, and that the same be communicated to them by the Commanding Officers of the several Corps, who are desired to thank them for their patriotic Conduct."

LORD PANMURE said, that in moving that part of the Vote relating to the Militia, it might be a proper opportunity for him to state what the Government proposed to do as regarded that force when it was disembodied. It was proposed to add to the permanent staff, all the regimental quartermasters who at present held commissions, the effect of which would be to relieve the adjutant from the care of the stores, and give him more opportunity of attending to the arms and other duties of his department—a course which would tend to give greater efficiency to the staff. In the next place, as many of the subaltern officers had been put to considerable expense during the short period in which they had joined their regiments, it was proposed to allow them a gratuity of three months' pay. It was proposed to allow the surgeons and assistant surgeons, many of whom had lost their practice by being removed from their own localities, a year's pay, so as to give them an opportunity of recovering their practice. It was intended to allow to each man £1, the balance of the bounty of the current year, and which had not yet been received, on their being discharged. Directions to this effect were about to be sent to the Lord Lieutenants of counties and the colonels of militia regiments, but he thought it right to mention it to-night so that it might go forth to the public.

THE MARQUESS OF SALISBURY inquired what strength of non-commissioned officers it was purposed to retain with the staff; was it to be nearly the strength of that which existed when the regiments were embodied?

LORD PANMURE said, that the number of non-commissioned officers to be attached to the permanent staff was under consideration, as the Government had not made up their minds on the subject.

*Agreed to, Nemine Dissentiente.*

*Ordered*, That the LORD CHANCELLOR do communicate the said Resolutions, by Letter, to the Secretary of State for the War Department, in order to be by him communicated to the Colonel or Commanding Officer of each respective Corps.

## MARRIAGE LAW AMENDING BILL.

Order of the Day for the Second Reading, read.

LORD BROUGHAM moved the second reading of this Bill, the main object of which was to prevent any marriage being contracted in Scotland, unless both parties were born in Scotland or had their most usual place of residence there, or had lived in Scotland for three weeks preceding the marriage. The present state of the law was productive of great mischief, by enabling parties who crossed the border from England into Scotland merely for the purpose of being married, to contract rash and improvident unions; and he greatly regretted that the English courts had departed from the principle laid down by Lord Mansfield, who held that such a proceeding was a fraudulent evasion of the law of England and ought not to be upheld. In consequence of that principle not having been maintained, these border marriages had much increased of late years, and, from the loose manner in which they were contracted, introduced great doubt and confusion in respect to the real condition of the parties and their issue. He went so far as to think, though the present Bill did not touch on that point, that some check ought to be imposed upon the hasty contraction of marriages in Scotland, without ceremony or notice, by persons domiciled there. He had been informed that a respectable gentleman in Scotland, whose two daughters went out to ride with a groom, found, to his infinite astonishment and no less infinite dismay, that one of them returned to his house an hour after and stated that the groom was her husband, and such a marriage was as perfectly valid by the law of Scotland as if it had been celebrated after proclamation of bans by a regular clergyman. The provision in the Bill respecting the power of Scotch courts to divorce he intended to strike out in Committee, as he did not anticipate the concurrence of the House on it.

*Moved*, That the Bill be now read 2ª.

LORD CAMPBELL said, he concurred with his noble and learned Friend as to the existence of the evil, but he did not think the Bill before the House was calculated to meet it. When parties went to get married there certainly ought to be some ceremony attendant upon or register of the transaction. But the Bill was susceptible of considerable alteration and amendment, and he would advise its withdrawal and reintroduction, for the purpose of effecting those changes, in preference to making them in Committee.

LORD ST. LEONARDS admitted that if the object could be accomplished it was most desirable that the marriage law of Scotland should be placed on a better foundation than it was at present, and that such an abuse as Gretna-green marriages—those sudden flights to Gretna-green, and as sudden marriages—should be put an end to. The principle of the Bill contained in its first clause met with his entire concurrence; but the details of the measure certainly required consideration in Committee.

After a few words from Lord BROUGHAM,

Motion *agreed to;* Bill read $2^a$ accordingly, and *committed* to a Committee of the whole House on the *First Sitting Day after the Recess at Whitsuntide.*

## THE MARQUESS OF DALHOUSIE—INDIAN PENSION.

THE MARQUESS OF CLANRICARDE rose to ask, whether Her Majesty's Government had sanctioned the grant of a pension of £5,000 a year, chargeable upon the revenues of India, to the Marquess of Dalhousie, and to move for copies of any correspondence relating thereto? He did not object to the eminent services of Lord Dalhousie being acknowledged in any way Government and Parliament thought proper; but, considering the position in which the Court of Directors stood, he thought it was unconstitutional in them to grant away the revenue of India in this way, and equally unconstitutional in the Government to sanction it. It was an assumption of power beyond that which could be exercised, even by the Queen in Council, for it must be remembered, that the revenues of India belonged to this country and not to the Company. Their dividends were not affected by charges upon it. A liberal arrangement had been made to pay off their capital, and, meanwhile, to pay a fixed dividend, and the late Act declared that the British territories in India were continued under the Government of the Company only until Parliament should otherwise provide. The Government of India might be taken at any time out of their hands, and, therefore, to give a pension of £5,000 without the consent of Parliament was alike presumptuous and unconstitutional. If the late Governor General of India was entitled to a pension—which he did not now question—let it be voted in the usual way, out of the public funds. A Colonial Governor might return from the snows of Canada or the burning sun of Sierra Leone, after a service of ten or twenty years, with broken and shattered health; but the State gave him nothing, and there was no Court of Directors to vote him a pension. The pensions awarded to Ministers of State at home did not in any case exceed £2,000; and Lord John Russell had publicly stated that he never came under pecuniary obligations to any man until he became Prime Minister. That distinguished statesman was a remarkable instance of the manner in which it was the policy of the country to deal with its civil servants. He had served the country out of office for a long course of years; he had subsequently filled almost all the great offices of State, including that of the First Minister of the Crown; and yet nobody had ever proposed to confer a special pension upon him. So contrary was it, indeed, to the policy and feelings of public men that pensions should be given for civil services that, although two of those placed by Parliament at the disposal of the Crown, of £2,000 each, were now vacant, no person had come forward to claim them. When statesmen at home were treated in that way upon principle, he thought it was monstrous that the Court of Directors, the President of the Board of Control agreeing with them, or even the President of the Board of Control, the Court of Directors agreeing with him, should grant to a Governor General such a pension as was never offered to the highest personages in England. He expressed no opinion whatever upon the services of Lord Dalhousie; but there was no reason why Parliament should not vote whatever sum of money it pleased in reward of those services. What he complained of was an abuse of power on the part of the Court of Directors—an abuse for which he denied there was any precedent. The cases of Lord Wellesley and Lord Moira certainly afforded none. At that time, the revenues of India were the property of the East India Company, and, moreover, the Marquess of Wellesley had been entitled to a sum exceeding £100,000 of prize money, arising from the treasures found in Seringapatam, which he refused to receive; and it was in consideration of that, as well as of his great services as Governor General, that the East India Company voted him a pension of £5,000 for twelve years. In the case of Lord Moira, the Company had saved £140,000 by the union of the Commandership in Chief with the Governor Generalship. The pensions awarded to Lord Hardinge and Lord Gough bore no analogy to the present case, those pensions having been granted specifically for military services, and accompanied by elevation to the peerage.

Moreover, the present state of the finances of India afforded little justification for such a gift, there being a deficit of £2,000,000 upon the revenue and expenditure of the last year—a condition of things which appeared to be becoming permanent. The system of assessment pursued by the Indian Government forbade us to expect the slightest increase of land revenues, and the Reports of Parliamentary Committees showed that torture was obliged to be resorted to in order to wring from the unfortunate ryot such paltry contributions as 5½*d.* Did it become the body who raised its revenue in that mode to vote it away in pensions of £5,000 a year wholly without precedent? Some pecuniary compensation might properly enough have been awarded to the survivors of the wretched victims of the inhuman tax-gatherer; but that was not for a moment thought of by those who proposed this liberal and munificent grant—a grant which, he admitted, might have been very proper if contributed from funds belonging to those who recommended it. Without entering into any comparison between the administration of Lord Dalhousie and that of other Governors General, it was nevertheless to be desired that the Court of Directors should show as much appreciation of the services of men who devoted themselves to the social amelioration of India as they had evinced for the exertions of those who added to their territory and increased their political power. From the days of Lord Clive down to the present time no name connected with India was more distinguished than that of Lord William Bentinck, one of the most precious results of whose administration was the abolition of the suttee, and whose services might indeed have been well deserving of a pension. But a grant like the one under consideration, flying in the face of the recognized policy of this country and the deliberate judgment of Parliament, was wholly unwarrantable, and the Ministers of the Crown ought to refuse it their sanction. The noble Marquess concluded by *moving*—

> "That there be laid before this House, Copies of any Correspondence or previous Communication which may have passed between the Board of Control and the East India Company with respect to the Grant of a Pension of £5,000 a Year chargeable upon the Revenues of India to The Marquess of Dalhousie."

EARL GRANVILLE: My Lords, the very able statement of the noble Marquess raises two questions; first, whether it be legally competent for the Court of Directors to grant this pension; and next, whether the grant be expedient? I could hardly follow his argument on the first point; but I understood him to assert that, because certain words were introduced into an Act of Parliament determining that the existing constitution of the Indian Government should continue until the Legislature otherwise provided, the East India Company has now no power to give a pension like the present. But in this the noble Marquess is mistaken, because under the Continuing Act all the powers of the Company remain in force until altered by the Legislature. It is clear that this Act may, like any other, be repealed whenever Parliament thinks fit; but until it is repealed, it cannot be fairly contended that the powers it confers cease to have validity. Next, the noble Marquess says that if these pensions may be legally given to the Marquess of Dalhousie they may with equal legality be given to any one else. I believe that to be so—with this proviso, however, that they shall be subject to the very same conditions under which the pension has been given to Lord Dalhousie. Those conditions are that the pensions shall receive the sanction of two general Courts of Proprietors, that they shall be reported to the President of the Board of Control, who also shall signify his approval of them, and that the warrants conferring them shall be presented to both Houses of Parliament within one month of the day on which the grants were made. As regards the question of expediency, the noble Marquess has himself borne testimony to the signal ability, sagacity, and judgment of Lord Dalhousie. It is not an easy matter for any Englishman to resist the temptation of referring in the language of enthusiastic commendation to the splendid talents and brilliant services of one of the ablest statesmen that this country has produced—a man of singular energy and capacity, whose vigour of mind has not been impaired, but whose powers of body have been completely shattered by the anxious and arduous toils in which he has for years been engaged. Abstaining, however, from the discussion of any such topics, I will content myself with reminding the noble Marquess that the President of the Board of Control is the Minister whose duty it is when he receives a report from the Court of Directors and Proprietors on the subject of a pension, carefully to consider all the reasons urged in favour of the grant, and to offer any suggestions that may occur to him on the subject. Regard being had to this fact, I do not know that, speaking in my official character as a member of the Government, it is competent for me to make any further observations on this question. The noble Marquess has asked for correspondence between the Government and the Court of Directors, but there is none. After the matter has been submitted to the two Courts of Proprietors and then to the Board of Control, there will be correspondence; but at the present moment there is no correspondence in existence.

The EARL OF ALBEMARLE expressed his satisfaction that the question of the pension was not as yet irrevocably determined. He had no bias, political or personal, to induce him to support the Motion of the noble Marquess; he had never in his life seen Lord Dalhousie, and of his political opinions he knew nothing. He had heard, indeed, that the noble Marquess was claimed alike by the "Carleton" and the "Reform;" but how the fact might be he had not the slightest idea. For the talents of the noble Marquess he had a profound admiration, but he wished those talents to be available for the country, which they could not be if their possessor were to lie under the imputation of being the salaried advocate of an irresponsible Company, which must at no remote day be placed upon its trial, and on which it might be the duty of the noble Marquess to sit in judgment. If the proposed pension were to be derived from the revenues of this country, the matter might safely be left to the representatives of the people in the other House of Parliament; but such was not the fact. It was to be extracted from the revenues of the people of India, and he (the Earl of Albemarle) was there to plead the cause of those who had no representatives and but few friends. £5,000 in England was equivalent to £16,000 in India, and when the pecuniary ability of the contributors in both countries was taken into account, how different did the case appear! In England we had a free and opulent people bestowing their money as they pleased; in India, a set of miserable slaves from whom the taxes were extorted by tortures that made humanity shudder. A glance at the Blue-book presented to Parliament on the subject of torture in India would suffice to show that it was for defalcation in the most paltry sums—sums not exceeding two, five, ten, and twenty shillings—that the Natives of that country were compelled to endure the most terrific agony. The ability of the people of India to pay taxes had not kept pace with the population. The taxes had risen twenty-three per cent; but if they had kept pace with the increase of population they ought to have been sixty-five per cent. This proposition to grant a pension out of the impoverished resources of India was another flagrant proof of the mal-administration of the East India Company; and to whom was this pension proposed to be paid? To a Governor-General of India, under whose sway the system of torture had been continued. He would protest on the part of the people of India against the manner in which their funds were squandered.

THE EARL OF HARROWBY asked, upon what authority the noble Earl assumed that this pension had been sanctioned by the Government? The noble Earl must have heard the declaration of his noble Friend (Earl Granville) that he declined to give an opinion upon the subject; and yet, notwithstanding that declaration, up got the noble Earl and made a violent invective against the Government and against the East India Company, upon the assumption that this measure had already been carried into effect—whereas, in fact, it had not as yet even come under their consideration. It was not fair on the part of the noble Earl to bring all these matters of torture to bear upon such discussions. Let the noble Earl say, if he pleased, that it was not a wise thing to grant this pension; but what business had the noble Earl to say that this was a torture tax? It was not fair, when discussing the merits of the late Governor General of India, to import into that discussion a question of that kind, and to mix up the reputation of the Marquess of Dalhousie with all the horrible atrocities which had been recently disclosed to Parliament, and the public. The noble Earl must know that those things had not taken place with the sanction either of the Government of India or of the East India Company—he must know that they had taken place without the knowledge of Lord Dalhousie. It was not right that the noble Earl should make an attack of this kind, when he knew that the other side could not be heard, and when he must be aware that they were gagged until the question of granting a pension had been decided elsewhere. Parliament had pointed out the way in which these acts were to be done.

In the first place, the pension must be proposed and approved by the East India Company, and it must then be sanctioned by the Board of Control, and not till then would the question come before Parliament and the Government. Was it fair, then, to bring charges against the Governor General on the assumption of this pension being granted, even before any preliminary steps had been taken on the subject? If he had spken with undue warmth on this occasion he begged his noble Friend's pardon, but he did not think it fair that the name of a man of such high character as that of the late Governor General of India should have such imputations cast upon it, and that charges of this kind should be bandied about before it was possible for that noble Marquess in any way to defend himself.

Lord PANMURE said, he should not have offered a single observation on this subject, had it not been that his noble Friend (the Earl of Albemarle) had assumed the authority of speaking in the name of the people of India. Now, he ventured to say that the manner in which the people of India, the real people of India, parted with his noble Friend the late Governor General when he left India, was far better evidence as to their feelings with reference to his administration of the affairs of India, than any knowledge which the noble Earl could possess on that point, upon any authority which he could adduce. Deeply concerned as he was in the honour of Lord Dalhousie, he accepted this movement of the East India Company not as the mere settlement of the question, but as a recognition of services rendered to that Company and to that body whom they represented by Lord Dalhousie during his administration. He (Lord Panmure) knew the honourable and noble feelings of that man, too well, to believe, that if he thought one atom of the sum proposed to be granted to him would come from the Natives of India in the manner described by the noble Earl, he would be the first to repudiate and reject every anna of that grant. The noble Earl had expressed his gratification that this proposition was not a *fait accompli*. With his knowledge of Indian affairs, he must have known that the proposition originated with the Court of Directors; the noble Earl must have known that the proposal of a pension required the approval of the Court of Proprietors; and also the sanction of a second Court of Proprietors upon the Report. Therefore, when this thing was thus hanging in the balance, he ought to have known that it was so, and not to have assumed any doubt upon the subject. The proposition was in the first place to be referred, as it were, to the Commons of India—to those who represented India and had the care of their concerns. They would judge, and in the first instance, decide upon it; after which, it would be referred to the Board of Control, which, with a free and unbiassed mind, would give its decision; and then the question would be ripe for the consideration of Parliament.

The Marquess of CLANRICARDE begged to say, in explanation, that he had not discussed the merits of Lord Dalhousie; nor had he given any opinion as to the granting of a pension to the late Governor General of India. On the contrary, he distinctly said that he would guard himself against saying, whether such a pension should be granted by the Court of Directors or not. But what he did say was this, that he questioned whether the Court of Directors should make such a grant before the pleasure of Parliament was signified; and he had contended that the present was a more fitting time for discussing the question than after the granting of the pension, when it would be too late to remedy what had been done.

Earl GRANVILLE explained that he did not object to any question being brought forward on any subject by an independent Peer, but he did not think that the noble Marquess had exercised a sound discretion in introducing this subject to the notice of their Lordships. After the answer which had been given by the Government, he would ask whether it was necessary that the noble Earl (the Earl of Albemarle) should go into a lengthened statistical statement, and introduce the question of torture, which appealed to the feelings and was calculated to lead their Lordships' attention away from the real question at issue? When the noble Earl, dwelling upon that subject, said that a pension was to be given to the very Governor General under whom the system of torture had been continued, he thought that such a statement justified a little warmth on the part of his noble Friend (the Earl of Harrowby), who, in common with most of their Lordships, was a real admirer of the high character of the Marquess of Dalhousie.

The EARL of ALBEMARLE explained that it was not his intention to associate the name of the noble Marquess with the system of torture.

Motion (by leave of the House) *withdrawn.*

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Thursday, May* 8, 1856.

### HER MAJESTY'S ANSWER TO THE ADDRESS ON THE TREATY OF PEACE.

MR. SPEAKER *reported* HER MAJESTY'S Answer to the Address, as follows:—

"I THANK you for this loyal and dutiful Address.

"I GRATEFULLY acknowledge the zealous and cordial co-operation of My People in the prosecution of the late War, and the firm and uniform support by which you have enabled Me, in conjunction with My Allies, to conduct it to a satisfactory and honourable conclusion.

"WHILE it is most gratifying to Me to know that the resources of this Empire remain unimpaired, I heartily concur with you in the hope that, under the favour of Divine Providence, a Peace based on the common interests of Europe may be long continued, and may promote and secure the welfare and prosperity of My People, and the civilisation and happiness of mankind."

### MESSAGE FROM THE QUEEN—MAJOR-GENERAL SIR W. F. WILLIAMS, K.C.B.

Message from HER MAJESTY, *brought up*, and read by Mr. SPEAKER (all the Members being uncovered), as follows:—

"VICTORIA R.

"HER MAJESTY, being desirous of conferring a signal Mark of Her Favour and Approbation on Major-General Sir William Fenwick Williams, K.C.B., for the eminent and distinguished Services rendered by him as Her Majesty's Commissioner at the Head Quarters of the Turkish Army in Asia, and particularly in the gallant Defence of Kars, recommends it to the House of Commons to enable Her Majesty to make Provision for securing to Sir William Fenwick Williams a Pension of One Thousand Pounds per annum, for the Term of his natural Life.

"V. R."

Committee thereupon *To-morrow.*

### OPERATIONS OF THE LATE WAR—THANKS TO THE ARMY AND NAVY.

VISCOUNT PALMERSTON: I rise, Sir, in pursuance of the notice which I have given, to propose to this House to return its thanks and to express its acknowledgments for the great and eminent services performed by that portion of the Army and Navy which was engaged in the operations of the war; and for the zeal and merit of the Embodied Militia at home and abroad during the period in which we have been engaged in hostilities. Sir, it was natural that a nation, on the termination of a successful war and on the conclusion of an honourable and satisfactory peace, should be led by its first impulse to the temples of religious worship, in order to render thanks to that Almighty Power which directed and favoured our arms during the war, and which has blessed our councils in the negotiations for peace. The next duty which is incumbent on the country is to return its thanks and to express its acknowledgments to those brave and gallant men who have, under the blessing of Divine Providence, been the instruments by which our success in war has been accomplished, and the conditions of peace have been obtained. It is the peculiar privilege of a free people that, upon occasions on which the national gratitude has to be expressed, they are entitled, as by right, to participate with the Crown in the expression of the national feeling. In other countries, which are not so fortunate in their institutions as we are, those honourable expressions of gratitude are confined to the Sovereign alone; and the brave men who have perilled their lives or wasted their constitutions in the service of their country have not the additional satisfaction of knowing that, in conjunction with the approbation of the Sovereign, they receive the grateful and heartfelt thanks of their country. Sir, the value of that co-operation of the Crown and the people is well known and cannot be over estimated. We all remember the remarkable expression of that gallant hero, Nelson, who going into action exclaimed, "Now for Westminster Abbey or the House of Lords," thereby anticipating the co-operation of the Crown and of Parliament for those acknowledgments of the services which he might be considered to deserve. If, then, the hopes of such reward are a consolation even to those men who think that their lives may not be spared to enable them to enjoy it themselves, how much more is it grateful to those who anticipate that they may themselves live and receive the acknowledgments and thanks of a grateful country. Sir, there never was a war in which the brave Army and Navy of England better deserved the thanks of their country than the war in which we have lately been engaged. There have, it is true, been wars much longer in duration and more diversified by great events; there have been wars in which greater battles have been fought, and in which operations have been conducted on a larger scale; but there have been few wars attended with results more important, and there have been none in which those various qualities which, perhaps, in a peculiar degree, belong to Englishmen have been more nobly displayed. There has never been a war in which our brave men have had better or more frequent opportunities of displaying that impetuous courage in attack and that irresistible intrepidity in defence, combined with that power of enduring privations and all those other qualities which adorn our soldiers and our sailors, than in the war which we have just terminated.

Sir, when the war began, in March, 1854, there sailed from the shores of this country a gallant band of about 10,000 men. At that time the anticipations of the country did not, I think, go beyond the idea of fortifying the Dardanelles and protecting Constantinople. Few men at that time imagined that that gallant band would be increased in amount to the force at which the Army in the East now stands. Few ever expected that that little band would by successive augmentations accomplish the great results which have crowned its labours. Gradually, however, was that small band swelled by fresh instalments from this country, until that noble Army was formed which has accomplished such deeds of bravery; it was like the cloud in eastern climes which, at first no larger than a man's hand on the distant horizon, gradually overspreads the canopy of Heaven, and bursts with a power that nothing is able to resist. That band of 10,000 men has been multiplied by ten, for there are now under the command of the British general in the Crimea forces amounting to no less than 100,000 men; and had the war continued the results of their operations, would, I am persuaded, have contributed still further to justify that Vote of thanks which it is now my duty to propose. The events of the war are too well known to require any detailed recapitulation on the part of any one discharging the duty which now devolves upon me. It is well known that that gallant army, after a temporary sojourn upon the coast of European Turkey, when it was found that by the cessation of the siege of Silistria no immediate necessity for its continuing any longer in that position, was transferred, in conjunction with that of our Allies, to the coast of the Crimea. Every Member of this House recollects the glorious battle of the Alma. Every one remembers the daring intrepidity with which, led by that gallant soldier—that hero, as I will call him, whose loss we all lament—Lord Raglan, the British Army, in conjunction with that of our Allies, who, side by side with them, equally shared their dangers, notwithstanding the resistance of the enemy, carried heights which might have been deemed impregnable when held by the soldiers who then defended them. Not long after that battle—after the flank-march had taken place and the siege of Sebastopol was begun—came another battle equally severe—I mean the battle of Inkerman. It is, I must say, a remarkable circumstance that those two battles, following each other so closely as they did, should have brought so prominently into sight the best qualities of the British soldier, for while, on the one hand, the battle of the Alma proved that nothing could resist the rush of British troops, that no enemy could maintain a position, however strong, against the intrepid dash of a British Army; so, on the other hand, the battle of Inkerman showed that a British Army, placed to defend a position, is always able, by whatever troops it may be attacked, and however they may be superior in number, by the stern resolution and the steadiness of the British character to maintain that position against any troops which may be brought against it. That defence at Inkerman reminds me of an incident at Waterloo, when an officer who asked the Duke of Wellington, whose position was threatened by an overpowering force of cavalry, what he intended to do, received the simple answer, "I don't mean to budge from here to-night."

So again at Inkerman no power that was brought against them was able to dispossess the British from the position which they held. Then again, Sir, there was that memorable battle of Balaklava—a battle in which all arms had an opportunity of distinguishing themselves. At that battle the gallant 93rd, when charged by a large body of cavalry and disdaining the ordinary tactics of forming into a square, and without any recourse to any of those operations to which infantry usually resort in order to repel the attack of cavalry, stood in extended line, and by their steady fire repelled the attacking force. In that battle the cavalry had also the opportunity of showing of what British cavalry are capable. The charge of the heavy cavalry, which cut through the Russian battlions, was one of the most glorious achievements of the war, and was attended with complete success. The charge of the light cavalry, unfortunately not successful—and the circumstances of the case were such that it could not have been expected to be successful—was one of the most heroic enterprises ever undertaken. It was an enterprise of which the countrymen of the brave men who undertook it may well be proud, and one which will live in the record of history as long as the memory of those days shall survive. There were also two other memorable occasions on which the British Army displayed its heroic courage, and of which the English people may well be proud—I mean the two assualts on the Redan on the 18th of June and the 8th of September. Those attacks were, it is true, not attended with success, and, indeed, it was hardly possible that they could succeed, but I think that no man can fail in admiring the daring courage which led those brave men to traverse an open space of 250 yards exposed to the most murderous fire of cannon, of musketry, and of everything which could be used to deter an enemy from proceeding in his attack; and in spite of all the difficulty and dangers to which they were exposed—dangers which would have made any other men quail—they went on, and the survivors, while their comrades were falling by hundreds around them, nobly performed their duty and entered the enemy's fortifications; and I am sure that even though they were not able to maintain that position, they could not have obtained greater glory than they did.

Then, again, the events of the war have brought into play those qualities which I think that the people of this country peculiarly possess. Bravery in action is a quality which we do not pretend to monopolise; it is a quality which is shared by other nations, and, while we are proud of it ourselves, we honour and respect it in others. But the power of endurance, the power of submitting to privations and silent sufferings, is, perhaps, a quality still more to be admired, as being, perhaps, less general than the quality that boldly leads men to face danger, and that quality our Army has had ample opportunities of displaying. All must remember the accounts, unhappily too true, of the privations which, during that dreary Crimean winter—notwithstanding all the efforts which were made by the Government at home, and notwithstanding the fact that large quantities of those things which were essential to the well-being and comfort of the troops were almost within their reach, though, unfortunately unavailable, from a want of arrangement, perhaps necessarily incidental to the first beginning of operations upon so large a scale, at so great a distance, and after so long a period of peace—were endured by our brave troops. At that time they were called upon to perform a duty which has seldom or never befallen an army in the field. They had to carry on siege operations of a most difficult character. As a general rule, when a large army invests a fortress, however large the fortress may be, its garrison is limited in extent, and its weakness is known to the besieging force. It is generally a matter of scientific calculation at what period a breach may be made, and the superior attacking army place itself in personal conflict with the inferior army within the town; but the siege of Sebastopol was of a totally different character. There were two Armies equal in number, or if there were any difference at the commencement of the siege, perhaps the Army of the enemy was the larger of the two, and throughout the whole of the siege operations the garrison had an open communication with the rear, and reinforcements were perpetually pouring in from the interior. The position of the enemy precluded battle in the field, and our Army had therefore to carry on the operations of the siege, not against a limited fortress and garrison, but against the whole military power of the Russian Empire. The operations of a siege so conducted necessarily imposed on our brave and gallant troops an amount of fatigue, followed by sickness, which has seldom occurred, for so long a period, in the military history of the world. Our men bore their sufferings with the same steadiness with which at Alma they scaled and carried the heights of the enemy, and with which at Inkerman they bore the brunt of that bloody field, and defended their own position; and to the honour of the British soldier be it said, that in the long course of those operations they displayed, not only courage and endurance, but that generosity which belongs also, I am proud to say, to the character of our countrymen. It is well known that many a private soldier, whose health had been impaired by his services, who ought to have gone into hospital, and was advised to do so, refused to avail himself of the permission, or to comply with the order, because he said, "If I go into hospital the duty will fall heavier upon my comrades, who are as little able to bear it as myself. I will go on as long as I can, and I will share with them the difficulties and dangers, whatever they may be." The history of this war amply illustrates the well-known adage that,—

> "Noble actions may as well be done
> By weaver's issue as by prince's son."

The private soldiers were distinguished by every quality which gives dignity to human nature, while of the conduct of their officers it is impossible to say too much. Such, then, having been the bearing of our brave soldiers, without entering into any further details, I think that you will readily concur that there cannot be a fitter occasion upon which this House, as the organ of the national sentiment, should express its thanks and convey its acknowledgments to those brave men who have thus earned the gratitude of their country.

Sir, regarding the great and glorious deeds of those who survive, it is impossible not to remember with feelings of regret those of whose services the country has been deprived. We have lost many a brave and gallant officer, and many a brave and gallant man. Some have perished in the field of battle; others have fallen, not less in the service of their country, by the wasting effects of fatigue and disease. But those who have suffered private losses must, at least, have the consolation of thinking, whether their gallant relatives fell in the field of battle or by wasting disease, that they are equally entitled to the gratitude and admiration of their countrymen, and that their names will equally live in the fond and proud recollection of England. We lost, in the first place, that great man—for so on account of his noble qualities and noble conduct may he well be called — Lord Raglan. He had reached a time of life when, without any disparagement to himself, he might have declined the active service proposed to him. He held high and important official situations here. He had won his spurs in former wars, by the side of his great Commander and friend, the Duke of Wellington. He was of an age when men are generally considered exempt from active duty, but, having devoted all his life to the public service, he would not shrink at the last from the call which his Sovereign and his country thought proper to make upon him. He fell a sacrifice to the performance of his duties. I am convinced that the only feeling of regret which crossed his mind at the last moment of his life was, that he had not had the good fortune to fall in the field of battle—the dangers of which he had often so bravely and freely encountered—and the consolation to breathe his last in the front of an enemy, rather than in the manner in which it pleased Providence to remove him. Sir, we cannot sufficiently lament those other gallant Generals who fell in the course of this war. We lost Cathcart, Goldie, Strangways, Torrens—aye! Torrens, for though he did not die in the Crimea, he sank under wounds received there. We also lost Adams, Yea, Shadforth, Estcourt, Sir John Campbell, and other names which belong to the same catalogue of brave officers; but it must be a satisfaction to the families and friends of those men that, though by the will of Heaven they were taken, they died in a noble cause, maintaining the honour of their country and their own dignity. Sir, though our losses are deeply to be deplored, yet, upon the whole, taking into consideration the great difficulties which our Army had to encounter, the various battles they have fought, the different services on which they have been employed, it cannot be said that the number is greater than might inevitably have been expected. The whole amount of casualties of all kinds in the course of the war—that is to say, the whole number withdrawn from the Army by death in the field, by death in hospital, or by discharges under various circumstances, amounts to 22,457, of which the number killed in action was comparatively small. I do not mean to underrate the value and magnitude of those losses. At the same time, when we compare the disasters of war with those calamities to which all nations are subject—with the sweeping scourge of pestilence, for example, which may often be averted or mitigated by the aids of science, although they are not sufficiently employed for that purpose—it must be remembered that one epidemic sweeps away far more men than those I have enumerated, and we may be thankful that the war has been concluded without a greater sacrifice of the lives of our countrymen. It has been said that in peace sons bury their fathers, and in war fathers bury their sons; but it cannot be impressed too much upon our minds that there are calamities which sweep away both fathers and sons, and leave mothers, widows, and orphans deploring their loss, and reduced to wretchedness and poverty—calamities which may be often averted and mitigated, as I have just said, by the application of scientific means within our power. I, therefore, say we have reason to be thankful that, under Divine Providence, our losses have not been greater. Now, Sir, what has been the loss of our enemy? I say, upon authority which I believe to be good, that on the heights surrounding Sebastopol 90,000 Russians lie buried beneath the soil; and that the Russian Army, from one cause or another, lost during the war no less than 500,000 men. I say it not with any object of exultation. It increases the regret that the war should have been forced upon us; but it may have been one instrument by which the peace was brought about; and we have reason to be thankful that in prosecuting a just and necessary war to so successful a result, we have done so at an amount of loss so much less than that of our opponent.

Sir, in this war the Navy had not the same opportunity which the Army had of obtaining brilliant distinction in battle. The enemy with whom we had to contend had occupied himself during many a long year, and spent a large portion of the revenues of his empire in creating an immense fleet as well as a large Army. The mere presence of the British fleet, however, was alone sufficient to deter the enemy's fleet from acting. Neither in the Baltic nor the Black Sea have our gallant sailors had an opportunity of encountering, face to face, the fleets which the Russian Government had prepared. But in the Black Sea our sailors contributed immensely to the success of our military operations. Not content with assisting by every possible effort the operations of the Army, we all know a naval brigade was established on shore—blue jackets fighting in the trenches with red coats—and nothing could exceed the harmony of co-operation, except, perhaps, the intrepidity with which that co-operation was supported. I should not omit to mention that in the Black Sea the operations of our Army were greatly assisted by the daring exploits of our Navy in the Sea of Azoff. Of that sea we had no practical knowledge. Its dangers and difficulties were increased by the want of water; but in that sea our active and enterprising sailors performed exploits of the utmost value to the Army, and which fully entitle them to the thanks of this House. Sir, we might have extended the sphere of our operations in the Black Sea by taking a wider range. We might have laid in ashes Odessa, but it was thought most proper not to do so. It was felt that Odessa was no military or naval fortress, and that its destruction would have inflicted an enormous amount of misery upon a harmless and inoffensive population; so that that which was made a matter of reproach against our Navy for a want of enterprise was the result of a determination to which we must all look back with satisfaction. Sir, in the Baltic, in the first year of our operations my hon. and gallant Friend (Sir Charles Napier), whom I name not as a Member of this House, but as a naval commander, accomplished a most difficult and important operation, in conjunction with our French Allies. He found his way though the intricate navigation that led to Bomarsund, and then, in conjunction with the land forces, in the shortest time levelled the fortress to the ground. That was an exploit which did great credit to the naval skill of my hon. and gallant Friend, and it likewise was attended with the most important results; because, if that expedition had not been undertaken, and if Bomarsund had not fallen, we might not have been entitled to stipulate in the treaty that there should no longer be any fortifications or naval establishments in the

Aland Isles. That stipulation is of great importance to Sweden, and to the balance of power in the North of Europe, and for that we are mainly indebted to the exploit of my hon. and gallant Friend Sir Charles Napier. Well, Sir, in the succeeding campaign an exploit not less brilliant, not less important, and not less difficult, was accomplished by Admiral Dundas in the destruction of the great arsenal of Sweaborg. That exploit deserves to receive a high place in the naval records of this country. It was an enterprise conducted with great skill and with complete success, and would have been attended with further consequences if it had not been that those engines of war which had been supplied would not stand the repeated use of them which was necessary, and that the season was too far advanced to send an additional supply of mortars to the fleet, although those mortars were ready and would have been sent but for the advanced state of the season. Sir, our gallant sailors, then, are not less entitled than our gallant soldiers to the thanks and admiration of their countrymen.

With regard to them, and with regard to the Army, it must be a source of satisfaction to this country to think that, having started with an Army and Navy on a peace establishment, this country has been able so rapidly to develope her military and naval resources. I do not say this to the praise of this Government or that, for it is to the nation that the merit belongs—to the determined and inflexible courage of the people of this country, who resolved that no efforts should be wanting, that no supplies should be withheld, that no exertions should be spared, to carry on the war with the utmost vigour and success. But it is a proud fact, which will be recorded in the history of Europe, that England, having begun the war with a small Army, and comparatively a small Navy, at the end of two years of exertion, notwithstanding the waste of war, notwithstanding the difficulties of the time required for placing her establishments on a war footing, was able so rapidly to increase her naval and military force, that, having begun the war with a force of 120,000 men in all parts of the world, yet, at the end of the war, we had an Army in the Mediterranean under our Generals, including the foreign corps and the Turkish Contingent, of upwards of 110,000 men; and that, having begun the war with a fleet of comparatively small amount, we ended the war, and were enabled to present at Spithead the spectacle of such a fleet as called forth from the Earl of Derby the eulogy that "No country ever possessed so mighty a naval armament." Sir, we had at the beginning of the war a total amount of 212 ships, and at the end of the war we have 590. Sir, when I mention this augmentation of our military and naval force, it is due to those who are not employed in political situations or in distinguished military service—it is due to that great body of men who are employed in the civil service of this country to do them the justice to say that they deserve the thanks of the country for the great exertions made by them to complete the great additions both to the Army and Navy of this country. Sir, that Army in the Crimea has required immense supplies of every article and material connected with military operations. It has required ammunition of every kind, military stores, clothing, fuel, and every sort of supply. There are some military men in this House who are better able than we civilians to estimate the exertions requisite for supplying an army with everything that is necessary. But any man who will give his mind to the subject will see that, without the greatest exertions, without the utmost energy on the part of all the members of the civil administration engaged in supplying the different things that an army requires, it would be impossible that our Army should be in the condition in which it now is. I will quote Lord Hardinge, who said that "Our Army now in the Crimea is in such a condition, as no army ever before could be said to surpass." Sir, the health of that Army is the admiration of all those who have seen it. That excellent health could only be produced by those detailed arrangements of sanitary and commissariat supply of all kinds which are so essential to the comfort and health of the soldiers and officers; and which are necessary to provision an Army at such a distance, and those exertions are highly meritorious on the part of the gentlemen employed in these services. In the same manner, Sir, with regard to the fleet. My right hon. Friend the First Lord of the Admiralty, however great may be his energy and untiring application of the duties of his office, could never have produced such an augmentation of force if he had not been seconded by all the departments of the naval service under him, by all the subordinate officers, by the labourers and artisans of the dockyards—aye, and if he had not been seconded, also, as he had stated, by the private builders of the country, it would have been impossible for him to raise the Navy to the pitch of force such as it now occupies.

Well, Sir, we cannot forget, on the present occasion, the great services rendered by the Militia of the country. Sir, we must remember that that force is composed of men who are enlisted for the home defence of the country, and that it is officered by gentlemen of the country who are generally occupied with other duties and other engagements. But I am bound to say that, when that force was embodied, as great a devotion to the public service was displayed by both officers and men as was shown by any branch of the military and naval service of the country. When Parliament gave the Government the power of accepting the offers of these regiments to go on foreign service, besides the Militia regiments which went to the Mediterranean, thirty-seven other regiments offered their services, which the Government had not at the time any occasion to accept. But there were several regiments that did go abroad. They garrisoned Gibraltar, Malta, and the Ionian Islands. At Gibraltar there were the 3rd Lancashire, the Northampton, and the 2nd West York; at Malta, the East Kent; in the Ionian Islands, the Berkshire, the 1st Lancashire, the 3rd Middlesex, the Oxfordshire, the 1st Staffordshire, and the Wiltshire regiments. There were ten Militia regiments that went, and thirty-seven that offered their services and were ready to go; and I must do them the justice to say that those regiments which went have been reckoned as models of military efficiency. I trust I shall not be taking too great a liberty in mentioning the name of an hon. Member of this House, but the general officer at Gibraltar has stated that, in a long course of military service, he had never seen a regiment better officered than that commanded by Colonel Wilson Patten. Sir, the Militia regiments not merely volunteered their services, but in the course of the war they gave 33,102 men to the ranks of the line. That, Sir, may at first appear a very simple operation, and those who look at it superficially will not fully appreciate its merits. But when we think what must have been the public spirit of the Colonels of Militia regiments, who, when they had, by great exertion and the devotion of much time, trained and disciplined a fine body of men, had the power of mind and the self-denial to encourage the best of those men to go from under their command and enter the regiments of the line, we must feel that their public spirit and their self-denial entitle them to the admiration and the gratitude of this House and of the country.

The Act which enabled the Government to employ foreign corps was for a time not successful in its operation; but, I am glad to say, that at the present moment we have a force of nearly 16,000 men, Germans, Swiss, and Italians, and troops better disciplined, better conducted, more capable of performing all the duties which military men are liable to perform, never wore the British uniform; and I am quite sure that if the war had gone on, the country would have had reason to be thankful to those brave men for the services they would have rendered. With regard, Sir, to the Militia, as well as with regard to the Navy, it is right not to forget that, whereas in former wars the Militia was raised by conscription, and ships of war were filled partly by conscription, there is this remarkable feature in the last war that neither in the Army, nor the Navy, nor in the Militia, is there any one man who has not entered as a volunteer. You have augmented your forces to the vast extent I have mentioned by the public spirit of your people, and yet every man who has entered your service has himself chosen the profession of arms. You have the certainty that all those who have voluntarily entered your naval and military service are men of courage, of enterprise, of daring character—men every one of whom is worth two who might be compelled to enter that service by conscription. I say, then, that the men both of your Army and of your Navy have well earned the reward which the thanks of this House will confer upon them.

Although it is not, Sir, within the proper functions of the Legislature of one country, however wide may be the range of the functions of Parliament, to interfere as the dispenser of praise or censure —for if praise may be given censure may be given too—between the Sovereigns of other countries and their soldiers and sailors, yet I am quite sure that we cannot for a moment forget the great and important services performed, in co-operation with our forces, by the Army and Navy of our great Ally the Emperor of the French, by the gallant troops of the King of Sardinia, and also by the forces of the Sultan of Turkey. With regard, Sir, to the Army and Navy of France, the mention of their name is sufficient to imply everything that is great, gallant, and heroic in the conduct of men. The French nation have been too well known in all periods of history for the daring gallantry, aye, and for the generosity of their conduct, to require praise or acknowledgment from any living man. History, Sir, is the record of their merits. But, at the same time, we owe them too much—we are too much indebted to them for acts of kindness out of the field of battle, as well as for brave co-operation in the field, for this House not to offer its thanks for the co-operation rendered by the gallant soldiers and sailors of France. Every man in this country values the alliance between the two nations as well as between the two Governments; and it must, therefore, be a matter of satisfaction to them to know that not merely was there a political co-operation between the French and English soldiers and sailors, but that the individual intercourse between the men of the two countries indicated that a feeling of brotherhood existed—that the French and English soldiers and sailors walked about like brothers in arms—and that all former feelings of national jealousy had vanished into empty air, and given place to a real friendship and esteem, founded upon mutual respect. The troops of the King of Sardinia did not arrive in time to take part in those great actions which I have enumerated; but at the battle of the Tchernaya, in which we were not able to take part, they gave proof of that valour and skill which have always characterised the soldiers of that noble kingdom—they displayed a military science which did them infinite honour—and we may be sure that, had the war continued, and had they been called into a more extensive range of action, they would have performed feats which would have rivalled and equalled any recorded in their previous history. Sir, the Turks also did their duty well. For a whole twelvemonth they kept watch and ward at the Danube, and they defended it against all the forces which their Russian enemy was able to bring to bear upon it. Omar Pasha showed great skill in his arrangements, and his troops displayed a courage worthy of the history of their nation. They took the only opportunity afforded them at a subsequent period of the war in the defence of Kars, under the command of our gallant and heroic countryman General Williams, of showing in full force their great qualities. Without, then, dwelling upon events which are too fresh in the minds of all I have the honour to address, to require a more particular description, I am persuaded that I shall have the unanimous concurrence of the House in the Motion which I now, Sir, place in your hands.

MR. DISRAELI: Sir, I have the high honour to second the Motion of the noble Lord. Although the struggle which has just terminated has, as the noble Lord justly observes, not been of very long duration, yet such is the improvement which has taken place in the means of communication among nations, and so complete, in consequence, has been the information which has reached us from the scene of warfare, that periods of hostility much more prolonged and wars which some may think even more important in their object than the present, have not furnished the chroniclers of history with a greater variety of incidents and characters than the struggle which has just so happily terminated. So great has been the variety of deeds, so numerous have been the developments of character, which have already become household words in England, that one may say that every village has its hero and every fireside its thrilling tale. The object of the war, Sir, was from the beginning understood by the people of this country, and they approved it, and the contest has been sustained by them with that firmness which can only be derived from conviction. The noble Lord, Sir, dwelt, with a detail into which it would be impertinent in me to enter, upon the peculiar circumstances of the various arms to which we are now ready to express our gratitude. Although these campaigns have not been of such duration as some which have taken place under great captains—those, for instance, of our own Wellington—still I believe there is hardly any variety of warfare which has not been proved during the course of the contest. We have had the pitched battle, and we have had the protracted siege, we have had heights triumphantly gained, we have had heights defended with success. Throughout these campaigns so numerous were the traits of individual bravery and heroism, such were the effects produced by the determination of our soldiers, that I do not know whether, were we to search the most glorious annals of past wars, we should be able to find deeds superior to the achievements of our contemporaries. The noble Lord has also reminded us that the Navy has in these transactions scarcely had the opportunity of distinguishing itself which it deserved, and of which it was fully prepared to avail itself. It is, no doubt, true that the sailors of England have never had the opportunity of meeting in pitched fight the naval armaments of the enemy, but we must remember that by their enterprise the flag of England has waved triumphantly upon waters where it had never before penetrated. The noble Lord has likewise asked us to express our thanks to a third arm of the service—the Marines—equal in every quality to the other two, whose daring deeds will, I am sure, always receive, as they have deserved, the admiration of this House. That is an arm which on various occasions in the wars of this country has rendered great services, for which it deserves the utmost praise which this House can bestow. I was very glad, also, that the noble Lord dwelt with so much feeling and so much justice upon the services of the Embodied Militia. The manner in which the people of this country when the Militia was embodied rallied round their natural leaders is one of the most significant and gratifying proofs that the heart of England is true. The noble Lord has stated that ten regiments of Militia have served in our foreign garrisons during the late war; but the House should always recollect that it is not merely those ten distinguished regiments that have defended our Mediterranean garrisons which have been employed in active service during the war; but that those thirty-seven regiments which, in a manner so much to their credit, offered their services to the Sovereign, may be said in a certain sense to have partaken in the battles that have been fought. From their ranks those 30,000 good and well-tried soldiers were collected—from their ranks many of the youth of England entered into the service of the Queen; and we may recollect with pride—common, I am sure to both sides of the House—that the gentlemen of England have during the war garrisoned our arsenals in this country and defended our strong places abroad; and that many of those Gentlemen are Members of this House. The noble Lord has treated with justice the subject of our cordial relations with our Allies throughout the struggle. Admirable as was the fortune of Marlborough and Eugène, I think, if we look back to the co-operation which took place between England and her Allies, that we shall see that it has not been inferior in concord, sympathy, and generosity to that which prevailed in that illustrious age. But while I would join with the noble Lord in the fullest expression of thanks, even to our Allies—if formally we might offer them—let us remember that there are some who were not our Allies, who were not the soldiers of our Sovereign, to whom it would be not only generous but wise to do justice. The father of poetry, it is, I think, who tells us that the strength of a conqueror cannot be more surely estimated than by the character of him whom he has conquered. Sir, the men whom the forces of the Queen and her Allies had to meet in the great struggle which is now concluded were no common men. The legions that triumphed under Suwarroff and fought at the Borodino, although defeated at Sebastopol, have proved themselves foemen worthy of the united chivalry of England and of France. In doing this justice to our late opponents we are, in fact, only placing the achievements of our fellow-countrymen and our Allies in their true aspect and proper position. Sir, I have great pleasure in seconding the Motion of the noble Lord; and, if it were not presumption, I would express my opinion that when the verdict—I will not say of posterity—but that when the calm and unimpassioned verdict of the time in which we live is given upon these events, it will be acknowledged that in the late struggle our country has shown all those qualities which maintain a nation's greatness, and which prevent the decline and fall of empires.

Mr. STAFFORD said, that the noble Lord, who had so eloquently moved that the thanks of the House be given to the Army and Navy, and who has been followed by my right hon. Friend the Member for Buckinghamshire, has observed that the Navy had not attracted that degree of enthusiasm which had been bestowed upon the Army, because it had not, in contest with the enemy, accomplished those brilliant achievements which had distinguished the Army. Events succeed each other so rapidly that the popularity of yesterday is unnoticed to-day, and may be forgotten to-morrow. It must be remembered, however, that to the Navy had been intrusted the delicate and important duty of practically commencing the alliance with France. When the two armies arrived in the East, and met as brothers there, every soldier knew that the fleets of the two countries had been anchored together, yardarm and yardarm, for months in Besika Bay. Considering the suspicions which were rife at that time, and how anxiously and sedulously it was endeavoured to sow discord among the fleets, it might have been a difficult matter to counteract those many efforts. But the command of the fleet was fortunately intrusted at that time to one whose prudence and popular manners frustrated those attempts so soon as they were made; and it was to Admiral Deans Dundas that we owed the practical commencement of the alliance. Therefore, and he said it not less from a sense of public duty than from private friendship, it was not just at this hour to pass over the name of that gallant Officer. But Admiral Dundas had a still higher claim to their notice. He (Mr. Stafford) knew, for he was with the Admiral at the time, how unceasing had been his anxiety and wise forethought for the welfare of his sailors—especially for those who were serving on shore—during the winter months when off the coast of the Crimea; Sir Edmund Lyons had stated before the Commission at Chelsea that the difficulties of the fleet were never known, not that they did not exist, but that they had been struggled with and conquered. It was to the wise arrangements of Admiral Dundas that the comparatively good health and comfort of the navy were to be attributed. Every sailor in the fleet knew that; and yet, when Admiral Dundas was denounced for not doing that which time had shown it to be impossible for him to do, and when he was censured for things, from which one word of explanation would have exculpated him completely, he never uttered that word, and never employed any Member of that House to read official or semi-official, or private correspondence, to justify what he had done, although the temptation might have been great to a man who did not prefer to everything else his sense of duty to the service and the country. And now that Admiral Dundas had retired into private life, feeling that he had been much misrepresented, he had the approbation of his own conscience to carry with him, and he had the good wishes of every one who valued the character of a gallant Officer and of a warm and kind-hearted man. If ever there were a House of Commons which might feel that, in proposing a vote of thanks to the Army and Navy, that vote was not a mere idle form of words, it was the present House of Commons. When the war began the supplies were voted with a willingness which, in the eyes of some, was alarming. The progress of events was watched with the utmost anxiety, and the House identifying itself with the feelings of the Army and Navy, deplored their distresses, sympathised with them in their sufferings, and even incurred the inconvenience of a change of Ministry rather than negative a Motion for inquiry into the state and condition of the Army in the Crimea. The cry of the soldiers' agony had reached England, the indignation of the people was aroused, and the House, true exponent of the feelings of the people, was determined at any and every cost to put an end, if possible, to the misery of the gallant defenders of the country. They thus gave an impulse to the Government, the effect of which was speedily felt in the hospitals and in the British camp. Since that time the House had listened with patience and even favour to every plan proceeding from any Member, however humble, which had for its object the amelioration of the soldier's condition. It had shown by every means which usage allowed its fixed determination to do justice to the Army. When the Army Estimates were brought forward, millions were voted with unprecedented facility, the only anxiety that was evinced being, not as to the amount, but as to the proper application of the money to the purposes for which it was intended. Those who had to bring before the House and the country the hideous details of the sufferings of the Army had no enviable task to perform. They had to run counter to many prejudices, and gave offence, he feared, to parties in high quarters. But all those considerations were nothing in their view to the execution of that which they believed to be a sacred duty; and what did they now find? The noble Lord (Viscount Palmerston) had spoken of the excellent sanitary condition of the British troops in the Crimea. The troops were now well clothed and well fed, and their condition excited the admiration of every foreigner. If the sick had recourse to the hospitals, there they found excellent attendance and such completeness of details, that a French officer had told him that the whole establishments were such that it would be found impossible for the hospitals of any other army to compete with them. When the sick were sent home, they were sent in transports which differed very little in point of comfort and convenience from what they found in the land hospitals, except that of enjoying the additional benefit of the sea breeze. And when at length they arrived in England they were taken to the hospitals at Brompton and Chatham, where everything was provided for them, and the establishments at which were such as every Englishman might be proud of. The best and latest resources of art were adopted for their benefit, and, finally, on their being paid off, they were discharged with a pension. They had a right, therefore, to view with feelings of gratification and pride the excellent position in which at the close of the war they left their Army. He sincerely congratulated the noble Lord on the achievements he had accomplished during the last year. It must be a high gratification to the noble Lord to feel that during his Administration those brave men had been treated as they deserved. A most just eulogium had been passed by the noble Lord and also by the right hon. Gentleman (Mr. Disraeli) on the Army, which had done justice to the high character of those gallant men. He thought that at the present time the Government might do an act of grace which would be highly gratifying to the Army about to return to their country. But, before he made the suggestion he was about to do, he would ask permission to read an extract from a letter written to a member of her family by one who had been called by Lord Ellesmere, in another place, a ministering angel. Miss Nightingale thus wrote in the month of March from the hospital over which she presided:—

> "I have never been able to join in the popular cry about the recklessness, sensuality, and helplessness of the soldier. I should say (and, perhaps, few have seen more of the manufacturing and agricultural classes of England than I have before I came out here), that I have never seen so teachable and helpful a class as the Army generally. Give them opportunity promptly and securely to send money home, and they will use it. Give them schools and lectures, and they will come to them. Give them books and games and amusements, and they will leave off drinking. Give them work, and they will do it. Give them suffering, and they will bear it. I would rather have to do with the Army than with any other class I have ever attempted to serve, and when I compare them with . . . . I am struck with the soldier's superiority as a moral, and even an intellectual being."

He could not conceive a greater compliment to any class of men than that which was conveyed by those simple words of that incomparable woman. But he had been about to make a suggestion. In some countries in Europe it was the custom to distinguish a happy event, not only by a great deal of rejoicing, but by some act of grace. There were in the prisons of this country many young persons who had been convicted for the first time for light offences. He thought that for the sake of those who had made the name of Briton more famous than any in the world, for the sake of their endurance of hardships, and for the sake of their bravery and good conduct in war, an act of grace might be extended to those young persons who had but once offended. He believed that such a deed of grace would have a good effect upon the juvenile offenders themselves, many of whom, he doubted not, would remember it all the days of their lives, while it would be highly gratifying to those who were returning to their native country to know not only that due honour had been done to themselves, but that their great merits had been the means of conferring a benefit on others. Then, indeed, would the Government and the country have a right to say, that it was not by a mere form of words, but by a good and generous act that they had shown their appreciation of the valour and deserts of those gallant men.

Motion *agreed to.*

*Resolved, Nemine Contradicente*—

"That the Thanks of this House be given to the Officers of the Navy, Army, and Royal Marines, who have taken part in the operations of the late War, for the meritorious and eminent services which they have rendered to their Queen and Country, during the course of the War."

*Resolved, Nemine Contradicente*—

"That this House doth highly approve and acknowledge the Services of the Petty and Non-commissioned Officers, and Men, employed in the Navy, Army, and Royal Marines, who have taken part in the Operations of the late War; and that the same be communicated to them by the Commanders of the several Ships and Corps, who are respectively desired to thank those under their commands for their exemplary and gallant behaviour."

*Resolved, Nemine Contradicente*—

"That the Thanks of this House be given to the Officers of the several Corps of Militia which have been embodied in Great Britain and Ireland during the course of the War, for the zealous and meritorious services which they have rendered to their Queen and Country at home and abroad."

*Resolved, Nemine Contradicente*—

"That this House doth highly approve and acknowledge the services, at home and abroad, of the Non-commissioned Officers and Men of the several Corps of Militia which have been embodied in Great Britain and Ireland during the course of the War; and that the same be communicated to them by the Colonels or Commanding Officers of the several Corps, who are desired to thank them for their meritorious conduct."

*Ordered*, That Mr. Speaker do signify the said Resolutions, by Letter, to the Commissioners for executing the office of Lord High Admiral, and to Field Marshal Viscount Hardinge, Captain General and Commander in Chief of Her Majesty's Forces.

*Ordered*, That Mr. Speaker do signify the said Resolutions, respecting the Militia, by Letter, to Her Majesty's Lieutenant of each County, Riding, and Place in Great Britain, and to his Excellency the Lord Lieutenant of that part of the United Kingdom called Ireland.

## REFORMATORY SCHOOLS (SCOTLAND) BILL.

Order for Committee read.

House in Committee.

Clause 1.

Mr. MAGUIRE said, he would beg to ask the hon. and learned Member for Greenock, who had charge of the Bill, whether he was prepared to introduce a clause to prevent these reformatory institutions from being made a medium for proselytism—that was, by allowing Roman Catholic children to receive religious instruction from clergymen of their own persuasion?

Mr. DUNLOP in reply said, that the schools to be established under the Bill would be private institutions, supported for the most part by private subscriptions; and he was afraid such a clause as that might tend to impair their efficiency, or obstruct their establishment.

Mr. HUTCHINS said, there was a somewhat similar measure, of a larger scope, before the House, and perhaps it would be better to engraft such a clause on that Bill; otherwise in bringing up the Report on the Bill now under consideration the clause ought to be enforced.

Mr. ARCHIBALD HASTIE said, since the Bill was last before the House, he had made inquiries into the charges of proselytism made against the managers of some of these reformatory institutions in Scotland, and he had found that it could not be supported by evidence.

Notice being taken that Forty Members were not present, the Committee was told; and Forty Members not being present, Mr. Speaker resumed the chair; and having counted the House, and Forty Members not being present,

The House was adjourned at a quarter before Eight o'clock.

## HOUSE OF LORDS,

### *Friday, May* 9, 1856.

Minutes.] Public Bills.—1$^a$ Judicial Statistics.
2$^a$ Bankruptcy (Scotland).
3$^a$ Joint Stock Companies Winding-up Acts Amendment.

## HER MAJESTY'S MESSAGE — MAJOR-GENERAL SIR W. F. WILLIAMS, K.C.B.

Order of the Day for the consideration of The Queen's Message of Yesterday read.

Message read.

Earl GRANVILLE: My Lords, pursuance of the notice which I gave yesterday, I rise to perform a very agreeable duty—to submit to your Lordships a proposition which will, I believe, meet with your entire and unanimous concurrence—namely, that we should thank Her Majesty for the gracious Message which has just been read, and that we should assure Her Majesty of our readiness to concur in enabling Her Majesty to make provision for securing to Sir William Fenwick Williams a pension of £1,000 per annum for the term of his natural life. I stated yesterday, after giving notice of this Motion, that Her Majesty had also been graciously pleased to announce Her intention of conferring upon General Williams a Baronetcy under the style and title of Sir William Fenwick Williams of Kars. I believe your Lordships are aware that General Williams is an artillery officer in Her Majesty's service. I understand that he was placed in the Royal Artillery Academy at Woolwich by the late Duke of Kent, and, without being able to specify exact dates, I may state that he was sent out in early life on special service to Ceylon, where for about nine years he discharged the duties of an engineer. In 1843 General Williams was appointed by the noble Earl on the benches below me (the Earl of Aberdeen) a Commissioner for examining into the boundary between the Turkish and Persian territories, a work of very great hardship and difficulty, in which he was occupied about nine years, four of which were actually passed under canvass. During that time the life of General Williams was frequently in great danger, and he was also exposed to the deadly diseases which are incident to the localities which were the scene of his labours. A noble friend of mine, who is not now in the House, told me the other day with some pride—pride which I could easily understand—that previous to the appointment I have just mentioned, his gallant father, Lord Vivian, was the person who selected Captain Williams, as he then was, to be sent out to instruct the Turks in artillery practice,—an arm in which they have shown, during the late war, that they have not neglected the lessons of their European instructors. General Williams, from the peculiar experience he had gained in these services, was selected by the noble Earl near me, (the Earl of Aberdeen), and by the Secretary of State for Foreign affairs, to go out as Her Majesty's Commissioner to the Turkish army in Asia, and I think the event has proved that a more fit appointment has scarcely ever been made. General Williams appears to have arrived at Erzeroum in September, 1854, and a few days afterwards he reached Kars. The events of the memorable defence of Kars are well known to your Lordships, and although the military operations at Kars and at Silistria cannot fail to give us the highest satisfaction on account of the valuable services which were rendered at both places by English officers, yet painful occurrences took place during the fourteen months of General Williams's command at Kars which I shall not recall to your Lordships' recollection. Such a retrospect would, I think, be most inappropriate on the present occasion, and I am the better enabled to avoid that retrospect because the whole question relating to those occurrences, and the parties to whom blame attached, has been incidentally discussed in this House, and has been debated in the other House on a specific motion upon which a Vote was taken. I am, therefore, relieved from the necessity of entering into questions relating to the British Government or to the British Ambassador; and still more should I think it unbecoming to point out any deficiencies which may have been thought to exist on the part of our Allies, the Turks. With regard to the merits of General Williams himself, I have felt very strongly the danger of exaggerating those merits. Even during the last two years, when exaggerated blame has been attached to persons both living and dead, we have seen reaction in proportion to the previous exaggeration; and there is the same danger that in the case of a person who should be selected for the popular idol for the moment, any exaggeration of praise may be followed by a corresponding and still more painful reaction. Having consulted all the evidence to which it was in my power to refer, referring to this subject—the official letters of General Williams, the book of Dr. Sandwith, one of his associates, and the popular accounts of the siege contained in the press—I am bound to say that I have failed to discover any ground for that sort of discriminating criticism which might give additional weight to the praise I wish to bestow. At the commencement of General Williams's correspondence there appears to be a tone which, if we had not known that it was so completely justified by subsequent events, might have appeared a little querulous. Those events put any such criticism completely out of the question. There is only one point with respect to which I conceive that General Williams has not exhibited the greatest qualities of a commander, and that is entirely owing to his not having had the opportunity of showing what are his powers of manœuvring a large army in the field. But in respect to the other qualifications of a distinguished military leader, I must say that to his possession of them the amplest testimony has been borne. In considering the career of General Williams I could not help thinking of a celebrated passage which occurs in the work of a great French historian of the last war, and which has before this been quoted in reference to one of the greatest military leaders whom this country has produced. Entering into a consideration of the various and complex qualities which are necessary to form a great commander, the passage to which I allude points out the necessity that such a man should not be alone a general, an engineer, and a geographer, but that he should be well versed in human nature, adroit in the management of men, possessed of qualities which would enable him to act as a Minister of State, and endowed with the versatility which would place it within his power to descend from the performance of those high functions to the discharge of the duties of a commissary's clerk. Now, taking these conditions for the formation of a great commander, as set forth in the passage to which I have alluded, I think I may say that General

Williams will be found to have complied with them in a remarkable degree. I have referred to his services at Ceylon at a time when he was acting as an engineer in a tropical climate; I have stated that when laying down the boundary between the Turkish and Persian territories he found an opportunity of displaying his eminent powers as a geographer;—it is impossible to read his despatches, written under great difficulties—it is impossible to observe the manner in which he dealt with persons placed in high authority—it is impossible to note the vigour of the measures which he took in organising the defence of Kars, and in provisioning that fortress, objects which he accomplished in an incredibly short time—without feeling that he was gifted with some, at all events, of the most important qualities which tend to form a great Minister of State. And when your Lordships bear in mind that he had only the assistance of Mr. Churchill in discharging the business of the commissariat, I am sure you will not be disposed to deny him the capability of descending to the performance of the duties of a commissary's clerk. Regarding him as a man conversant with human nature, I do not think it is possible to find an instance in the late campaign in which—the difference of class and religion which prevailed among those with whom he had to deal being taken into consideration—any man has proved himself superior in that respect to General Williams. The principle upon which he acted seemed to be this; when he discovered a really efficient man, and one whom he could trust, to place in that man the most implicit confidence. To those whom he found to be incapable, he was as hard as iron. In the case of those masses whose necessities he was bound to consider, he showed the greatest amount of philanthropic interest which it was possible to exhibit. And I must say that one of the most remarkable instances of the influence which by the force of his character he was able to exert over all who happened to come in contact with him, is the co-operation between the Christians and the Mussulmans which by the intellectual energy which he exhibited he had the good fortune to effect. I am happy to have it in my power to cite this instance, because I look upon it as an auspicious omen of the good which is likely to result of that hatti-sheriff which the Sultan has now so liberally granted in the case of his Christian subjects. If anything were wanting to complete our sense of the reputation which General Williams has acquired for himself, it would be found in the respect and courtesy with which he is treated by a generous foe. My noble Friend at the head of the Foreign Department took occasion, a few evenings ago, at a banquet in the City of London, to read a letter from General Williams, in which that gallant officer warmly describes the kindness which he has received at the hands of General Mouravieff, and the exceeding humanity which was displayed by the Russian commander, not alone to the English, but also to the Turkish soldiers, whom the fate of war had made his prisoners at Kars. For my own part, I must say that I hardly know of any circumstance more calculated to create a kindly feeling between two great nations which have just ceased to wage war one against the other, than the fact that one of the British officers whose actions have won for him the highest distinction in the military history of the last two years, has been treated with kindness and respect by that general who, during the same period, was the most fortunate of the commanders in the service of the Russian Emperor. My Lords, having said thus much of General Williams, I may observe that I do not think I should be pursuing a course which would be acceptable to that gallant officer if I were to pass over without comment those who were associated with him in the glorious struggle in which he was engaged. One of those was Colonel Lake, who, in the part which he played in that struggle, exhibited not only great energy, but the most admirable skill. It is scarcely within my province to offer an opinion upon such subjects, yet I may say that I have been informed by those well qualified to speak upon such a point, that Colonel Lake's system of fortifications was of the most admirable and effective description; that they were such as to render Fort Lake itself absolutely impregnable; while the other forts were so constructed, that they could not by any possibility be attacked without exposing the assailants to the most destructive fire. It was but the other day that I saw a statement to the effect, that General Williams had designated the gallant officer of whom I have just spoken as the Todleben of Kars—a complement the highest and the most graceful which, in my opinion, could be paid him. Another officer who is deserving of the greatest commendation is Captain Thompson, who was seriously wounded in the early part of the struggle, who, in consequence, returned to this country in ill health, but who only remained ten days—scarcely time to embrace his mother—when he started in a crippled state for Kars. I am told that Captain Thompson held the eastern portion of the fortifications of Kars in a manner beyond all praise, and that he contributed greatly to the success of the engagement by opportunely bringing up some heavy guns, and by a flank movement of some riflemen which he ordered to be executed in anticipation of instructions subsequently issued by the general in command. There is also another gentleman, whose name will not soon fade away from the annals of English military history—I allude to Major Teesdale. I have been informed that that gallant officer, only twenty-three years old, and of so boyish an appearance as to make his appointment to a position of great responsibility seem almost ridiculous—has had the highest testimony borne to his merit, while acting in the absence of General Williams, as commissioner at Kars. He was in that capacity consulted upon matters of the greatest importance and the minutest detail by grey-headed generals of the Turkish army. My Lords, I scarcely know of anything more characteristic of that courage, that humanity, and that modesty by which English officers are so much distinguished, than the fact that is recorded by Dr. Sandwith in his interesting book, that he, as well as the other companions of Major Teesdale, learned for the first time, from the lips of Russian officers, the circumstance that they had seen that young and heroic soldier jump over the walls of the fortifications amid a shower of bullets, to rescue a Russian officer from death. I am glad to be able to mention, in connection with the names to which I have already called your Lordships' attention, that of a civilian as one of the heroes connected with the defence of Kars. The individual to whom I refer is Dr. Sandwith, who found himself placed in a position of great difficulty at the head of an hospital—filled, as has been said, with attar of roses—but which could furnish nothing that would be of any real service to an army in the field. He, however, in spite of enormous difficulties, put that hospital in a state of order which might afford a model for similar establishments nearer home, while, with a talent which appears to have belonged to him in common with all his English companions, he acquired an influence over his Turkish assistants which stood him in good stead. I am not, of course, surprised to learn that he readily exposed himself to danger in the field in the discharge of his duties, because that has been done in almost every instance by those gentlemen connected with his profession who were attached to the army in the Crimea. We ought, however, I think, to extend to him the tribute of our admiration for the zeal which prompted him during more than one dreary month of the siege of Kars—notwithstanding the ample excuse afforded him by his multifarious civil occupations for declining to undertake any further duty—not to shrink from that distressing night work to which the necessity of having European eyes upon every exposed point in the fortifications rendered it necessary that he should subject himself, and not to shrink from it too at a time when the severity of the cold was such, that even the running streams passing through the town were frozen into solid ice. I have now mentioned to your Lordships some incidents which go to prove that, while men may make themselves glorious with the sword, it yet requires a pen in other hands to make them famous. These brave gentlemen will, no doubt, reap the reward of their gallant conduct while continuing to pursue the path of honour and utility in their several callings; yet I feel convinced that they will regard the compliment now paid to General Williams as reflecting some of its lustre on themselves. Before I sit down I cannot forbear from saying a word—although it forms no part of my present task—in recognition of the aid rendered to our countrymen by the foreigners with whom they were associated. Great praise is due to General Kmety, whom, as he is not likely to be recompensed by his own country, I should be the more loth to omit to name on this occasion. I have already observed that there are reasons why I should refrain from adverting to the conduct of the Turkish Government; but no such considerations of delicacy need prevent me from expressing what I believe to be the unanimous opinion of your Lordships in regard to the behaviour of the Turkish soldiers, than whom no troops have evinced in a higher degree the military virtues of courage, patience, sobriety, and frugality. A striking evidence of this was seen in the fact that, in the midst of famine these brave men guarded the provisions of the army under the enemy's fire, and rather than touch the food intrusted to their charge preferred to die of hunger at their posts. My Lords, having briefly stated the reasons why I trust you will unanimously concur in this Motion, I have now only to move that—

> "An humble Address be presented to Her Majesty to return Her Majesty the thanks of this House for Her Majesty's most gracious Message, informing this House, "That Her Majesty is desirous of conferring a signal Mark of Her Favour and Approbation on Major-General Sir William Fenwick Williams, K.C.B., for the eminent and distinguished Services rendered by him as Her Majesty's Commissioner at the Head Quarters of the Turkish Army in Asia, and particularly in the gallant Defence of Kars;' and to assure Her Majesty that this House will cheerfully concur in enabling Her Majesty to make a Provision for securing to Sir William Fenwick Williams a Pension of £1,000 per annum for the Term of his natural life."

*Agreed to, Nemine Dissentiente ;* and the said Address ordered to be presented to Her Majesty by the Lords with White Staves.

### BUSINESS OF THE HOUSE.

LORD REDESDALE moved the following Resolution :—

> "That this House will not read any Bill a Second Time after Tuesday, the 22nd Day of July, except Bills of Aid or Supply, or any Bill in relation to which the House shall have resolved, before the Second Reading is moved, that the Circumstances which render Legislation on the Subject of the same expedient are either of such recent Occurrence or real urgency as to render the immediate Consideration of the same necessary."

The noble Lord said he felt assured that if their Lordships were to adopt his Resolution, they would find it tend considerably to the efficient transaction of the public business; but, if adopted, it ought to be strictly adhered to except in cases of real urgency.

THE MARQUESS OF CLANRICARDE, while admitting that it was desirable to avoid as much as possible all hasty and ill-considered legislation, expressed a hope that the Resolution would be interpreted in a liberal spirit, and that it would not be permitted to impede the progress of really important measures which required to be passed without delay.

THE EARL OF DERBY said, that a distinction ought to be drawn between Bills of importance and Bills of urgency, for Bills might be urgent which were not important, and important though not urgent. The more important they were the more time was required to consider them; and, on the other hand, a measure might be urgent in point of time and yet not permanently important. He hoped the effect of the Resolution would be to prevent important measures being sent up at so late a period of the Session that they could not be fully considered. The object of the Resolution was to prevent important measures being brought up to that House at a period of the Session when many of the Peers had left town, so that they could not receive the consideration that was proper to them.

EARL GREY entirely concurred in what the noble Earl had said, and in the distinction which he had taken between "important" and "urgent." That distinction was not attended to last year, and the consequence was their Lordships passed a measure in so imperfect a state that the first thing done by the Government this year was to bring in a Bill utterly subversive of the Bill which had been passed. He trusted there would be a determination on both sides of the House to adhere to the Resolution, though he was afraid it would rest with the independent Members to enforce it. By enforcing it the other House would take care to send up important measures at an early period.

EARL GRANVILLE, admitting that the Resolution was justifiable in principle and well calculated to have a salutary effect in both Houses of Parliament, yet hoped that there would be no very stringent application of it; for they could not blind themselves to the fact that arguments might be urged against it, and that an unpleasant feeling might arise in the other House if their Lordships should declare that, come what might, they would "strike work" on a certain day, and refuse to entertain measures the immediate enactment of which might be imperatively demanded by the public interests. Such a course would be unprecedented, and scarcely constitutional. At the same time he fully acknowledged the value of the distinction between "importance" and "urgency," and only protested against too strict and unbending an adherence to the letter of the Resolution. Its spirit he would religiously respect, though reserving to the Government the right of exercising a discretion as to the particular measures that should be regarded as "urgent."

THE EARL OF MALMESBURY observed that, after what had fallen from the noble Earl there seemed but too much reason to apprehend that the Government meant to act this Session in the same manner as last, and to introduce important measures at a very late period. If so, the independent Members would have to take the matter into their own hands.

Earl GRANVILLE objected to any such interpretation of his words. He had protested against too stringent an application of the rule, but had accompanied his protest with a declaration of his intention to act in the spirit of the Resolution.

Lord REDESDALE said, that the other House felt as much as their Lordships did the necessity of having important measures considered at an early period, inasmuch as that it almost invariably happened that, notwithstanding that they sent down Bills to the House of Commons at a much earlier period than the House of Commons sent up corresponding Bills to them, the House of Commons did not pass them, in consequence of the late period of the Session. He did not think there was the slightest cause for the apprehension of any unpleasant feeling between the House of Commons and that House by adopting the Resolution.

Resolution *agreed to.*

## CAPITAL PUNISHMENT.

The Bishop of OXFORD rose to move for a Select Committee on the present mode of carrying into effect capital punishments. He said he did not ask their Lordships to express any opinion whether or not we should maintain the present system of carrying into execution capital punishment, but only so far to agree that it was a matter on which there might be two good opinions as to refer the consideration of the question to a Select Committee. He thought it would take very little argument to show that there was so fair a presumption that a considerable alteration might with advantage be made in the mode in which these punishments were carried out, that it was not unreasonable to ask their Lordships to inquire into the matter. The great question for consideration was not whether executions should be public or private—for private executions, in the proper sense of that word, would be altogether intolerable in this country—but what should be the measure and the nature of the publicity attending them. Upon inquiry he thought it would appear that the present system provided publicity in the sense that it made these executions a public spectacle. That was an evil; and if it were possible to devise a plan by which the present deterring influence which attended an execution should be preserved, while the demoralising influences which must necessarily accompany the making of the violent death of a fellow-creature a public spectacle should be avoided, he thought their Lordships would be of opinion that such a change would be a wholesome and desirable one. He need not argue that great evils arose from the present system. Whether it was attended by a corresponding good was another question. The great moralist Fielding, whose opinion was founded upon his experience as a police magistrate, had declared that he had come to the conclusion that one of the main causes of the increase of crime in the metropolis, especially of robberies, was the moral effect of the spectacle of a public execution, and the way in which among the world a man was, if he died what they called "game," elevated to the rank of a hero. Dramatists, when they wished to produce a moral effect by the death of one of their characters, did not exhibit that death upon the stage, but relied rather upon a narration of the circumstance attending it than upon the actual exhibition of the termination of life. Nor did he believe that any of their Lordships would send their son to a public execution with the view of deterring him from the commission of crime. In America, where the English system at first prevailed, there had been substituted for it a mode of carrying executions into effect before prescribed witnesses, with a sufficient showing of the man who was to suffer, and sufficient provision for their knowing that he actually suffered death; and he (the Bishop of Oxford) had been informed by an eminent citizen of the United States that, although there was at first much prejudice against this system, he did not believe that there was at present in America a single person who would wish to return to that which it had superseded. A similar system had for many years been pursued in Prussia, and there was at present before the Lower Chamber of the kingdom of Bavaria a measure proposed by the Ministers for the introduction of such a system into that country. If public executions were a means of deterring from crime, their horrors ought to be exhibited to the fullest extent; but so far was this from being the case, that the whole course of recent legislation had been to diminish the horror of attending them. These facts showed that there was a probable reason for believing that a change might be made which would secure all the benefits of a public execution, without the evils of the present system. These evils were not confined to so hardening men that they came to regard the death of a fellow-creature as the occasion on which he should exhibit a miserable spirit of obduracy and hardness. There was a wholly different class of evils attending the present system, and arising from the fact that it every year became more difficult to carry into effect the last sentence of the law in cases in which it ought to be carried out. This was a most important consideration. There could be no greater evil in criminal legislation than to have severe penalties fitfully carried into effect. The more you reduced punishment to a certainty the greater would be its deterring influence. As a matter of fact, there had of late years been very few executions of women, even for the very highest offences. It was not for either House of Parliament to examine in detail the cases in which the Royal prerogative of mercy had been extended to criminals. It was of great moment that that prerogative should be reserved truly and really as an attribute of the Crown, to be exercised, of course, upon the advice of the responsible Minister; but he must notice that where in a string of cases of murder, accompanied with every aggravation, mercy was, for no reason which met the public eye, extended to the offender, there must necessarily be held out to the classes disposed to offend in the greatest degree the expectation of escaping the last sentence of the law. Their Lordships would know that it was not without reason that he noticed this. He would not in the least question the exercise of the Royal prerogative, but he must say that he was wholly unable to see why in some cases mercy had been extended to the offender. When a woman appointed a child of five years old to meet her at a certain place, and there dyed her own hand in its blood, with the deliberate malicious intention of thereby inflicting a wound upon the mind of its father, he could hardly conceive a stronger case for the forfeiture of life, if life were in any case to be forfeited to the law. The object of punishment was to deter from crime, but this could not be done unless we declared that by the ordinance of God civil society was to punish the criminal in His behalf. The very foundations of civil society rested upon the declaration that it was God's institution, and our right to punish was based on the same foundation. The civil magistrate bore the sword on God's behalf. If the necessity of making the last penalty of the law a mere spectacle created great difficulty in carrying the sentence into effect in cases where it ought plainly to be carried out, their Lordships would make themselves responsible for that accidental removal and accessory to the fitful execution of the law, unless they inquired into the nature and extent of that necessity. Another question might arise — whether the present mode of execution was the best; but that would be merely incidental. The right rev. Prelate concluded by moving "That a Select Committee be appointed to take into Consideration the present mode of carrying into effect Capital Punishments."

LORD CAMPBELL concurred entirely in the sentiments of the right rev. Prelate. He had long felt the great evil of public executions. They had been described by Fielding and another novelist not inferior to him, Mr. Charles Dickens, and he hoped the efforts of the right rev. Prelate to mitigate those evils would be crowned with success. Still very great evils might arise from private executions. There was a strong feeling against them in the public mind. He remembered, when in the House of Commons, that a proposal to substitute private for public executions was brought forward by Mr. Rich, who thereby incurred great obloquy. It was said that he wished to smother the criminal or to poison him—in fact, that he would open new scenes of horror which would excite the universal indignation of the country. The proposal met with no sort of support. No doubt there had since been a great alteration in public feeling. Private executions had been introduced into America with good effect. He was not prepared at present to give any distinct opinion of his own upon the subject, but he thought there ought to be an inquiry, and it might, perhaps, turn out that means could be devised to obviate the great objections which were at present made to private executions. It was said that the public would never be convinced, if executions were private, that sentences had been carried into effect. In the case of Governor Wall, the governor of Goree, who was convicted—improperly convicted, in his opinion—of the murder of a soldier, the public feeling was ferociously strong against him; and, as the Government were reluctant to carry the sentence into effect, it was said that if executions had been private, some device would have been resorted to, and that he never would have been executed. If the Committee had been moved for with the intention of substituting some other instrument of punishment—the guillotine for instance—he should not have supported it.

Lord REDESDALE said, that, though fully aware of the great evils of public executions, he was not so completely convinced by the right rev. Prelate's argument as to admit the necessity of a change. It would be extremely difficult, for instance, to substitute private for public executions in political offences. Much, however, might be done to lessen that feeling of morbid excitement which the spectacle seemed to excite in certain low minds. Means might be taken to conceal the struggles of the criminal from the view of the spectators, and to shorten those struggles when they were likely to be long. The effect of the non-execution of women for the murder of their children, and the consequent encouragement in the minds of a certain class of women, that this was an offence which would not be punished by the last sentence of the law, could not have escaped the attention of any one who was in the habit of reading the daily papers. Scarcely a day passed but there was an account of some woman having murdered her offspring in one part of the country or the other. He believed this arose in a great degree from the desire evinced by judges, juries, and all concerned in the trial to get these women off upon some subterfuge, and from the fact that there had not been a single instance, he believed, for the last few years of the execution of a woman for this offence, even when of the most aggravated description.

The Marquess of LANSDOWNE said, he should not have consented to the appointment of this Committee if he had thought it was the intention of the right rev. Prelate to substitute private for public executions. He believed it might be very possible, by a different mode of executing the sentence of the law, to produce a greater impression of certainty about it than at present existed in the public mind; for the tumult, the confusion, and the disgraceful circumstances which attended a public execution, and which the right rev. Prelate had described, did sometimes cause a great doubt to exist amongst the lower orders, whether the proper person had really been put to death. He remembered that at a time when he was a schoolboy it was very commonly rumoured that a celebrated criminal, Dr. Dodd, who certainly was put to death, had never been executed at all, but that some appearance of an execution only had taken place; and he quite remembered having heard it said, again and again, that Dr. Dodd had been seen walking the streets of London ten or twenty years after the time when he was supposed to have been executed. In this manner it had happened that the improper publicity of the spectacle had rather served to counteract the proper effect of a public execution, the real publication of the proceeding. He thought the House and the public were very much indebted to the right rev. Prelate for bringing forward this subject, for he had never heard any one express a doubt of the mischievous effects of the existing practice; and he was sure that a more proper and impressive mode of carrying public executions into effect might well be devised. As for the particular mode of putting the criminal to death, that was another question, which he would not then discuss.

Viscount DUNGANNON thought every right-minded and reflecting man would be disposed to thank the right rev. Prelate for calling attention to this matter. Recent events had proved beyond doubt, that instead of affording an awful warning, these exhibitions only rendered the vulgar mind more callous and more hardened. It was necessary for the public to know that the sentence had been executed; but there was a middle course between an absolutely public execution and an execution conducted altogether in private and in a secret manner, which would be repugnant to the feelings of Englishmen. The right rev. Prelate had touched with great propriety on the circumstances connected with some sentences for murder lately passed and not carried into effect. Those cases had occasioned great astonishment, no doubt; and there was another case, within his own knowledge, of a most coldblooded and deliberate murder committed by two women upon another female; one of them was convicted on the evidence of her accomplice, and the Judge who tried the case at Downpatrick said it was a very aggravated case; but he had since been given to understand that she had been reprieved by the Lord-Lieutenant. Again, there was that fearful case which had been alluded to, of a mother who deliberately inveigled her own child into a cellar, and destroyed her by cutting her throat there, but whose sentence had been commuted. He agreed with the noble Lord that many of the child murders we heard of were to be attributed to the fact that few convictions for such an offence were followed by executions. Where a crime had been committed which rendered the person amenable to the punishment of death—and especially in cases of murder—the instances ought to be few, rare, and exceptional in which it was not carried into effect; but at present it was the contrary.

**The Bishop of OXFORD** explained that he had not intended to express any opinion in favour of any particular mode of putting a criminal to death: indeed, he thought there might be other modes of execution more humane than that which was in use; but he should object exceedingly to any one which involved the shedding of blood. The noble Marquess had mentioned the case of Dr. Dodd as one which left a great feeling of uncertainty among the people as to the fact of his execution; but another remarkable instance of the same kind was the well-known case of the Duke of Monmouth.

On Question, *agreed to.* Committee named.

## BANKRUPTCY (SCOTLAND) BILL.

**The LORD CHANCELLOR**, in moving the second reading of the Bill, said that it had been introduced by the Lord Advocate in the other House. Its purpose was to consolidate the existing statutes, and to effect certain amendments in the law. One of its objects was that in Scotland the distinction between bankruptcy and insolvency should be done away with, so far as to apply the law of compulsory distribution of the property to any one becoming insolvent, whether he were a trader or not. Another object was to provide what should constitute an act of bankruptcy, and that when a person became bankrupt in England he should thereby also be deemed bankrupt in Scotland. It was at present necessary in Scotland, in order to obtain an adjudication of bankruptcy, to apply to the Court of Session; but a co-ordinate jurisdiction would by this Bill be given to the sheriffs, answering to the District Courts of Bankruptcy in England. The Bill proposed fourthly, that whereas the administration of insolvent estates was now vested in trustees, and liable to some abuses, there should be an officer, called the Accountant in Bankruptcy, like the Official Assignee of the English system, whose business it should be to control and look into the accounts of all insolvents and bankrupts.

Bill read $2^a$ (according to Order).

## TICKET-OF-LEAVE SYSTEM.

**Viscount DUNGANNON** said, that he had placed a notice on the paper having reference to the evils of the ticket-of-leave system; he, however, now appeared before their Lordships under some difficulty. Some time ago he had asked Her Majesty's Government whether, after all the revelations that had taken place, they intended to alter the system? And he was told in reply, that the system could not be altered without an Act of Parliament, and that therefore it must be proceeded in. Since that time the ground had been completely cut from under the supporters of the existing system; for a noble Earl (Earl Stanhope) had undertaken to move that the whole subject should be referred to a Select Committee, which seemed to be promised by the Government; no time, however, had been fixed for naming it. He believed that the system of granting tickets of leave was a serious and growing evil. Its bad effects had been experienced in all parts of the country, and the complaints against it were almost universal. Some supposed that giving a man a ticket of leave was conferring a boon upon him; but the very reverse was the fact. He was regarded as a man at liberty upon sufferance merely, liable at any time to undergo the remainder of his sentence; he was taunted by his fellows, and could get no employment; while it was notorious that men who had been sentenced to long periods of transportation had returned to this country under the ticket-of-leave system after two or three years' penal servitude. If criminals were to be released after a short period of imprisonment it would be much better to send them forth as free men altogether, without any ticket of leave; let them consider themselves absolved from the rest of their sentence, and, although they might remain to and under the vigilance of the police, the community would imagine that they had received a full pardon for their good conduct. Such a person might still be subjected to the consequences of being again convicted by being sent out of the country if he was found not to have deserved the lenity extended to him. Unless some decided steps were speedily adopted, the Session would pass away without anything being done; but he should not press his Resolution if he were assured that a Select Committee would soon be appointed to whom the question could be referred. It was absolutely essential for the public good that some change should be made. He had received a return from the head constable of Liverpool, which showed that during the last sixteen months, out of sixty-eight persons who had obtained tickets of leave, and who were known to the police of that town, no fewer than sixty-six had again been committed for trial. Such was one instance out of many of the evil consequences of the present system. He hoped, therefore, that some member of the Government would give him an assurance that no delay would take place in the appointment of a Committee of Inquiry; if not, he should consider it his duty to press the Resolution of which he had given notice.

*Moved,* to resolve—

> "That Experience has proved the present System of granting Tickets of Leave to Convicts to be injurious to the interests of Society, dangerous to the Security of Property, and tending to the increase rather than the Diminution of Crime; it is therefore most important and desirable that Her Majesty's Government should take the Matter into their serious Consideration, and devise some Means, either by Providing Employment for Convicts so released at home or in the Colonies, or otherwise, of relieving the Public and the Country from a most fearful and growing Evil."

LORD BERNERS was sorry to hear that his noble Friend did not intend to press his Motion. From his own experience, and from all he had learned, he felt satisfied that the ticket-of-leave system had totally failed. He believed that the system had been the parent of a great number of additional offences. At Leicester he was informed that a larger number of ticket-of-leave convicts had been again convicted of crime than appeared to be known to Her Majesty's Government.

The DUKE OF ARGYLL assured the noble Viscount that there was no disposition on the part of the Government to throw any obstacles in the way of an inquiry into the operation of the ticket-of-leave system. The question was now in the hands of Earl Stanhope, who had postponed for a certain time the nomination of his Committee, the appointment of which was not only not opposed, but even urged upon him by members of the Government as well as by other noble Lords, because a precisely similar inquiry was now in progress before a Select Committee of the other House. But the noble Earl intended to proceed with his Committee, and certainly the Government would offer no opposition to him. The noble Marquess opposite (the Marquess of Salisbury) had complained the other day that he (the Duke of Argyll) had quoted a Report which was not in the hands of the other Members of the House; but the maps and tabular statements were fast approaching completion, and the Report would speedily be placed in their Lordships' hands. He must, however, remind the noble Marquess that Reports which showed the working of the ticket-of-leave system from its introduction in 1853 to the end of 1854 were before the House, and they proved that, in the four or five prisons to which they related, the proportion of recommittals to that of convicts released on tickets of leave was very small. In many cases satisfactory information had been received that ticket-of-leave men were obtaining honest and industrious livelihoods, and there was evidence to show that in some instances they had relapsed into crime, in consequence of the difficulty they experienced in obtaining employment. It appeared from a return which had been laid upon the table of the House of Commons, and which would be embodied in Colonel Jebb's Report, that the total number of convicts liberated on tickets of leave since the commencement of the system was upwards of 5,000, while the number of recommitments had only been 420. He did not mean to say that it was not desirable, so far as the people of this country were concerned, that convicts should be sent to distant colonies; but at present such an arrangement was impracticable, and they must therefore do their best with convicts at home.

THE MARQUESS OF SALISBURY was understood to say, that the results of Colonel Jebb's Reports, which had been published in the newspapers, scarcely bore out the statement of the noble Duke, and that he thought it was rather unfair that the noble Duke should take credit for the success of a system upon the authority of documents which were not upon their Lordships' table. He believed that the evils of the system would be considerably lessened if notice was given to the police when ticket-of-leave men were sent back to the country. It was said that such a system would prevent these men from obtaining employment; but he complained that no attempt had been made on the part of the Government to provide persons in such a situation with work if they were unable to obtain it in any other way. The consequence was, that it was impossible to take up a newspaper without finding accounts of ticket-of-leave men being charged with crimes; and the effect of the ticket-of-leave system was to create an impression throughout the country that sentences passed by the Judges would not be carried out, and that crime might be committed without danger of punishment. He feared that if his noble Friend (Viscount Dungannon) forbore to press his Motion, nothing would be done with reference to this subject during the present Session.

**The Duke of ARGYLL** said, that the Blue-books already upon the table showed the working of the ticket-of-leave system for upwards of a year. It appeared that at Portland Prison 331 prisoners had been discharged with licences to the end of 1854, of whom only four were returned to the prison with their licences revoked. At Dartmoor Prison, up to the same period, 467 prisoners were liberated on tickets of leave, and only three of these convicts were sent back to the prison in consequence of their licences having been revoked. The chaplain stated that he had heard of five more who had become inmates of prisons, but that he was daily receiving letters stating that men who had been discharged on tickets of leave were doing well, and were obtaining an honest livelihood. From Portsmouth Prison 358 convicts had been discharged on tickets of leave, only one of whom had been returned to the prison with his licence revoked, and satisfactory accounts had been received, directly or indirectly, of the conduct of many of the released prisoners. He (the Duke of Argyll) had never asserted that the ticket-of-leave system had been entirely successful, for a sufficient time had not elapsed since its introduction to justify any conclusion as to its efficiency, but, so far as the experiment had been tried, there was every reason to hope that it would ultimately succeed.

**Viscount DUNGANNON** said, that, if the noble Duke would cause inquiries to be made of magistrates in agricultural districts and in populous manufacturing towns, he would find that the results of the ticket-of-leave system were of the most fearful and mischievous character. He hoped that an inquiry would be instituted on the subject without any unnecessary delay, and that a Committee would be named soon after the Whitsuntide recess. If such a course was not taken, he should deem it his duty to agitate the question until it received the consideration to which he thought it was entitled, and which the public security demanded. For the present, however, he was content to withdraw the Motion of which he had given notice.

Motion, by leave of the House, *withdrawn.*

House adjourned to Monday the 19th instant.

## HOUSE OF COMMONS,

### *Friday, May* 9, 1856.

Minutes.] New Member Sworn.—For Cheltenham, Francis William Fitzhardinge Berkeley, esq.

Public Bills.—1° Registration of Leases (Scotland).

2° Industrial and Provident Societies; Pawnbrokers.

3° Married Women's Reversionary Interest; National Gallery.

### THE COAST GUARD—QUESTION.

**Mr. STIRLING** asked the Secretary to the Treasury if the withdrawal of the coast guard for employment in the navy in 1854 and 1855 had been followed by any appreciable increase of smuggling and loss of revenue; and if he could state, in approximate terms, the difference of expense between the coast guard and the temporary substitute which replaced it?

**Mr. WILSON** said, it was well known that a number of coast guards had been withdrawn from the service in the year 1854, and that their places had been supplied by other officers. There was no reason to believe that any increase of smuggling had taken place in consequence of that change; and as a proof of that, he might state that the duty on tobacco, which was the article that gave rise to most smuggling, had increased from £4,750,000 in the year 1853 to £4,871,000 in the year 1854. The expenditure for the coast-guard service had diminished since the change by a sum of £21,000 a year.

### CANDIDATES FOR COMMISSIONS IN THE ARMY—QUESTION.

**Mr. J. A. SMITH** asked the Under Secretary for War whether all candidates for commissions in the army were required by the authorities of the Horse Guards to produce certificates of confirmation as a condition of their admission into the military service?

MR. FREDERICK PEEL said, that members of the Church of England, in undergoing their preliminary examination, previously to obtaining commissions, were required to produce certificates of confirmation. But no such request was made of persons who were not members of the Established Church; and in the case of those members the only object of the demand was to obtain a guarantee for their character by showing that they had been brought up in the religion which they professed.

## THE PARKS ON SUNDAYS—QUESTION.

MR. T. CHAMBERS asked the First Commissioner of Works if he had taken the opinion of the law officers of the Crown, as to whether the sale of refreshments on Sunday in the booths about to be erected in the public parks would expose the vendors to the penalties imposed by the Act 29 *Car.* II. c. 7? He would remind the right hon. Baronet the First Commissioner of Works that the sale of refreshments on the Sunday was forbidden, not only by the Act of Charles II., but also by the Act of the 3 *Geo.* IV. c. 106, s. 16.

SIR BENJAMIN HALL said, he had to state, in reply to the question of the hon. and learned Gentleman, that he had not thought it necessary to take the opinion of the law officers of the Crown in that case, and for this simple reason, that the present practice in Kensington Gardens and Victoria Park was merely an extension of the practice which had before prevailed in those places, and more particularly in Victoria Park. But if the hon. and learned Gentleman should be of opinion that that was a case which came under the provisions of the statute of Charles II., he must be well aware, from his legal knowledge, that any person could proceed against parties infringing it. The Act was a very stringent one, and if it were strictly enforced, every confectioner's shop should be closed on the Sunday, every railway company should shut up its refreshment rooms, and every steam-boat should cease running on the same day.

## RAGGED SCHOOLS IN DUBLIN—QUESTION.

MR. DE VERE said, that a document had that day reached him, purporting to be an advertisement connected with certain ragged schools in Dublin, in which it was put forward that one of the objects of the supporters of those schools was to carry out a system of proselytising among the Roman Catholic children in that city. The name of his Excellency the Lord Lieutenant was placed at the head of the document, and it was stated that a bazaar was to be held for the benefit of those schools under his patronage. He (Mr. De Vere) begged leave to ask the right hon. Gentleman the Secretary for Ireland whether it was true that the Lord Lieutenant, for whose character he entertained the highest respect, had given the sanction of his name and authority to any such proceeding.

MR. HORSMAN said, it was not true that the Lord Lieutenant had in any way given his sanction to the issuing of any placard containing matter such as that referred to by his hon. Friend, painful and offensive to any portion of Her Majesty's subjects. The principle which the Lord Lieutenant had laid down for his own guidance, and which he impressed upon all persons connected with the Government of Ireland, was, to refrain from associating themselves directly or indirectly with any society whose proceedings were of a religious character, or calculated to give offence to any portion of the population of that country. The facts of the case referred to by his hon. Friend were these:—There were ragged schools in Dublin established by the Roman Catholics, and others established by Protestants. Early in the year—in the month of February, he believed—an application had been made to the Lord Lieutenant by the committee of the Roman Catholic Ragged Schools, stating that they were about to open a bazaar for the benefit of those schools, and requesting him to allow his name to appear as the patron of that bazaar. He replied that they might so use his name, but that he would not himself be present upon the occasion. Within the last fortnight a similar application had been addressed to him, in the same terms, for the same purpose, by the committee of the Protestant Ragged Schools; and to that application he had given a precisely similar answer. Subsequently a placard had appeared, stating that the bazaar was to be held, and announcing in very conspicuous letters that it was to be under the patronage of the Lord Lieutenant; and then followed in smaller type a number of extracts from speeches and reports of Protestant societies on the subject of the advertisement, and containing matter calculated to give pain to Roman Catholics. He (Mr. Horsman) could only state that the association of the Lord Lieutenant's name with the offensive matter in the placard had been made entirely without the knowledge of the Lord Lieutenant, and certainly did not meet with his approval.

### CLAIMS ON THE PORTUGUESE GOVERNMENT—QUESTION.

MR. T. CHAMBERS asked the First Lord of the Treasury what communications had passed between the Foreign Office and the Portuguese Government on the subject of the claims of Yuille, Shortridge, and Company, upon that country, for breach of treaty, since a Select Committee of this House reported on those claims; and whether he had any objection to lay the correspondence on the table?

VISCOUNT PALMERSTON said, that his noble Friend at the head of the Foreign Office had instructed Her Majesty's Chargé d'Affaires at Lisbon to make demands in conformity with the recommendation of the Committee to which the hon. and learned Member referred, and a note had been in consequence addressed to the Minister for Foreign Affairs at Lisbon in the month of June last. No answer having been returned to that note, another note had been forwarded to the same quarter in the month of January, but he was sorry to say, that hitherto the application had not been attended with the desired result. He could have no objection to produce either the instructions of Lord Clarendon upon the subject, or the notes addressed to the Portuguese Government, if the hon. and learned Gentleman should think proper to move for them.

### THE CRIMEAN MEDALS—QUESTION.

MR. OTWAY asked, whether it was intended to grant the Crimean medals to the Sardinian army as well as to the French army?

MR. FREDERICK PEEL said, that it was the intention to grant the medals, not only to the Sardinian army, but also to the Turkish army, and arrangements had been already made to send the medals out to the troops of those two nations.

VISCOUNT PALMERSTON moved that the House at its rising do adjourn to Monday, the 19th instant.

### PARDON OF POLITICAL OFFENDERS—QUESTION.

MR. T. DUNCOMBE rose, in pursuance of notice, to ask the First Lord of the Treasury whether, in consequence of the numerous memorials presented at different times in favour of a full and free pardon to Messrs. Frost, Williams, Jones, Smith O'Brien, and other political prisoners, whose conduct during exile has been without reproach, it is the intention of Her Majesty's Government, on the celebration of peace, to advise Her Majesty to comply with the prayer of those memorials, and thereby enable those exiles to return to their native land? The hon. Member said he perceived by a notice in a morning paper to-day that the Government had anticipated his notice and his question, and that Her Majesty would graciously extend pardon to all political offenders. He confessed that after the kind and generous manner in which the notice was received by the House a week ago, he expected Her Majesty's Ministers would not hesitate to grant this amnesty. The French Government had offered a similar amnesty to political offenders, and an amnesty was offered by an article of the Treaty of Paris to all persons compromised in the late war, even deserters. Surely, if there were a set of miscreants who deserve no sympathy or pardon, it must be those who abandoned the cause which they were paid to support, and, by treacherously furnishing information to the enemy, imperilled the lives of those companions in arms with whom it should have been their pride to share all the dangers of the campaign. He confessed he thought it impossible any Government could, under these circumstances, resist giving an amnesty to men who had conducted themselves as Frost, Williams, and Jones, and also Smith O'Brien had done. There was a class of political offenders who deserved no consideration—those who had broken their parole and fled to a foreign country; and he understood those persons would not be included in this pardon. But he trusted all other political offenders would be included in the amnesty, and he was quite satisfied Her Majesty's Government could do nothing more acceptable to the industrious classes, both of Ireland and England, and particularly of the large towns, than pardon Frost, Williams, and Jones, and also Smith O'Brien and others convicted with him, because — whether rightly or wrongly he would not discuss—the great mass of the industrious population did believe that these misguided men were suffering from their over zeal in endeavouring to ameliorate the condition and extend the political rights of their fellow-countrymen. It was gratifying to him to know that this amnesty would be granted, because for some years he continually felt it his duty to ask in that House for the amnesty to those very men; it must be a gratification to those Gentlemen, some of whom now belonged to Her Majesty's Government, who voted with him; it must be a gratification to the right hon. Member for Buckinghamshire (Mr. Disraeli), who, to his honour, voted in favour of the pardon of Frost, Williams, and Jones. But there was one distinguished individual to whom, above all others, it must be a still greater gratification, as to him were those men indebted principally for their very existence—he meant Lord Brougham. It would be in the recollection of many Members that two of the Judges who tried Frost, Williams, and Jones were in favour of an acquittal, and were of opinion that the objection of Sir Frederick Pollock was good. An appeal was made. Nine to six of the Judges were agreed that the objection was good; but nine to six came to the conclusion that it was made too late. Notwithstanding the great minority, the Administration of Lord Melbourne determined to execute these men. At the eleventh hour, when the scaffold was waiting for its victims, when the axe was actually in the hands of the executioner, Lord Brougham, by his remonstrances and entreaties, succeeded in obtaining a relaxation of the sentence; and at the eleventh hour the Government ordered a respite. It must be gratifying to Lord Brougham to find, not only that these men survived through his exertions, but that in their exile they had conducted themselves in a manner which entitled them to the Royal clemency. To no act of his life, whether as a vindication of the law, or as an effort of humanity, would that distinguished man look back with more pride and satisfaction than to his vindication of the law and of humanity on this occasion. He rejoiced that this amnesty was to take place upon the anniversary of Her Majesty's birthday. The joy of all classes at pardon being extended to political offenders would not detract from, but rather add to, the brilliancy and lustre of the demonstration which they were told was to be made on that day in celebration of the peace—a peace which, though many differed as to some of the terms, all were agreed in the desire that it should last for many succeeding generations, and tend to promote good feeling and civilisation in every nation throughout the world. It was hardly necessary to put the question of which he had given notice, but he hoped the noble Lord would confirm what they had all read with so much pleasure.

VISCOUNT PALMERSTON said, he must request the indulgence of the House, as it was against rule for him to speak again after moving the adjournment. He had great pleasure in stating to his hon. Friend and to the House, that the announcement which had appeared in the papers this morning was entirely and perfectly true. Her Majesty, following the impulses and dictates of those generous feelings by which She was so eminently distinguished, had determined to take advantage of the return of peace, and of the unexampled loyalty which prevailed from one end of her dominions to the other, to do an act of grace and clemency towards all persons under sentence for political offences, with the exception of those unhappy men who had broken all the ties of honour and fled from their place of banishment. The amnesty would be general, and would include Mr. Smith O'Brien, Mr. Martin, and those others who had been referred to by his hon. Friend.

## THE IRISH MILITIA—QUESTION.

MR. H. HERBERT, observing that he had not quite understood the answers which had been given either in that House—or in another place—to the questions which had been put to the Government with reference to the disembodiment of the Irish militia, begged to ask the Under Secretary for War whether the Government contemplated their immediate disembodiment? There was a rumour that these regiments were to be disembodied in the months of June and July. Now, he believed that it was the unanimous opinion of those who were connected with Ireland or knew anything about the country, that the period of the year between the middle of May and the middle of July, was a period in which the greatest possible difficulty would be experienced in the absorption of so much labour as would thus be thrown into the market in that part of the kingdom. The noble Lord at the head of the Government had expressed himself on the previous day in the most flattering manner with respect to the militia, and of course by implication of the Irish militia. He (Mr. Herbert) believed that his observations respecting the want of employment would not apply to the English militia, because he was informed that at that period of the year a considerable amount of labour was required in England. The noble Lord had last night paid a just tribute to the merits of the Irish militia; but he hoped that his noble Friend would excuse him if he reminded him of a very homely, but at the same time a very true proverb, namely, that "fair words butter no parsnips," and even if they could have that effect, he believed that the Irish militia, if hastily disembodied, would experience a very great difficulty, considering the present state of the labour market, in obtaining that useful vegetable. He was informed by a statement which had reached him that day, that the employment of a tenth of the weavers in the north of Ireland had been taken away by the power-looms, as the manufacturers were making arrangements to put up a great many more looms, they not having contemplated so early a termination of the war. He fully subscribed to the doctrine that the militia were embodied for the service of the country in a time of war, and that no Government would be justified in employing them long after the conclusion of peace. He thought, however, that it would be an act of great unfairness to call for the services of a number of men, and to dismiss them at a season when they were unable to return to those employments from which, for the most part, they were taken. Such a proceeding would inflict a great and grievous hardship upon a body of men who, it was admitted upon all hands, had rendered the most essential service to the country. He also wished to call the attention of the Government to the case of the subaltern officers in the Irish militia regiments, who were circumstanced very differently from their brother officers in this country. The Irish militia had only been embodied eighteen months, and consequently the officers' pay was not sufficient to cover the money actually out of pocket for their outfit and expenses, as would be seen on referring to the actual figures. They had lost those other employments which they had before they joined the regiments, and unless some consideration was shown them they would be actually out of pocket by their loyalty. As a mere question of policy he thought this worthy of consideration, and that the House ought not to let a matter of a few months' additional pay, now that the war had been brought so rapidly to a successful termination, to stand in the way of doing an act of justice to those officers. The class to which he alluded particularly was that of subalterns, surgeons, and paymasters. If the Government failed to do them justice or were guilty of a mean stinginess on this occasion, they might perhaps look in vain for them when their services were again required.

COLONEL DUNNE said, that before the hon. Gentleman answered the hon. Member's question, there were one or two points to which he wished to draw his attention. He would, however, first suggest that if the commanding officers of regiments were instructed to allow the men to retire as employment offered, it would have the effect of gradually diminishing the force without causing serious inconvenience. Of course, now that the war had been concluded, it was impossible to keep up the militia; but he thought the case of the officers a peculiarly hard one. Formerly, the House would recollect, every officer of the militia was obliged to possess a qualification, which qualification was removed at the commencement of the war, and the consequence was that a large number of officers whose circumstances were not so good, and whose pay was of consequence to them, were induced to give their services. They had no resources but what they had derived from their employment, and they naturally enough asked, now that they were to be disembodied, that they should not be out of pocket. The pay of a militia ensign was, he believed, about £95 a year; his outfit cost him £70, and he was obliged to live in mess the same way as the officers in the line. He thought that this class of officers deserved the consideration of the Government. The remuneration ought not to be extravagant, but, at all events, some should be given to them. In his view it was of the highest importance to keep the militia staff in an efficient state, otherwise they might just as well save the £23,000 or £24,000 a year that it cost the country. The whole question of militia ought now to be taken into consideration, and proper means adopted for securing that efficiency. With regard to the honorary colonels of militia, if these officers were abolished in the disembodying of the militia, he did not see how the business would go on at all. Then, with regard to the stores — the counties ought not to be put to the expense of finding room for the stores, and he hoped the Government would find room in some of the barracks for them. The question of the clothing of the men was also one deserving of attention. It was no disgrace to them to say that at the time they entered the service they had very little to call their own; and, although after one year's service the clothing was given up to them, he thought it would hardly be fit for much. He thought that the Government were bound to allow the men some kind of clothing before they quitted the service, and he submitted this with the other points to which he had called the attention of the hon. Gentleman the Under Secretary for War.

Colonel GILPIN said, that he was very much surprised that the paymasters were left out of the list of officers to whom it was proposed to give some additional pay. They had performed the most important services, and were taken from their professional duties for that purpose. They ought, therefore, to be placed in the same position as the others. The speech of the noble Lord last night, and its reception by the House, was a proof that something ought to be done for the militia; and he was, therefore, justified in asking what compensation, if any, would be given, on disembodiment, to the staff officers, subalterns, non-commissioned officers, and privates of militia?

Mr. FREDERICK PEEL said, that, in answer to the question put by his hon. Friend behind him (Mr. H. Herbert), he could only state what he said the other evening—namely, that the militia of Scotland and England would be dealt with in the same manner as the Irish militia. He was not before aware of the distinction between the two countries at the present moment with respect to employment, and, therefore, what had been said on that subject was not without weight. No one could be more anxious than the Members of the Government that the militia should return to their employments at a time when a fair chance of work was afforded to them. Of course all that he could engage to do was to take care that the subject should have the best attention of his noble Friend at the head of the War Department. It would be satisfactory to hon. Gentlemen to know that it was intended to place the paymasters in the same category as the other officers referred to. The continuance of half-pay generally had reference to the time during which the militia were embodied. In this case they had only been embodied eighteen months, and it was intended to continue the half-pay for three months. The suggestions thrown out by his hon. and gallant Friend opposite (Colonel Dunne) should have the best attention of the Government.

*Colonel Dunne*

## THE ASSISTANT JUDGE OF THE MIDDLESEX SESSIONS—QUESTION.

Lord HOTHAM wished to ask whether, on the appointment of Mr. Pashley to the office of Assistant Judge of the Middlesex Sessions, any condition was made as to the continuance of his private practice at the bar? He put the question because, in a public journal of large circulation in the metropolis, a letter appeared, the writer of which had enclosed his name to the editor, and which stated that, on the day before, the court over which Mr. Pashley presided adjourned for half an hour, in order to enable the learned Judge to go to Westminster Hall to transact private business of his own, and that on the following day, May 2, the counsel, jurors, parties, and witnesses were kept waiting from ten o'clock till half-past ten while the learned Judge was similarly occupied in Westminster Hall. No statement in answer to that letter had yet appeared. He would not contend that in the absence of any contradiction it was just to assume that the report was correct; but, as the subject was one of interest to all classes of Her Majesty's subjects, he thought the absence of any contradiction justified the course he had pursued. If the representations of this letter were not true, then it was due to the learned Judge that he should be relieved from the odium of this irregularity. If, on the other hand, they were correct, he would only express his own hope, and he believed also that of every Member of the House, that the right hon. Baronet would take steps to prevent the recurrence of a proceeding which was irreconcilable and inconsistent with the proper administration of justice.

Sir GEORGE GREY: In answer to the question put by my noble Friend, I have to answer that I made no stipulation with Mr. Pashley in appointing him to the office of Assistant Judge of the Middlesex Sessions that he should discontinue his private practice, and for this reason—that he was appointed under an Act of Parliament which imposed no such restriction upon him. The Recorder of London, the Recorder of Bristol, with every other Recorder, and the Common Serjeant of London, have judicial business to perform quite as important as the Assistant Judge of the Middlesex Sussions, and they are not prevented from taking private practice. With reference to the allegations which are said to have appeared in the papers with regard to Mr. Pashley, I never heard of them until now. But I am informed by my learned Friend the Attorney General that Mr. Pashley has seen them, and has authorised my learned Friend to state that they are quite incorrect, and that the business of his court has not been impeded by his attention to his private practice. I quite admit that if any gentleman chooses to accept a judicial office he is bound to give his first attention to the duties of that office, and that he would be very culpable if he allowed his private practice and interests to stand in the way of the proper discharge of the duties of his office.

## THE STATE OF GREECE.

Mr. JAMES MACGREGOR, in rising to submit some observations to the House relative to the state of Greece, said, he wished to remind the House that on the 3rd April, the noble Lord (Visct. Palmerston) in answer to a question put to him, said, that such was the administrative talent of the Government of Greece that in no part of the kingdom were life and property safe except in the three miles of road between Athens and the Piræus. The accuracy of that statement had been assented to by the whole population of Greece, but their pride had been somewhat hurt that the road in question was stated to be only three miles in length when it was as much as five; and therefore there were five miles of direct communication in Greece where life and property were safe by day and by night. There had not been any assurance on the part of the protecting Powers that measures would be taken for acting upon the Government of Greece, and much despondency had therefore been felt by Her Majesty's subjects in that country that nothing had been done. The present condition of Greece had been brought before the recent Conferences in Paris, for he found in the protocol of the 22nd of April the following important reference to it:—

> "Count Walewski says that it is desirable that the Plenipotentiaries, before they separate, should interchange their ideas on different subjects which require to be settled, and which it might be advantageous to take up, in order to prevent fresh complications. Although specially assembled for settling the Eastern question, the Congress, according to the first Plenipotentiary of France, might reproach itself for not having taken advantage of the circumstance which brings together the representatives of the principal Powers of Europe, to clear up certain questions, to lay down certain principles, to express intentions—in fine, to make certain declarations, always and solely with the view of ensuring the future tranquillity of the world, by dispelling the clouds which are still seen looming on the political horizon before they become menacing.
>
> "It cannot be denied, he says, that Greece is in an abnormal state. The anarchy to which that country was a prey has compelled France and England to send troops to the Piræus at a time when their armies, nevertheless, did not want occupation. The Congress knows in what state Greece was; neither is it ignorant that that in which it now is, is far from being satisfactory. Would it not, therefore, be advantageous that the Powers represented in the Congress should manifest the wish to see the three protecting Courts take into serious consideration the deplorable situation of the kingdom which they have created, and devise means to make provision for it?
>
> "Count Walewski does not doubt that the Earl of Clarendon will join with him in declaring that the two Governments await with impatience the time when they shall be at liberty to terminate an occupation to which nevertheless they are unable without the most serious inconvenience to put an end, so long as real modifications shall not be introduced into the state of things in Greece."

It should be remembered that the protecting Powers had created the kingdom of Greece. In 1845, Lord Aberdeen stated that the position of Greece was, that the kingdom had been created by the three protecting Powers, who were bound to protect her independence; and, moreover, a loan of money had been secured, the interest of which was guaranteed by them. The result of this, however, had been, that the Consolidated Fund of this country had been burdened to the extent of £376,000 already on that account, and was charged to the extent of £47,000 per annum. This would be less unsatisfactory if the money thus retained by Greece was devoted to proper purposes. But what was the state of the country and the conduct of the monarch? Why, his civil list absorbed one-twelfth of the entire revenue, and the country was without local improvements, everything being in the hands of the Court, and all parties who were interested in the country naturally looked to the protecting Powers to bring about some alteration of this state of things. The last speech made by the late Sir Robert

Peel enunciated the principle, repeated the other night by the right hon. Gentleman the Member for Wilts, of non-interference in the affairs of friendly countries. But could Greece be looked upon as a friendly Power when she had been base enough at a moment of exigency to raise troops to annoy and invade the territory of our Ally the Porte? But the occupation by the allied forces of the Piræus marked the present as a period when this country should interfere. The country was one scene of brigandage and outrage. In one month not less than eighteen persons had been executed in Athens alone for murder; and thirty-five persons were known to have been murdered or tortured by the brigands. Under these circumstances, surely the subjects of this country resident or interested in Greece were entitled to expect from the Government, not only a declaration of its policy and of its sympathy with the inhabitants of that country, but some intention to interfere in order to bring about a better state of things, and relieve the wretched inhabitants from their present unhappy position. The occupation of the Piræus by the Allies had failed to produce any effect in quelling the disturbances which existed, because the Government of Greece had given no assistance to those who were endeavouring to effect that result. The question was whether we, who have joined in setting a Sovereign upon the throne of Greece, not the fittest for the post, were not now called upon to interfere in a state of misgovernment under which our own subjects resident in that country suffered severely, and our commerce had fallen off one-fourth. As a matter of form, and to enable the noble Lord at the head of the Government to answer him, he would move the adjournment.

Viscount PALMERSTON, however, did not rise to reply.

MR. SPEAKER said, the adjournment could not be moved.

MR. M'MAHON rose, and said, he wished to know from the noble Lord whether the recent amnesty would extend to those gentlemen who had fled to America without trial, and to the poor men who had been transported to Bermuda for an attack on the police-barrack at Portland?

MR. GLADSTONE could not help calling the attention of the House to the situation in which they were likely to be placed by what might be called a licentious use of the privileges of Members.

*Mr. James MacGregor*

Between a question whether a certain judge of a court of justice had kept a jury waiting while attending to his private practice, and a question with respect to the persons to whom the amnesty was to extend, an hon. Gentleman had introduced one of the most grave and difficult questions of European policy which could be brought under the consideration of the House. He proposed that the three protecting Powers should interfere for the purpose of solving the great problem connected with the state of Greece, and took the opportunity of the Motion for adjournment to make that proposition. It was far too grave a question to be introduced in such a manner. The hon. Gentleman read a passage from a protocol from which, he said, it would seem that the Conference had met for the government of the world; but if the hon. Gentleman was making a legitimate use of the Motion for adjournment, might it not be remarked that the Motion for adjournment was made to give him an opportunity to discuss the government of the world? The kingdom of Greece was limited in extent, but the questions connected with it were of the utmost importance, and it was not creditable to the dignity of the House that such questions should be discussed in this haphazard manner. Weighty words might be dropped, and conclusions of portentous magnitude pointed out, in mere inadvertence. The noble Lord did not, indeed, appear inclined to reply; and he hoped his noble Friend would refuse to do so. He took a great interest in the affairs of Greece, and he demurred to the accuracy of the picture drawn by the hon. Gentleman; but he certainly would not follow his example by entering into any detailed statement.

MR. SPOONER said, the right hon. Gentleman had been very hard upon his hon. Friend, who had taken a very usual course; to which, however the right hon. Gentleman in this instance might object, he had no reason to single out his hon. Friend's question as an exception to it. His hon. Friend had stated the information he had received, and he (Mr. Spooner) knew that the information which his hon. Friend received was accurate. His hon. Friend had truly stated that great sympathy had been excited by what appeared to be the state of Greece, and that many persons in that country felt deeply what had fallen from the noble Lord with reference to what had passed at the Conferences. His hon.

Friend had been naturally anxious to know whether the noble Lord had directed his attention to the condition, not only of the people of Greece, but of our own subjects there, with a view to their protection and security; and wanted to know whether they were to remain without protection in their present state. His hon. Friend had a right to make such inquiries, considering that we paid £47,000 a year for the interest on the Greek loan. The noble Lord ought to be prepared to give some assurance that something would be done to remedy such a state of things.

Viscount PALMERSTON made no reply.

### PENSION TO THE MARQUESS OF DALHOUSIE.

SIR ERSKINE PERRY rose, and said, that after the rebukes of the right hon. Member for the University of Oxford, he would not have introduced the subject to which he was about to call attention at the present moment, but that he should have no other opportunity, and after next week it would be too late. The House were aware that the East India Company by their charter were empowered to grant pensions to their servants; but that this House had from time to time interfered to regulate the disposal of their revenues. Mr. Pitt's Bill prevented them from granting pensions exceeding £200 a year without the sanction of the Board of Control, and a subsequent measure prevented them from granting any annuities exceeding £600. He now asked the right hon. Gentleman what was the clause in the existing Act which enabled the East India Company to grant an annuity of £5,000 a year to any person not in their service. By the Act of 1833 the whole of the revenues of India were vested in the Company for the service of the Crown; and under it they might, with the sanction of the Board of Control, grant pensions to those who were in the service of the Company; but he contended that there was no Act which enabled them to grant pensions to other persons. He was aware the question was *sub judice*, and had not yet been sanctioned by the Government, but he wished to know if they intended to do so, and by what authority? He understood from the discussion which had arisen in another place that the statute which was relied upon as conferring the power was the 33 *Geo.* III. That Act, however, related to the East India Company in its trading capacity, and was wholly inoperative at this time, because at the present day the East India Company had no funds whatever, the whole of its territorial possessions and revenue being vested in the Crown. The manner in which these funds were to be dealt with was provided by the 3 & 4 *Will.* IV., and it was there provided that pensions could only be granted under certain circumstances. He admitted that in 1846 the Court of Directors had voted a grant of £5,000 a year to Lord Hardinge; but that grant was submitted to the House, and was made the foundation of a special Act of Parliament, the 9 & 10 *Vict.* Moreover, Lord Hardinge's case was no precedent for the present proposition, Lord Hardinge being at the time that that annuity was voted him a servant of the East India Company, and the East India Company had the power, with the consent of the President of the Board of Control, to grant it. He hoped he had said enough to show the House there were some doubts existing as to the legality of granting the pension; and he hoped, moreover, that, even if the power actually existed, the House would consider the constitutional propriety of the matter before sanctioning it. The present salary of a Governor General of India was 240,000 rupees, or about £26,000 sterling, per annum; if that was not sufficient let it be increased, and not keep it at that amount, to make the smallness of the salary a pretext for granting pensions to future Governors General; because the effect of so doing would be to fill the Cabinet with pensioned men, which would have the effect of weakening the decisions they might give on all great questions, particularly connected with India, that might come before them for their consideration. He trusted that in this case the Government would pursue the constitutional method, and would bring in a Bill on the subject of the proposed annuity. He asked the President of the Board of Control, whether his attention had been called to the legality of the power claimed by the East India Company to confer annuities out of the revenues of India on persons not in the service of the East India Company, and whether, under the present constitution of the Home Government of India, such annuities, in the opinion of the President, ought to be granted without the sanction of Parliament?

MR. VERNON SMITH said, the hon. and learned Gentleman had claimed exemption to the general rule of introducing a desultory discussion on the Motion for adjournment, on the ground that something was about to happen in the ensuing week which would render his mentioning it at a future period of no benefit. He was sorry to cut away the ground from under his hon. and learned Friend's feet, but such was not the case. The East India Directors had, as was known to the hon. and learned Gentleman and many others, passed a resolution with reference to their granting a pension of £5,000 a year to Lord Dalhousie; but by the law, and also by the by-law of the Company, they were obliged to submit the resolution to two Courts of Proprietors for approval. One court would be held on Wednesday next, and the second on the following Wednesday, which would be after the reassembling of Parliament. After that the Directors would have to submit the resolution to the President of the Board of Control and the Government for approval; and after that the grant must be submitted within a month to the sanction of Parliament. He (Mr. Vernon Smith) considered the hon. and learned Gentleman had submitted a case to him for his opinion that ought to have been submitted to the legal officers of the Crown. It was one he declined then giving any opinion on, but he assured the House that if there were any doubts with regard to the power of the East India Board of Directors to grant this pension, he should take the opinion of the law officers of the Crown before consenting to it. The question now stood in the position which he had stated, and not having heard the grounds upon which the East India Directors proposed to grant this pension to Lord Dalhousie, he declined pledging the Government one way or the other. He thought, however, there was nothing extraordinary in the East India Directors being desirous of marking their approval of the satisfactory manner in which the noble Lord had discharged the duties of his high office. The noble Lord's administration in India had received the unanimous approval of the Board of Directors, and, in consequence, he had been prevailed on by them to protract his stay beyond the usual period, in spite of severe domestic calamities and much personal suffering. It was, therefore, nothing extraordinary that the Court of Directors should wish to visit with special reward the great services of that eminent man, whom Her Majesty had already advanced to additional honours in the peerage. The hon. and learned Gentleman had stated that he doubted the power of the East India Directors to grant this pension; but he did not appear to have stated whether the power of granting it was taken away from the Board of Directors in 1853, or had never existed. Having had his attention called to the question, he (Mr. V. Smith) had gone over the various Acts of Parliament with reference to it, and there appeared to him to be nothing in the Act of 1853 which destroyed the previous powers of the Board of Directors to grant pensions. The 55 *Geo*. III. c. 64, in his opinion gave them the power to do it, with the consent of the President of the Board of Control. It was under that Act of Parliament that pensions were granted to the Marquess Wellesley and to Lord Hardinge. He could only repeat, that if there was the slightest doubt that the Board of Directors had not the power to grant this pension, he should consult the law officers of the Crown on it before he consented to the grant or submitted it to Parliament.

## THE BANK CHARTER ACT.

MR. MALINS said, that the House would probably remember that on the 28th of February last, a discussion took place relative to the Bank Charter Act, and a Committee was then appointed to inquire into its operation. On that occasion the right hon. Gentleman the Chancellor of the Exchequer admitted the importance of the subject, but thought it an inopportune period at which to move for the appointment of a Committee, on account of the continuance of the war; and added, that if the Motion had been made at a later period of the Session, he would not have opposed it on the part of the Government. He (Mr. Malins) again called the attention of the right hon. Gentleman to the subject, because the evils which were then alluded to had not diminished, but were in full operation at the present time. On that occasion the right hon. Baronet stated that the bullion in the Bank of England was £10,575,000; but since then it had dropped to little more than £9,500,000. The right hon. Gentleman thought there was no danger in the bullion in the Bank at that time being so low, because the reserve, or unemployed notes, amounted to £5,500,000; but since then they had dropped to £3,500,000. Recollecting that the country was exposed to great peril in 1847, when the balance had sunk so low as £8,000,000, he wished to know what the Government proposed to do on its getting down again so low as that, and whether they intended to allow this great commercial country to be again exposed to similar perils without attempting any remedy. He, then, would put the following question to the right hon. Gentleman:—Whether, seeing that the bullion in the Bank of England continues to diminish, it is the intention of the Government to allow the present Session of Parliament to expire without taking any measure to relax the strictness of the provisions of the Act of 1844, which regulates the issue of bank-notes?

THE CHANCELLOR OF THE EXCHEQUER said, he must answer the question with regard to the present state of things by a reference to the amount of bullion in the Bank on the week ending the 5th of January last, when it was £10,537,000; on the 26th of April it was £9,723,000, and on the 3rd of May £9,807,000, showing a deficit since the first week of the year of £730,000. That was the whole of the diminution of the amount of bullion in the Bank of England, compared with the first week of the year. It was to be observed that the drain of bullion on the Bank of England had been caused, to a certain extent, by the Turkish loan, the residue of which, now in the Bank of England, was £650,000. That drain would now cease, and the supplies required for the Commissariat chest, now the war was at an end, would be much less than it had been lately; so that, under these circumstances, it was more than likely that the amount of bullion in the Bank of England would increase rather than continue to diminish. The Government had no intention at present to propose any measure for altering the Bank Charter Act of 1844.

## THE MURDER OF MISS HINDS—PETITION OF THOMAS DUNNE.

MR. KENNEDY rose to call the attention of the House to certain circumstances connected with the trial and conviction of Thomas Dunne, under sentence of execution for the 16th instant, for inciting James Murphy and Patrick Bannon to murder Miss Charlotte Hinds, and to the refusal of the Attorney General for Ireland to grant his fiat for a writ of error. The adjournment of the House for the holidays imposed upon him the necessity of bringing this case forward on the present occasion. He had had difficulties to contend with, and which had been greatly increased by certain proceedings which had taken place in the other House of Parliament on this subject. He thought the best course he could take to make the House acquainted with the facts would be to read the affidavit made by the attorney for the prisoner. He stated that Thomas Dunne was indicted for inciting James Murphy and Patrick Bannon to murder Miss Charlotte Hinds. The prisoner was put to his challenges, and, having challenged twenty peremptorily, the jury was ultimately completed. One of the jury complained of being ill, and he withdrew, and another juryman, named William Nixon, was added to the panel. The attorney for the prisoner stated that, although it was known that Nixon had expressed opinions hostile to the prisoner, yet, as the prisoner had already exhausted his twenty challenges, he was compelled to submit to Nixon being sworn on the jury. What was contended on behalf of the prisoner was this—that a jury having been sworn to try the prisoner, and one of the jurymen having been taken ill and retired, the jury itself was altogether discharged; and that, therefore, when the Attorney General called Nixon to take the place of the juryman who had so retired, he in effect called a new jury, which gave to the prisoner the same right of peremptory challenge as he had when the first jury was called. That was the main ground on which the objection of the prisoner rested. It was contended that the Attorney General ought to have afforded the prisoner the right of challenge *de novo*. The affidavit of the prisoner's attorney showed that this was not a mere empty objection, for the prisoner would certainly have challenged one man who was on the jury. Well, the trial having taken place, and a conviction having been obtained, the prisoner applied to the Attorney General for Ireland for his fiat for a writ of error, but which that right hon. and learned Gentleman refused to grant. There could be no doubt that in this instance the right hon. and learned Gentleman had committed an error in judgment, which the ablest were occasionally liable to do. There were authorities to show that the prisoner was entitled on this occasion to a writ of error. At the assizes at Tralee, in 1830, a case occurred in which a juryman was discharged, and, on another juryman being called, it was decided by Baron Pennefather that the prisoner had a right of challenge just as if no jury had been sworn. He had endeavoured to discharge his duty by bringing the facts before the House, and the responsibility of acting would now rest with every Member equally with himself.

THE ATTORNEY GENERAL FOR IRELAND (MR. J. D. FITZGERALD) said, that although no good could spring from a discussion not terminating in any Motion, the hon. and learned Gentleman was entitled to every consideration, for the question was one of life or death. If the House should overrule the decision at which he (Mr. J. D. FitzGerald) had arrived, no one would rejoice more than he, because it would relieve him from a weight of very painful responsibility. He trusted that he understood the duties he had to perform, not only as regarded the unhappy convict, but as regarded the public, whom, in these matters, the Attorney General in some degree represented; and, if he had not the moral courage to perform those duties to the best of his skill and judgment with fearlessness and firmness, he should be unfit to fill the office which the Queen had been pleased to confer upon him. He did not complain of the course which had been pursued by the hon. and learned Gentleman, but there was clearly great misapprehension upon the subject. There appeared to be an impression that the prisoner had been unfairly treated, by not being afforded the opportunity of challenging peremptorily the jury. Whether there was or was not any technical irregularity, he (Mr. FitzGerald) would assert most confidently that the trial of the prisoner was most impartial, and he was at a loss to discover a single point upon which it could be alleged that an injustice had been done to the prisoner. He was not aware whether the proceedings in criminal trials in this country were in every respect similar to those in Ireland, but there they were of a most solemn and impressive nature, and had been observed most carefully upon the occasion of the late trial. The complaint was, that the prisoner had not been allowed his peremptory challenge. The course of criminal trials was this— when a jury panel had been drawn, it was the duty of the Clerk of the Crown solemnly to apprise the prisoner that he had a right peremptorily to challenge twenty jurors; that was to say, to object to any twenty of them without assigning any reason for so doing, by merely saying the word "challenge"—and also that he had an unlimited right of challenge "for cause." That warning was given to the prisoner. It was also the duty of the Clerk of the Crown, at the commencement of the trial, to apprise the prisoner that then was the time to challenge — that warning also was given to the prisoner. There was a further protection offered him. As a prisoner, from his humble circumstances, was often unable to have the assistance and advice of counsel, the following precaution was provided for him by the Crown—and this was done in the present case—when a juror was sworn he was required to hold the Testament in his hand, the Clerk of the Crown saying these words —"Juror, look upon the prisoner; prisoner, look upon the juror," the object being to give the prisoner the opportunity of challenging. In this particular case every one of these formalities was gone through, and a jury of twelve was sworn, the prisoner having exercised his right to challenge peremptorily, and six persons having been set aside upon the ground of their coming from the neighbourhood of the place where the crime was committed. In addition to this, he (Mr. FitzGerald) took care himself to lay down certain rules for the guidance of the Crown solicitor, inasmuch as the nature of the trial was peculiar, and he was desirous that nothing irregular should be done. It was the right of the Crown to "set aside" jurors; and though that right had been sometimes abused by the Crown for the purpose of "packing" a jury, he hoped that it could never be said of him that he used the power for any such unworthy purpose. He now held in his hand a copy of the instructions which he had given to the Crown solicitor:—1st. Remove all publicans and persons in the spirit trade. 2nd. All whom you have good reason to believe to be members of the Riband Society or other illegal societies. 3rd. All persons from the immediate vicinity of the scene of the offence. 4th. No juror to be set aside by reason of his religion. In addition to this, if the prisoner's counsel objected to a juror, the Crown did not put him to his challenge, but exercised its right in the prisoner's favour, and set him aside. There was another provision made for the prisoner; inasmuch as it was a Special Commission, and the prisoner was poor, he had the whole Bar to select his counsel from, and the Crown undertook to pay the expense. The prisoner named to represent him a gentleman of undoubted skill, of high character, and great experience, and with such assistance for the prisoner, the trial proceeded. After the jury had been sworn and the counsel for the Crown opened the case, but before any witnesses had been examined, or other steps taken, it was announced in court that one of the jurors was so ill that attendance upon what threatened to be a protracted trial might endanger his life. Accordingly, the Chief Justice of the Common Pleas asked him (Mr. FitzGerald) what course ought to be adopted. The ordinary course was to swear a medical man to examine the juror, and if it were found that he was too ill to proceed, then to discharge him. That course was adopted, and upon the certificate of the medical man the juror was discharged. Under those circumstances, although the trial had not commenced, although no witnesses had been examined, the jury was formally discharged, and another jury was sworn. The new jury was sworn, consisting of a new juror and the original eleven, every one of whom was re-sworn, with the same forms and solemnities as had been originally observed, except that the formal warning was not given to the prisoner by the Clerk of the Crown, that he was at liberty peremptorily to challenge the jury; but the counsel and attorney of the prisoner were by, and they might have challenged. When the jury was called over, and the Clerk of the Crown came to the new juryman, he asked the prisoner if he had any objection to this new man; and, no objection being made, he was sworn. The trial proceeded, no objection was taken—no suggestion was made, and he (Mr. J. D. FitzGerald) observed that in the statement which had been drawn up there was no allegation that the prisoner's counsel was not aware that he had the right to challenge. The trial occupied two days, and after a very long speech from the prisoner's counsel, and much evidence on his behalf, the jury brought in a verdict of guilty. Hon. Gentlemen were aware that, after the jury had returned their verdict, the prisoner had another opportunity of urging any reason why the judgment of the Court should not follow. The Clerk of the Crown went through the solemn form of calling the prisoner forward, of informing him that he had been found guilty, and asking him if he had anything to urge why the sentence of the law should not be pronounced. Nothing was said—no suggestion of irregularity or unfairness was made either by the prisoner or his counsel, and the sentence of the law was pronounced. It was not until some weeks after that anything further was heard upon the subject, when an application was made to the learned Judges who tried the case to grant their certificate, for the purpose of taking the case before the Court of Criminal Appeal. The learned Judges refused their certificate. Application was then made to him (Mr. J. D. FitzGerald) to grant his fiat for a writ of error. It was undoubted law that a writ of error could not issue in Crown cases without the fiat of the Attorney General, but it was not a thing to be granted or refused at the mere pleasure or caprice of the Attorney General; and in withholding it in this case he had acted on his deliberate judgment. He was in London when he received the papers; but, entertaining a strong opinion on the case, he proceeded to Dublin for the purpose of hearing the counsel of the prisoner—and, on Monday last, every ground was urged upon him in support of the prisoner's case. In the course of the discussion, he put this question to the prisoner's counsel, "Did you at the trial observe what you now alleged to be a defect, or was it something which afterwards occurred to you?" Counsel answered—"I did observe it at the trial; got two persons to take a note of what occurred; and I did not take the objection at the trial, because I intended to take it afterwards." That was to say, he took his chance of a verdict, and when he found it was adverse to him, he endeavoured to take advantage of a technical objection. Having heard all counsel had to urge on the prisoner's behalf, he (Mr. J. D. FitzGerald) entertained not the slightest shadow of a doubt that there was no question to be raised or discussed on a writ of error, and he therefore felt it to be his duty to refuse his fiat. The objection, if there was any ground for it, ought to have been taken at the trial, and he felt it would have been an improper exercise of the discretion vested in him if he had allowed his fiat to have gone forth. The only effect of it would have been to have prolonged the unhappy position of the convict, without giving him the slightest ray of hope; but if there had been the smallest ground for acceding to the application, he would have been glad to have done so. The application to him even rested on error in the record; but on looking to the record, a copy of which he had now before him, the allegation of fact was entirely negatived, and a writ of error would have been a most idle and mischievous proceeding. He had acted to the best of his judgment, and with the mental intrepidity which became him; but if the appeal to the House of the hon. and learned Gentleman should have the effect of reversing the decision at which he (Mr. J. D. FitzGerald) had arrived, no Member would more rejoice than himself.

THE ATTORNEY GENERAL said, he should not do justice to his hon. and learned Friend the Attorney General for Ireland if he did not say that he had not the slightest shade of doubt that his hon. and learned Friend had exercised a sound discretion in this matter. It was certain that a writ of error could not issue without the fiat of the Attorney General. This he stated not simply on his own judgment or opinion, but on the decision of the Court of Queen's Bench. In a case which had recently come before the Court of Queen's Bench in this country, where the Attorney General had refused his fiat, application was made to the Court to issue its *mandamus* to compel the Attorney General to give his fiat. Having satisfied himself that this was not an objection arising on the record, he had looked to see whether, in his opinion, justice had been substantially done. If justice had not been done he would have granted his fiat, that the error might be rectified, but he was satisfied that substantial justice had been done to the prisoner, and refused his fiat. The Court held that the matter was entirely within the discretion of the Attorney General, and they could not control it; but they added that they entirely concurred in thinking that the Attorney General was right in refusing his fiat where he was satisfied that justice had been done, and when the error was a technical one, of which advantage might have been but had not been taken at the trial. It was not the fact that the right of challenging the eleven jurymen before the twelfth was sworn had been withheld from the prisoner; he did not claim, and did not exercise it. Even if the officer of the Court had omitted to tell the prisoner that he had a right to challenge, he did not think that would be a ground upon which error could be assigned. It was part of the law, which every one was presumed to know. But in this case the prisoner and his counsel were informed as to their right; instead of exercising it they took their chance of a verdict; and after the prisoner had been convicted they applied to his hon. and learned Friend for his fiat upon this purely technical point. His hon. and learned Friend, however, acted upon the sound principles laid down by the Court of Queen's Bench in the *Queen* v. *Newton*, and thinking that substantial justice had been done, he had the moral courage to take on himself the responsibility of refusing his fiat. This question had been brought forward in another place, and all the luminaries of the law—Lord Lyndhurst, Lord Campbell, Lord St. Leonards, Lord Brougham, and the Lord Chancellor—expressed the opinion that his hon. and learned Friend had acted legally and constitutionally. After the statement that had been made that evening, he was sure that no one would believe that perfect justice had not been done to the prisoner.

MR. WHITESIDE, on the whole, thought it would have been better if the Crown had informed the prisoner that he had a right to challenge the eleven men again before the twelfth was sworn. He was by no means sure that it was the duty of the counsel for the prisoner to point out any error in the proceedings instead of taking advantage of it. When he defended Smith O'Brien he took the objection—he could now confess that it was a bad one—that the prisoner had not been furnished with a list of the witnesses for the prosecution. It was a question whether it would not be better to allow a doubtful point to be argued before the Court of Criminal Appeal upon a certificate of counsel, instead of leaving it, as at present, to the option of the Judges. He doubted, too, whether it was in accordance with our beautiful system of law that the prosecutor should have power to refuse his fiat for a writ of error. He did not think, however, that the hon. and learned Gentleman had improperly exercised his discretion in this instance.

MR. NAPIER agreed with the hon. and learned Gentleman who spoke last as to the advisability of having given the prisoner an intimation that he had a right of challenge, but he considered that the Attorney General for Ireland was justified in withholding the fiat in this instance.

MR. M'MAHON read a passage from one of the affidavits to show that the prisoner would have struck off one of the eleven jurymen if he had had the opportunity. Ours was a law of usages and customs, and if the right of challenge were a component part of it, and not simply an idle and unmeaning form, the prayer of the petitioner ought to be granted. There was no precedent to justify such a departure from the ordinary practice as had been permitted in the present case. There was the high authority of Chief Justice Holt for the doctrine that the writ of error was a matter of right, not grace, and that it did not depend on the discretion of the Attorney General. The sooner the House arrived at a clear understanding on the subject and decided that when there had been erroneous judgment the case should be reviewed by a competent authority, the better would it be for the administration of justice. The people would have greater confidence in the tribunals of the country, and the Judges would be more careful in dealing with the lives and liberties of their fellow-subjects. As the present was a new case, the safest course would be to give it a liberal construction, and there was an additional inducement to do so in the reflection that, whatever injury might follow from rejecting the petition, none could possibly result from granting it.

MR. I. BUTT gave his hon. and learned Friend (Mr. J. D. FitzGerald) every credit for having acted with boldness and manfully doing his duty on the present occasion. At the same time he was bound to express a hope that the refusal to allow the writ of error would not be drawn into a precedent; the issuing the writ did not imply a reversal of the original sentence; it simply afforded the opportunity of examining whether the proceedings in the Court below had been strictly regular. The real question to be considered was, had the prisoner the right. No matter how technical the objection, no matter what the impression as to his guilt—had they a right to take away his life, except according to law? Now, in the present case, the prisoner alleged that he had not been tried according to law; while a gentleman whom he (Mr. Butt) might say ranked amongst the highest of the common law Bar in Ireland—he meant Mr. Fitzgibbon—deliberately set his hand to the statement that in the present proceedings there was "error"—and that that error was sufficient to vitiate the proceedings. There was no instance on record of an Attorney General refusing his fiat after such a declaration had been made by so eminent a counsel. And there was the less reason why the fiat should have been withheld in the present case, inasmuch as the error complained of was that of the Attorney General himself, who was bound to give the prisoner every right the law permitted. The Attorney General had, with the best intentions, asserted a prerogative that was objectionable in principle, and had already proved mischievous in practice; for it was no light matter that the extreme sentence should be carried into effect on any man in regard to whom there was a reasonable cause to doubt whether he had had such a trial as the laws of his country prescribed.

MR. BAINES considered that no injustice had been done by the refusal of his hon. Friend the Attorney General for Ireland to give way on a mere technical point. There might have been considerable excitement in Ireland on the subject, but it must have arisen from an entire misapprehension of the facts. The hon. and learned Members for Enniskillen and Dublin had been quite convinced by the explanation of the Attorney General, and it must be satisfactory to his hon. and learned Friend to know that those who were best qualified to judge had pronounced their entire approbation of his conduct. In addition, the highest judicial authorities in another place had given their opinion that the Attorney General for Ireland had acted with the strictest propriety. He (Mr. Baines) hoped his hon. and learned Friend's conduct would serve as an example to future Attorneys General, when called on to perform a painful and delicate, but indispensable duty.

MR. J. G. PHILLIMORE thought that this was a most anomalous power to lodge in the hands of the Attorney General, and that it was most desirable it should be removed from him. He was, however, satisfied that the hon. and learned Gentleman had exercised it in the present case with great propriety and with that moral courage which society had a right to expect from a man occupying his position.

MR. WATSON said, that he could not conceive that, with a due regard to the duties of his office, the hon. and learned Gentleman could have followed any other course than that which he had pursued. If a writ of error were to be granted upon such frivolous grounds as those put forward in this case, writs of error would be sued out upon every conviction that took place. He would defy any lawyer to get up and state to the House and the country, that in this case there was error upon the record. Had there been a challenge, and that challenge refused, and a statement of that refusal indorsed on the record, it would have been different. But if there had been any failure of justice, which he did not believe, it would be owing to the fault of the prisoner's own counsel in not taking the trouble to whisper across the table to the Attorney General that he wanted to challenge one of the jurors. He deprecated very strongly hon. Members standing up in that House and making statements which went to insinuate that a man had been improperly convicted.

**Mr. Serjeant SHEE** said, it was true that, strictly speaking, this was not a matter of error on the record, and so far the Attorney General was quite right in saying that he would not grant his fiat for a writ of error when there was no error on the record. But that was not the substantial question before them. It was rather a matter for the discretion of the Crown, advised by the Attorney General, than a matter for the discretion of the hon. and learned Gentleman whether or not he would grant a new trial. The prisoner had challenged twenty men peremptorily; but as, from the illness of a juryman, the other eleven had to be resworn, with the new juryman, this was in reality a new jury, and the prisoner had the right of peremptorily challenging twenty more. He could not help thinking, under all the circumstances, that the Attorney General would have taken a better course if he had distinctly informed the prisoner of his right to challenge, and if he had called the attention of his counsel to the power which they could exercise. Not having done that, he was of opinion that the Attorney General would have done well to advise the Crown to permit the opinion of the learned Judges to be taken upon the question.

## THE QUEEN'S MESSAGE—MAJOR-GENERAL SIR W. F. WILLIAMS, K.C.B.

The Queen's Message *considered* in Committee.

The Chairman having read the Queen's Message as follows:—

"Victoria R.

"Her Majesty being desirous of conferring a signal mark of Her favour and approbation on Major General Sir William Fenwick Williams, K.C.B., for the eminent and distinguished services rendered by him as Her Majesty's Commissioner at the Head Quarters of the Turkish Army in Asia, and particularly in the gallant defence of Kars, recommends it to the House of Commons to enable Her Majesty to make provision for securing to Sir William Fenwick Williams a Pension of One Thousand Pounds per annum for the term of his natural life."

**Viscount PALMERSTON**: Sir, the distinguished and brilliant services of General Williams are so fresh in the recollection of everybody I am now addressing, that I feel that I should really almost be doing injustice to that gallant individual by entering into any detail of the grounds on which I propose to move an Address to Her Majesty in answer to Her gracious Message. It has seldom fallen to the lot of any man to be able, in his own person, to perform services more brilliant, displaying more the energy of a commanding character, or more calculated to produce important results, as far as those results depended on the exertions, talents, and efforts of the gallant officer himself, than have been performed by General Williams. I will only make one remark, and that is, that General Williams is, I believe, a native of Nova Scotia; and it therefore must be a matter of satisfaction to the House to feel that our fellow-countrymen in North America have partaken, through the person of General Williams, in the distinguished services which marked the war in the East. I have only to add that Her Majesty has been pleased to confer upon General Williams the dignity of a Baronet, and, in order to mark more distinctly the services for which that honour is conferred on him, Her Majesty has been pleased to grant that the dignity be held with the style and title of Sir William Fenwick Williams, of Kars. I beg to move to resolve—

"That the annual sum of One Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be settled upon Major General Sir William Fenwick Williams, K.C.B., for the term of his natural life, to commence from the 8th day of May, 1856."

**Sir JOHN PAKINGTON**: Sir, I believe that in point of strict form, it is not necessary that a Resolution moved when the House is in Committee should be seconded. Nevertheless, I hope I may be allowed the great gratification of stating in a few brief sentences how cordially I concur in the proposal now submitted to the Committee by the noble Lord. Sir, I feel convinced that not only will the Motion of the noble Lord be carried with acclamation by all within these walls, but I hope and believe that out of doors the proposal will receive the sanction and support with no less unanimity of every subject of Her Majesty. Sir, no Member in this House concurred more heartily than I did in the tribute of gratitude paid to the gallantry of the army and navy yesterday, so eloquently proposed and so unanimously adopted by the House. I feel very strongly that next after those signal mercies for which during the late war this nation has reason to be grateful to Divine Providence, the early and successful termination of the war must be attributed to the wonderful gallantry of the British army and the noble spirit of the British people. Never were those high qualities more conspicuous than they have been during the late war; and I am glad to take this opportunity of stating that I entirely agree with the observation which fell the other evening from the noble Lord the Member for London, when he said that the events of the late war have offered an additional and a triumphant proof of the vigour and power of free institutions. But the position and services of General Sir William Williams of Kars have been altogether peculiar, and quite distinct from those services recognised in the unanimous vote of yesterday. In the case of General Williams, neither the high spirit of the British people nor the gallantry of the British army could exercise any successful influence on the defence or fall of Kars. Had it been otherwise, perhaps, there is nothing presumptuous in believing that the fate of that fortress might have been very different from what it was. I think, Sir, I should only give expression to what every man must feel, when I express the opinion that the conduct of General Williams, in the defence of Kars, displayed a combination of all the highest qualities of the British character—that it was marked, by all the valour, all the sagacity, and all the skill which make an eminent commander. Amongst other reasons for our rejoicing at the termination of the war is the consciousness that the restoration of the blessings of peace terminates the captivity of General Williams; and I cannot allude to his captivity without uttering some words of recognition of the generous treatment he has received from General Mouravieff. That generous treatment has been recognised by General Williams himself, in the most grateful language; and we find interesting records of the same behaviour in the pages of Dr. Sandwith. General Williams, I hope, Sir, will in a few days return to this country. I trust that upon his return, with restored health and covered with honour, he will be received with that enthusiasm which his eminent services so fully deserve. I am convinced that upon his return to his native land General Williams will be deeply gratified—as I, in common with my countrymen, feel grateful to Her Majesty, and, I must say, to Her Majesty's Government—for the prompt, generous, and appropriate recognition of his services, which, though not crowned with success, will stand out in history as amongst the most conspicuous and distinguished of those glorious deeds of which there have been so many instances in the late brief but sanguinary war.

MR. SEYMOUR FITZGERALD said, he could assure the House that he had no desire to interpose by any observations of his to prevent them from proceeding with the business that was immediately to follow this Resolution; nor was he presumptuous enough to suppose that anything which he could say could add value to the statements of the noble Lord or the sentiments expressed by the right hon. Gentleman. But while they remembered with admiration and gratitude the distinguished and eminent services of General Williams, he hoped he might be pardoned if he expressed a hope that they would not forget the very valuable services of the small but gallant band who had stood by General Williams's side through the many eventful months of that memorable siege, and who had contributed almost as much as their distinguished chief to make the character of British officers admired and respected throughout the world. He must take the liberty of saying that he thought the country had neither been generous nor prompt enough in its recognition of the claims of the companions of General Williams at Kars. For instance, let them take the case of Colonel Lake. That gallant colonel was a distinguished officer in the East India Company's service when he was engaged by Her Majesty's Government to go to Kars; and though he was at the time on leave of absence in this country, he gave up a valuable and important post in the East Indies to comply with the wishes of the Government. He was employed at Kars on a very reduced salary. Every one knew that he there rendered most important services. He had in a short time succeeded in making what had been the trifling fortress of Kars an almost impregnable fortress; of which fact they had the testimony of the Russians themselves, who had styled him the English Todleben. He thought we might take a lesson from the manner in which the Russian Government had recognisd the services of General Todleben, who, from being a subaltern in the Artillery, had been raised to the rank of general, and had received every honour which his Sovereign could confer upon him. Then there was the case of Lieutenant Teesdale. No one who had read the report of that able officer could have failed to be struck by the intelligence and prudence of all his arrangements. His skill and intelligence could only be equalled by his gallantry and humanity. Dr. Sandwith mentioned one cirumstance connected with Lieutenant Teesdale which was not forgotten by the enemy when he was at length taken prisoner. It was, that in the midst of a storm of grape and musketry he leaped over a battery to save the life of a Russian officer who was being ill-treated by some fanatic Turks. From all that they knew of General Williams, he (Mr. S. Fitzgerald) was sure that though he would gratefully appreciate the value of the present recognition of his services by the British Parliament, he would still feel that something was wanted to make his triumph complete if honours extended to him were not shared in by those who, by their counsel and personal valour, had contributed to his success. He (Mr. S. Fitzgerald) did not know that Government might not have some honour in store for those officers: at all events, he hoped that no mere routine—nothing of that which was called red-tapeism—would prevent unprecedented services from being marked by unprecedented rewards.

Colonel NORTH said that, of course, he could not know how the Government proposed to carry out the wishes of Her Majesty; but he was sure that it would afford increased pleasure to the country if it were known that the baronetcy which was to be conferred upon General Williams was bestowed free of all the ordinary fees upon such occasions. In the case of Sir J. Burgoyne the fees had been paid by the Government.

Sir GEORGE GREY: They are always paid by the Government when the baronetcy is conferred for services in the field.

Colonel NORTH expressed his satisfaction that such was the case. He regretted to hear that, under the present statutes of the Order of the Bath, the distinctions of that Order could not be conferred on those young men, the distinguished companions of General Williams. He, however, hoped that there would be a considerable increase made, on the occasion of the Queen's birthday, in the number of those who obtained the Bath distinctions—that those young officers would then be remembered, and that the distinguished veterans of the Peninsular war would not be forgotten either. One case would illustrate the hardship of the present statutes of the Order. A young soldier, Lieutenant Colonel Packe, took the command of the 7th Fusiliers, after Colonel Yea was killed, and was shot down in the attack on the Redan, near the abbatis. He was unable, owing to the severity of his wound, to sign when the list of the killed and wounded was being taken, and was omitted from Lord Raglan's despatch. So that the circumstances of his having been badly wounded, which should have entitled him to additional honour, actually shut him out from a participation in the honours of the Order of the Bath. He (Colonel North) had seen letters from Generals Codrington and Simpson, and the officer who commanded the brigade on the occasion, all concurring in their statement of the services of Lieutenant Colonel Packe. He (Colonel North) thought that this case illustrated the necessity of a change in the statutes of the Bath.

Mr. STAFFORD said that, as the hon. Member for Horsham (Mr. S. Fitzgerald) had paid so graceful a tribute to some of the comrades of General Williams at Kars, he must be excused if he ventured to mention the name of Dr. Sandwith, who had been liberated by General Mouravieff on account of the humanity and skill with which he had treated not only Turkish but Russian soldiers. This circumstance reflected great credit upon Dr. Sandwith. It was not for him (Mr. Stafford) to suggest to the Government, how they should treat the brave comrades of General Williams, because he saw that there was every disposition on the part of the Government to reward those men who had shed such lustre on the British name; and he would only add that, since his return to England, Dr. Sandwith had, by his modesty and ability, conciliated the esteem and regard of all who had the happiness of knowing him.

MR. WATSON said, he thought it a great hardship that there should be thirty-five officers between Lieutenant Teesdale and promotion. His conduct in the defence of the batteries, and the bringing up of the troops, had very much contributed to the glory achieved by the general defence of Kars. Mr. Teesdale's duties were not those of a lieutenant, but those of a consummate general. Such abilities were very rare in our army, and Lieutenant Teesdale should get promotion for the duties he had performed. They had found an officer of ability and education, and they ought to promote him.

*Resolved, Nemine Contradicente*—

"That the annual sum of One Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be settled upon Major General Sir William Fenwick Williams, K.C.B., for the term of his natural life, to commence from the 8th day of May, 1856."

Resolution to be reported on *Monday*, 19th May.

The House resumed.

## POLICE (COUNTIES AND BOROUGHS) BILL.

Order for Committee read.

House in Committee.

Clause 6 (On establishment of an efficient Police, one-fourth of the charge for pay and clothing to be paid by the Treasury.)

SIR WILLIAM JOLLIFFE moved to leave out so much of Clause 6 as made the payment by the Treasury of a portion of the charge for the police, in counties and boroughs, dependent upon the certificate of the Secretary of State. He did not think it necessary that the Secretary of State should step in to say that the rate had not been properly applied, and that proper persons had not been appointed, and that, therefore, the ratepayers should be deprived of one-fourth of the expenses, which one-fourth was, under ordinary circumstances, to be paid out of the Consolidated Fund. He believed that his Amendment would not make the Bill less efficient, while it would deprive the Secretary of State of such arbitrary power.

SIR GEORGE GREY said, he should be extremely glad if the power given to the Secretary of State could be dispensed with; but the object of the Bill in proposing to grant money for the police was to carry out the efficiency of the police; but the effect of the Amendment would be to make it necessary for the Government to issue orders for grants of public money, whether the police were efficient or not. He could not take upon himself any such duty. He was ready, if any additional check could be imposed, to provide it as to the power of the inspectors. There had been a suggestion of the right hon. Member for Portsmouth (Sir F. Baring), that the Report should be transmitted from the inspectors to the Government, and by the Government to the proper authorities; but such suggestions could not be inserted in an Act of Parliament; it would be difficult to find words for them. He was, however, prepared to insert a clause to the effect, that when a certificate for expenses was refused a statement of the ground of such refusal should be laid before Parliament. This he thought would meet the difficulty.

SIR JOHN PAKINGTON could not support the Amendment of his hon. Friend the Member for Petersfield (Sir W. Jolliffe), because he thought that, in cases where a grant was made from the public funds, some security should be provided that that grant was properly applied; and he was also of opinion that the proviso suggested by the right hon. Baronet (Sir G. Grey) would go a long way towards meeting the objections made to the clause. However, he (Sir J. Pakington) thought that the clause was still open to objection; for, though the inspectors would no doubt be very respectable persons, they might make reports that might be very much objected to by the parties locally interested. The proviso of the right hon. Gentleman did not meet that. Justice required that, before the grant was withheld, those parties who should suffer by the withholding of it should be heard—that the Secretary of State should communicate the report of the inspectors to the local authorities in boroughs and counties, and call on them for an explanation. In case that explanation were not satisfactory there could be an intimation that if the police force were not placed in a more satisfactory state the grant would be withdrawn.

SIR GEORGE GREY thought that the course suggested by the right hon. Baronet opposite (Sir J. Pakington) was the very one which a Secretary of State would take; but there was a difficulty in defining by a clause the particular *modus operandi.*

SIR FRANCIS BARING considered that, in cases where the report of the inspectors was unfavourable, it would only be fair that the parties concerned should have the opportunity, not only by the equity of the Secretary of State, but by the law of the land, of making an answer to it.

SIR JOHN TROLLOPE said, that although he had in the Committee on this Bill differed from the majority, yet, as the House had affirmed the principle of the Bill, he thought it his duty to make the measure as good as it was possible to make it. If the principle of a compulsory contribution to the police was to be established, it was necessary that there should be an inspectorship; and, if so, there must be reports from the inspectors in order to show that the whole police system was working upon a uniform principle throughout the country.

MR. HENLEY was of opinion, that if the House could now go into the consideration of the hon. Member for Norfolk's (Mr. Bentinck's) Amendment, much time would be saved. He thought there should be a minimum as to the number of police fixed by the Act. If this were not done, and the clause now before the House stood as it was, the inspector sent to a particular county or borough, might be of opinion that the number of police was not sufficient; and thus the inhabitants, after having gone on for a year, might find themselves deprived of the contribution of one-fourth, which was to be paid out of the Consolidated Fund. Again, this grant might be withheld on the report of the inspectors that the police force was not in an efficient state of discipline, though the magistrates had no control over the chief constable, and that officer could not be appointed without the sanction of the Secretary of State, who thereby became responsible for his appointment. [Sir G. GREY: The magistrates may dismiss him.] That was true; but they would have no control over him in matters of discipline, and, therefore, he thought that the present arrangement was not a satisfactory one. At all events the number of police ought to be fixed, and not left to the capricious judgment of local parties and inspectors, who might arrive, respectively, at such opposite conclusions. He thought also, that the report of the inspector should be sent in the first instance to the authorities of the police, so that they might have an opportunity of being heard before the Secretary of State gave his final judgment upon the matter.

LORD LOVAINE said, that if the report of the inspector was dealt with as had just been proposed, it would be placing the entire power in the hands of the magistrates. He did not concur with those who imagined that the Secretary of State was likely to interfere every time that a case was brought before him by the report of the inspector. He was not at all likely to incur the trouble and animosity consequent upon such interference, in which he would be sure to be accused of unfairness and partiality. The danger was in the contrary direction—that owing to all those difficulties, the Secretary of State would interfere too little. He should be glad to see a measure established, at least in regard to numbers. He should vote for the clause as it stood.

MR. KNIGHT said, that without a minimum he could not imagine anything more dangerous than the power given to the Secretary of State. It was placing in his hands an army of policemen to any amount. The power of fining given by the Bill without trial seemed to be intolerable, for the way in which the rates were to be levied, in the case of a police reported insufficient, amounted to a fine.

MR. BENTINCK thought that the Government would be neglecting their duty, if they did not insist upon the right of inspection. He admitted that some difficulty would arise upon the question of numbers; but that was a reason why the Amendment of which he had given notice should be adopted.

SIR WILLIAM HEATHCOTE thought that if the suggestions of the right hon. Member for Portsmouth (Sir F. Baring), were acted upon, the other suggestions that had been made would fall into the background. Where a police force had been recently established, and Government had approved of a certain number in proportion to the population, it would be perfectly unreasonable that they should listen to the representations of an inspector that the number there was insufficient. He granted, however, that if the county, district, or borough, went on a long time resisting what was a case of emergency for increasing the number, then the case would have arisen in which the Government ought to refuse their aid. So also with respect to the question of discipline the same rule should apply. He attached great importance to the reports of the inspectors being well checked, and he hoped the Secretary of State would endeavour to give rather more effect to the suggestion of Sir F. Baring than was given by the Bill in its present shape.

Mr. BECKETT DENISON said, it appeared to him that the only penalty for not adopting the Bill would be, that the county or borough omitting or refusing so to do, would not get the money; but in some instances this would be a positive advantage and saving of expense to the locality. He confessed, however, that the Bill completely puzzled him. Take the West Riding of Yorkshire for instance. There they had no rural police. Pass the Bill, and send it down to them. How were they to be compelled to adopt it? Why, they were not bound to appoint any number of constables unless they liked, which meant that they would not get any money unless they complied with the recommendations of the inspectors. The fact was, he believed, that the same anomalous state of things would exist after the passing of the Bill as they found to prevail now.

Mr. RICE said, that all counties that had adopted a police had found it an efficient one, and he felt confident that if the Bill passed in its present shape, an efficient police would be appointed in those which had not yet adopted one.

Mr. MILES was decidedly of opinion that the inspectors' report should be furnished to the justices or other parties who were accused. He did not think that the certificate should be required for the first year after the passing of the Bill; for in all probability, when they came to bring the new force into action, it would be without discipline or efficiency, and possibly be insufficient in number; but surely it would be very hard at the expiration of only a year for the Secretary of State to refuse his certificate to the Treasury merely upon the report of the inspector, but if any deficiency was reported afterwards, he saw no reason why the reports of the inspectors to that effect should not be acted upon by the Government.

Mr. W. WILLIAMS objected to the clause, that a large amount of the public taxes—from £200,000 to £300,000—was given when nobody asked for it, and when there was an efficient police in all boroughs and in most counties.

Sir JOSHUA WALMSLEY thought that discipline might very easily be dealt with, but the difficulty would be with regard to numbers. This made it important to fix a minimum of numbers.

Sir GEORGE GREY said, it was difficult to fix a general minimum, because the population varied so much in counties; but, since it seemed to be the general feeling of the Committee that an arbitrary power should not be vested in the Secretary of State, without giving the parties affected by the Report an opportunity of answering the grounds upon which it was made, he had proposed a proviso, which he proposed should be annexed to the clause in these words—

> "That, before any such certificate shall be finally withheld with respect to the police in any county or borough, the Report of the Inspector relating thereto shall be sent to the Justices of the county or to the watch committee of the borough, and they may address any statement to the Secretary of State in every case where the certificate is withheld, and the grounds upon which the Secretary of State refuses such certificate, together with any such statement, shall be laid before Parliament."

A statement from the Justices or watch committee might remove objections; but if the Secretary of State persisted in withholding the certificate, the statement and the grounds upon which the Secretary acted would be laid before Parliament.

Sir JOHN PAKINGTON said, the proviso of the right hon. Gentleman came so near to the suggestion he had made, that he was quite satisfied with it.

Sir WILLIAM JOLLIFFE also observed, that the objections which he entertained to the clause were very much removed by the proviso. At the same time, he thought the clause was one which there would be extreme difficulty in carrying out. He would not, however, put the Committee to the trouble of dividing.

Amendment, by leave, *withdrawn.*

Sir HENRY WILLOUGHBY proposed, in that section of the clause which provides that the Commissioners of the Treasury shall pay such sum towards the expenses of the police "as shall not exceed one-fourth of the charge for their pay and clothing," to substitute the words, "one-half" for "one-fourth." In his view, the object of this Bill was to establish a compulsory system of police in England and Wales, and he thought the proposed contribution from the Treasury of one-fourth of the cost of such force was not sufficient. He might remind the Committee, that a very large sum of money was now paid by the State for police purposes. A great portion of the Irish police, a certain portion of the metropolitan police, and the stipend Magistrates of

London and Dublin were maintained by a charge upon the Consolidated Fund, amounting to nearly £800,000 annually. It must be remembered that the ratepayers of England and Wales contributed their proportion to the taxation from which that charge was defrayed; and he maintained that, if a police force was established compulsorily, it was not consistent with principles of equity and justice to throw three-fourths of the cost of such police upon the ratepayers. The ratepayers of England and Wales constituted a very small proportion—not more than one-sixteenth — of the whole population, and the property upon which they were rated did not comprise more than one-fifth of the property existing in those districts of the kingdom. Was it right, then, to charge three-fourths of the expense of maintaining the new police force upon one-sixteenth of the population and upon one-fifth of the property of the kingdom? The rateable property of England and Wales was estimated at £63,000,000 or £64,000,000, upon which, in the shape of poor rate, county rates, and other similar taxation, a property tax of 10 or 12 per cent was levied. Indeed, the local taxation amounted to a charge of 16 or 18 per cent upon rateable property, and from such charge the whole personal property of the country, which was precisely that description of property requiring the protection of police, was entirely exempted. It was a difficult matter to ascertain accurately the amount of personal property in England and Wales, but it was estimated by Mr. Porter and other eminent statisticians at £2,500,000,000. It was indisputable that there was an enormous mass of property which did not contribute a single shilling to any one of the local rates; and, he asked, what right they had to impose the new burden proposed by this Bill upon the ratepayers who were owners of a particular description of property? He would ask the Committee to consider who were the ratepayers of this country. If they took £100 of rate, it would be found that four-tenths of it were levied upon men occupying houses and buildings, comprising many just above positive want, but who were struggling for a livelihood; five-tenths were levied upon persons engaged in agricultural pursuits, who were rated according to the amount of their produce; and the remaining one-tenth was imposed upon mines and other descriptions of property. How, then, could the right hon. Home Secretary justify his proposition that the owners of a particular class of property should be called upon to provide for the protection of life and property, which was an obligation resting upon the nation? He hoped those principles of justice which uniformly influenced the House in dealing with questions of taxation would induce the Committee to adopt his Amendment.

Amendment proposed in page 6, line 3, to leave out, "one-fourth," and insert "one-half."

Sir GEORGE GREY said, the hon. Baronet seemed to suppose that the object of this clause was to impose a direct burden upon all the rateable property of the country, whereas its object was to exempt rateable property from charges to which it was now legally liable, and to defray those charges partially from the Consolidated Fund. The hon. Baronet raised the whole question of local taxation, and asked the Committee to agree to his Amendment, on the ground that a great portion of the property of the country was altogether exempted from such taxation. That question had been frequently discussed in the House; and he (Sir G. Grey) believed they had, by general consent, arrived at the conclusion that it was impossible to subject personal property to the taxation which was applied to real property, and that although personal property was exempt from rating, it was almost always enjoyed in connection with houses or land; and, therefore, those who paid in respect of their houses or land, did, in fact, enjoy the protection of the police for their personal property. The hon. Gentleman had shown no good reason for substituting one-half for one-fourth, and the Government, after consideration, were of opinion that the proposition they recommended was fair and liberal. The hon. Gentleman's argument, indeed, would go to throw the whole of the local taxation of the country on the general revenue. The Government thought one-fourth a fair proportion for the relief of local taxation, and they hoped the Committee would sustain them in this proposal. If, however, the Committee should adopt the Amendment of the hon. Gentleman, the Government would have to consider whether they were justified in proceeding with the Bill or not.

Mr. KNIGHT thought it obvious that the great proportion of the property stolen was personal property.

MR. BENTINCK said, he could not think that the right hon. Gentleman had met the argument of his hon. Friend (Sir H. Willoughby). The right hon. Gentleman had told the Committee that if they adopted the Amendment, the Government would be obliged to withdraw the Bill. [Sir G. GREY: No, I did not say that]. The right hon. Baronet said that the hon. Gentleman had failed to adduce any argument in favour of his Motion, but neither had the right hon. Gentleman given a specific reason for adopting the proposition he had recommended. Indeed, taking the figures of his hon. Friend, it seemed doubtful whether the proportion borne by the Consolidated Fund should not be four-fifths or fifteen-sixteenths of the whole.

THE CHANCELLOR OF THE EXCHEQUER said, that although the hon. Gentleman's Amendment only went to substitute one-half for one-fourth, his principle, if carried out, would abolish the entire system of local taxation. ["No!"] If the hon. Gentleman's argument were good for anything, it was good for imposing the whole charge on the general revenue. The hon. Gentleman not only said that the police rate ought not to be an exclusive charge upon real property, but that the poor rate, the county rate, and the borough rate ought also not to be exclusively borne by real property. He could only say that, if that principle were adopted, the House would find itself under the necessity of adding £15,000,000 to the annual Ways and Means to be voted by the House. He did not know the hon. Gentleman's authority for the statement, that the ratepayers were only one-sixteenth of the population, and that they held only one-fifth part of the property of the country. But it was clear that the ratepayers were by far a more numerous class than any class that was liable to direct taxation. They were not so numerous, of course, as those who paid indirect taxation, because the indirect taxes were paid by the whole population. But every occupier of land or houses, however small, was by law rateable, and he could only escape the rate by being struck off by the magistrate on the ground of poverty. The question, then, was whether they would transfer these £14,000,000 or £15,000,000 from the ratepayers to the Queen's taxes. What would the House think if it were proposed to add £10,000,000 to the income tax? The income tax was now at the rate of £6 13*s.* 4*d.* per cent, and to raise it £10,000,000, the House must increase it by 10*d.* in the pound, each penny in the pound raising it about £1,000,000. Would any hon. Gentleman contend that if the income tax were raised to this amount, it would be a less grievous burden than the local rates which were distributed over so large a portion of the population? Let any Chancellor of the Exchequer try to double or treble the assessed taxes, the house tax, the taxes on tea, coffee, and sugar. Let him try to impose a tax on salt, or taxes from any other source, and he would find that the commutation of taxation recommended by the hon. Gentleman was anything but a relief. [Sir H. WILLOUGHBY: I recommended no such thing]. But if the principle laid down by the hon. Gentleman were carried into effect it would be anything but an advantage to the country. The Government had been asked why they had taken one-fourth rather than one-half? The Government had taken the example of the Metropolitan Police Act, where the rate was fixed at a maximum of 8*d.* in the pound, of which 6*d.* was paid by the parishes and 2*d.* by the Government. That arrangement had been acquiesced in by the parishes since 1829. If one-fourth were a fair proportion to be borne by the parishes in the case of the metropolis, where the police were employed in attending upon the Houses of Parliament, great ceremonials, and similar, public purposes, it could not be said to be an unreasonable proportion to be paid by the county rate. He trusted that the Committee would not agree to vote a larger sum than £200,000 out of the Consolidated Fund for this purpose. His right hon. Friend the Home Secretary had stated that if the Motion of the hon. Baronet were adopted, it would become a serious question with the Government whether they ought to proceed any further with this Bill; but he had not said that they had come to any positive determination on the subject. What his right hon. Friend had declared was, that the Government regarded this as an important part of their measure, which had been proposed after mature deliberation, and that if this Amendment were carried it would be a matter of grave doubt with them whether they ought to persevere any longer with the Bill.

MR. BECKETT DENISON said, the real question before the Committee was, whether it was reasonable to add £200,000 a year to the sum which the Chancellor of the Exchequer was ready to award to the counties. A larger amount than that would be saved to the Government by the suspension of transportation—the risk consequent upon which measure would be thrown upon the public; and therefore it would be only fair that an allowance of 50 instead of 25 per cent should be made to the counties. The Government would be gainers, in a pecuniary sense, by such an arrangement. Chancellors of the Exchequer were naturally very jealous guardians of the Consolidated Fund; but it was unjust to press so severely as was done upon the real property of the country, which financiers seemed to view as an excellent milch cow, to be drawn upon to whatever extent their convenience or their fancy might dictate. Land was now burdened with £14,000,000 of local taxation, in addition to which its owners had to contribute in common with all other classes to the imposts on articles of consumption; and beyond all question it was worse used than any other kind of property in the kingdom. All he asked for real estate was justice, not encouragement; and the same principle which warranted the concession of 25 per cent was equally good for conceding 50. The rural police of Lancashire cost £40,000 a year, and yet it was not better looked after than Yorkshire, which possessed no such force. If Parliament, however, insisted on the general adoption of a rural police, the proportion of the expense borne by the Consolidated Fund could not in equity be less than 50 per cent.

VISCOUNT EBRINGTON thanked the Chancellor of the Exchequer for the triumphant case he had made out for granting to the metropolitan parishes more than the 25 per cent. He denied that the object was to keep down the grants to counties, but contended that if £200,000 were granted to the ratepayers of counties, the same relief ought to be given to the ratepayers of the metropolis. Of course there were always a great number of persons and a great deal of property protected which no rate could touch, and it was exactly that class of property and persons which involved the necessity of establishing an efficient police. For the worst description of house property seldom paid anything to the rates, and the tenants were but too often composed of those who added to the crime of the country. All classes were benefited by the establishment of the police, the taxes of the country were very fairly demanded for their establishment, and certainly he had heard no reason for supposing that the one-fourth was the right proportion to be given by Government.

SIR FRANCIS BARING said, he did not think it necessary to go into the whole question of local taxation, however important; but it was desirable to consider whether this Bill laid a heavy burden on the ratepayers. He dared say that hon. Gentlemen opposite would be very much shocked, but really he did not think that the county rates ought to be relieved by sixpence. The second Report of the Committee on this subject showed that the establishment of a rural police was of the greatest advantage to the country. Surely, then, it was a peculiarly modest request to make on their part that the country should pay half the expense of its establishment, when the evidence before the Committee went to prove that the establishment of rural police had not cost the counties a farthing; and the Report itself stated that its adoption had been attended with advantages both of a moral and an economical character. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had himself stated that he would give much more for landed property in a county which had a police force than in one which had it not. If this was true, he could not understand why hon. Gentlemen should ask for 50 per cent out of the public revenue as compensation for the introduction of a system which was not only economical in itself, but actually improved the value of their property.

MR. KENDALL, having had much practical experience in the transaction of county business, could state that he had frequently been oblighed to fight against the suggestions of inspectors, who had little or no practical knowledge of their business, but merely wished to exercise their authority. He objected to giving them power to enforce their suggestions by enabling them to exercise a control over the payment of these charges.

MR. ROEBUCK was opposed to the payment of one-fourth of the expenses by the Treasury, as it was founded on a bad principle. The hon. Baronet's proposal was merely a concealed system of communism; he wished, in effect, to place a large sum in the middle of the table, and let everybody grasp at it. The promised contribution from the Consolidated Fund was a "sop" to propitiate the county

Members, who otherwise would have offered such resistance to the measure as would have insured its rejection. As it was, they had seen the opposition gradually melt away, and though furious at first, they next became mild, and ended by giving their support to the Bill. Nevertheless it might be well questioned whether it had rendered the Bill more worthy the acceptance of the House. The proposal to send down to the counties and boroughs a Government inspector, on whose fiat the grant should depend, was highly objectionable. The inspector would be to all intents and purposes the commander of the police, and his interference would be most detrimental as depriving the resident gentry of the inducement they at present possessed to look after the public interest of their respective localities. It was a fatal argument against the Bill that it would militate against that principle of self-government to which the English race in all parts of the world were so devotedly attached, and which had been of such inestimable value to them in forming their national character and fitting them for the enjoyment of the rights and liberties they so dearly prized. All encroachments on that principle were to be viewed with grave alarm.

THE CHANCELLOR OF THE EXCHEQUER observed, that the hon. Member for the West Riding (Mr. E. B. Denison), was mistaken in supposing that the contribution from the Consolidated Fund was to be justified on the ground of a saving occasioned to the Government by the abolition of transportation. True, there had been, consequent on that measure, a saving of colonial expenditure, but the advantage thus acquired was counterbalanced by the increased outlay for prisons and convict establishments at home.

SIR WILLIAM HEATHCOTE said, the objection taken by the hon. and learned Member (Mr. Roebuck) raised a question of great political importance; but the House had decided in favour of the principle of the Bill. The present question was far more narrow. It was merely a question of amount or degree, the principle of an allowance out of the Consolidated Fund being admitted. Attempts at rating stock-in-trade had been discontinued, not because it was unjust, but because it was impracticable. To compensate for that it was just to make allowance out of the Consolidated Fund in aid of county rates; and the only question was as to the proportion to be adopted. No answer had been offered to the argument that personal property was most protected by a police.

MR. MUNTZ supported the Amendment of the hon. Baronet the Member for Evesham (Sir H. Willoughby) observing that, if any portion of the police expenditure were to be defrayed from the national Exchequer, he deemed it the simpler and more equitable arrangement that the Government grant should cover one-half of the whole disbursement.

MR. HENLEY said, that the Government being pledged to the principle of a contribution from the Treasury, the only question to be decided was that of amount. Precedent justified a grant equivalent to one half of the whole expenditure. The case of the Irish police was strictly in point. On the institution of that force the Government contributed in the proportion of one-half of the expense incurred. In gaols, although not nominally, yet really, the Government paid one-half of the cost of that class of prisoners for whom they paid at all. The only reason which had been assigned for fixing the proportion by this Bill at one-fourth was, that that was the proportion of the cost of the metropolitan police which was paid by the Government.

MR. BARROW denied that he was one of those who had accepted the proposition of the Government as a sop. He should vote for the Amendment of the hon. Member for Evesham, and if that were rejected he should then go with the hon. Member for Sheffield, that no allowance should be made from the Consolidated Fund. The police ought to be a local force, carried out under local superintendence and by local taxation.

CAPTAIN SCOBELL said, he agreed in deprecating the abolition of local self-control; but as the Bill was forced down their throats against their wills he should vote for the Amendment. It was not one-fourth of the whole charge which the Government offered, but only of a portion, and it would not amount to more than one-sixth of the whole charge. He thought one-half was the proper proportion.

Question put "That one-fourth stand part of the Clause.

The Committee *divided*:—Ayes 160; Noes 106: Majority 54.

SIR JOSHUA WALMSLEY then moved the addition of the following proviso :—"Provided always, that the police force for any county or borough shall be deemed efficient in point of numbers in all cases where there shall be one police-constable for such county or borough to every 1,500 of the population, according to the last census then made."

Mr. STEEL objected to the proviso. There were many counties in which such an arrangement would cause considerable additional expense. The matter had better be left to the Justices of the Peace, who were the most competent judges of what police were required.

Sir GEORGE GREY said, it was quite impossible to fix any minimum, and, even if it were, one in 1,500 of the population would be quite inadequate in very many boroughs, to say nothing of counties.

Proviso *negatived.*

Clause 11.

Mr. ROEBUCK moved that the clause be omitted altogether. His object would be to place the whole police force of the country in the hands of the Administration for the time being. He objected to the clause, as he believed its tendency would be to make the Secretary of State for the Home Department a second Fouché, with spies all over the kingdom. The Queen's taxes were paid, for the most part, by the hard-working population of the towns, and he strongly objected to those taxes being used for the purpose of relieving the burdens of the counties. He appealed to the House whether they would support self-government, which had hitherto prevailed in this country, or whether they would throw themselves, body and soul, into the hands of the Government.

Mr. BECKETT DENISON thought there was enough spirit and right feeling in the various counties throughout England to enable them to manage their own police, and that the Government were paying the magistracy a very bad compliment by endeavouring to cram this Bill down their throats.

Question put, "That Clause 11, as amended, stand part of the Bill."

The Committee *divided :*—Ayes 186; Noes 75: Majority 111.

Clause amended, *agreed to.*

Mr. ROEBUCK then moved that the Chairman report progress, and ask leave to sit again.

Sir GEORGE GREY said, considering the length of time they had spent to-night in a miscellaneous discussion, he hoped they would be allowed to go on with the Bill.

Motion *negatived.*

Clause 12.

Lord EDWARD HOWARD moved to leave out Clause 12. The clause provided that no borough under 5,000 inhabitants should receive any portion of the police expenditure from the Consolidated Fund, unless the police of those towns was incorporated with the county constabulary. There were 196 towns in England and Wales under the Municipal Corporation Act, and of these there were no fewer than sixty-four that had fewer than 5,000 inhabitants. He did not urge that these towns should receive Government assistance unless they had an efficient police; but he believed that in most of these boroughs there was already an efficient police—certainly there was in the borough that he represented.

Sir G. GREY said, the real question was, whether in these small boroughs, some of which had a population of not more than 2,000, there could be an efficient police unless the police of those boroughs was incorporated with that of the county. He thought it was obvious they could not. If they chose to maintain their own police, they could do so without any great expense.

Clause *agreed to;* Clauses 13 to 15 *agreed to;* Clause 16 *struck out;* Clause 17 *agreed to.*

The Committee then proceeded to the consideration of the new clauses, of which notice had been given.

Mr. RICE, after Clause 2, proposed to insert a clause :—

"That the Justices of the Peace of every county in England and Wales may, at the next or any subsequent general or quarter sessions after the passing of this Act, and so from time to time thereafter as they shall deem expedient, appoint, for such time as they shall think proper, a sufficient number of Justices, who shall be the police committee or committees for such county, and may, till the next general or quarter sessions, delegate to such committee or committees all or any of the powers as to the police force within such county, which, by the two first recited Acts, or by this Act, are given to the Justices in general or quarter sessions, except as to the increase or diminution of the number of constables, and the appointment or dismissal of any chief constable or his deputy, and may from time to time re-appoint, amend, or discontinue the appointment of such committee or committees, and all the powers given to such committee or committees may be executed by the majority of those who shall be present at the meeting of such committee or committees, the whole number present being not less than three."

SIR GEORGE GREY objected to the clause.

Clause *negatived.*

MR. MASSEY proposed to insert a clause enabling the County Justices, in quarter sessions, to grant a retiring gratuity to any constable who should be certified by the chief constable to be incapable, from some infirmity of mind or body, of discharging his duties, although such constable should not have served so long as fifteen years.

Clause *agreed to.*

MR. MASSEY then proposed a clause providing that, in any case where the superannuation fund, mentioned in the Act of the 3 & 4 *Vict.* was insufficient to pay the superannuation and retiring allowances and the gratuities authorised by this Bill, the deficiency should be defrayed by the police-rate of the district. The clause was only introduced out of abundant caution, and if the superannuation fund should continue solvent, this clause would be inoperative.

MR. BARROW thought the inadequacy of the superannuation fund ought not to be made up at the expense of the ratepayers.

Clauses *agreed to.*

MR. R. PALMER moved the insertion of a clause making it lawful for the magistrates to grant retiring pensions to such officers as might be removed from their appointments in consequence of their duties being transferred by this Bill to persons belonging to the police establishment; he particularly instanced the inspectors of weights and measures.

Clause *agreed to,* and added to the Bill.

SIR PHILIP EGERTON moved a clause to continue the powers of the Cheshire Constabulary Act, 1852, in force in that county until police should be established under this Act, and to enact various necessary provisions in respect thereto.

Clause *agreed to,* and added to the Bill.

LORD HOTHAM moved a clause giving power to add strong rooms in connexion with station-houses already erected.

Clause *agreed to,* and added to the Bill.

House resumed.

Bill *reported* as amended.

The House adjourned at Two o'clock, till Monday, the 19th May.

# HOUSE OF LORDS,

## *Monday, May* 19, 1856.

MINUTES.] PUBLIC BILLS.—1ª National Gallery; Married Women's Reversionary Interest.
2ª Procedure before Justices (Scotland); Bankers' Composition.

### CENTRAL AMERICA.

THE EARL OF ELGIN said, there had appeared in the newspapers of this country a letter, copied from the American journals, purporting to bear the signature of Mr. Hammond, the under Secretary for Foreign Affairs, and to be addressed to the representative of the Government of Costa Rica in this country, in reply to an application for a supply of arms. As considerable importance attached at the present moment to any proceedings on the part of the Government of this country with regard to Central America, he wished to ask the noble Lord the Secretary for Foreign Affairs whether that letter was a genuine document, and, if his reply should be in the affirmative, whether he had any intention to lay on the table of the House the letter of the 12th of January, to which it purported to be a reply?

THE EARL OF CLARENDON said, he had no hesitation, in answer to the question of the noble Earl, in stating that the letter of Mr. Hammond published in the papers was a genuine letter, and that it arose from the following circumstances:—The agent of the Costa Rican Government in this country, and the agents of other South American States, ever since the attack made by Walker on the Government of Nicaragua, have applied to this country to assist them to defend themselves. A great variety of proposals had been laid before the British Government for accepting the protectorate of these countries, and for giving them assistance. To all those proposals the British Government had invariably replied in the negative. The British Government said that they had nothing to do with the affairs of Central America, though they were sorry for the attacks made on Nicaragua. They also said that they had the more reason to deplore those attacks because the property of British subjects had been not only endangered but sacrificed by Walker, and therefore, they should be very glad that his bucaneering enterprise should not be carried further; but with respect to any interference with the affairs of Central

America they were determined to have nothing whatever to do, and that all their action would be limited to sending just such a naval force to the coast of South America as would be sufficient to protect British interests and British property. The representative of Costa Rica in this country, Mr. Wallerstein was greatly disappointed at the view taken by Her Majesty's Government on this question. Allusion was also made to the interest shown by the British Government for Central America, and the bad return made by the Governments there for what had been done for them. An exception, however, must be made in this respect in favour of the Government at Costa Rica, which was a regular Government, and had always kept its engagements with the British Government. Mr. Wallerstein then replied that there was a great quantity of British property accumulated in Costa Rica, which might be protected by a naval force, and added that the Costa Ricans were determined to make a stand against the invasion of their country by Walker; but he said that they had not the means of repelling the aggression they apprehended, and inquired whether the British War Department would not give them a few arms for the purpose. He (the Earl of Clarendon) stated that he could not give an answer until inquiries were made of the War Department, and when the answer was received the substance was communicated in Mr. Hammond's letter. The fact was, however, that Mr. Wallerstein did not consider himself entitled to accept the offer, and he had since died; so that no interference, even in that indirect way, had taken place in the affairs of Costa Rica. Some time since Walker took possession of Nicaragua and British property there; he (the Earl of Clarendon) communicated with the Government of the United States, and Mr. Crampton, in a despatch, reported a conversation he had on the 15th of March with Mr. Marcy, there being no disguise with the Government of the United States as to what the British Government were doing, their only wish being to protect British property. Mr. Marcy then said that the Government of the United States entirely disapproved and regretted the existing state of things in Nicaragua, which they thought dangerous and calculated to cast a shade on the reputation of the United States; that they were as anxious as the British Government

*The Earl of Clarendon*

to see the Government of Walker rooted up, and were determined to take measures for the redress of injuries inflicted on citizens of the United States. Under these circumstances, he (the Earl of Clarendon) intimated that there could be no better plan than for the Government of the United States and the British Government to combine together for the protection of the property of the citizens of both countries. There could be no objection to lay the correspondence referred to on the table.

## CIRCASSIA—QUESTION.

THE EARL OF MALMESBURY wished to ask the noble Earl the Foreign Secretary whether it was true that the Circassians had made a representation or presented some diplomatic paper to the Porte, asking for the interference of the Allies in favour of their independence, and also for protection against Russian aggression? He would also inquire whether the British Government had received any paper to that effect; and, if so, whether there would be any objection to laying a copy on the table of the House? He likewise desired to know whether the Foreign Secretary had any objection to lay on the table the notes presented to the English and French Governments by the Sardinian Government, and which he believed had been laid before the Sardinian Parliament?

THE EARL OF CLARENDON replied, that it would have been more convenient if his noble Friend had given him notice of such questions as the present; to which, however, he would give an immediate answer. It was true that a deputation had come from Circassia to the Porte; but that deputation had not been received by Her Majesty's Ambassador at Constantinople. A letter had been addressed by the Circassian chiefs, not to the British Government, but to the Queen, asking (as he believed) that their independence might be secured. That was not in consequence of the Conferences being then in progress, but occurred after the peace had been signed. The individual at the head of the deputation, and the spokesman for the Circassians, was Zafir Pasha, who was not himself a Circassian, and from whom during the two years the war lasted no favour was received by the Allies, he being anything but friendly to them. This person promised the Allies that a great number of Circassians should be ready to assist in the field, which promise he had not kept;

he had moreover mainly prevented the fortifications of Anapa from being destroyed; and Mr. Longworth declared he was one of the greatest enemies the Western Powers had. Under these circumstances, he did not think that these persons had any claim whatever on the British Government. He had no objection to the production of the notes asked for from the Sardinian Government to the Governments of France and England.

## INDIA.

The Earl of ALBEMARLE rose to move the appointment of a Select Committee on the Government of our Indian territories. A Committee on the same subject sat in 1853, but since then, for some reason he was not aware of, its services had not been called into requisition. The professed object of that Committee was to inquire into the working of the India Act of 1833. At the end of the Session of 1833 the Speech from the Throne expressed the confident expectation that the system of Government established by that Act would prove to have been wisely framed for the happiness and welfare of the people of India. That, then, was the subject the Committee of 1853 had to inquire into. But what did the Committee do? It occupied itself in inquiring into all that related to place, patronage, and power; but on all subjects relating to the material and social condition of the people of India, and on all points relating to their happiness or misery, there was not a shadow of investigation; therefore, if there were no other reason, that would be a sufficient ground for the resumption of the labours of the Committee. Her Majesty's Ministers intimated their intention of bringing in a Bill in 1853, without having completed the inquiry, without indeed having examined into more than three at most of the eight heads into which the Government by their programme had pledged them to inquire. Such a course was a violation of all former precedent. The consequence was, that a Bill had been carried, which had been very well characterised by a petition from India, as containing no provision calculated to improve the condition of the people nor any definite promise to redress the grievances of which they had complained. What was the plea for rushing thus precipitately, and because precipitately, thus ignorantly, into legislation? There had been whispers of a letter from the Governor General of India, declaring that inquiry would endanger British rule in India. So that the power which had overthrown Hyder and Tippoo, which had hurled the Great Mogul from his throne, which had sustained the loss of a whole army in a foolhardy expedition against a warlike neighbour, was to be endangered by an inquiry carried on 10,000 miles from India, and conducted by those most interested in preserving our sway in that country. The plea was however admitted, and Parliament passed the crude and ill-considered Bill of 1853, by which the East India Company were re-invested with irresponsible power. Parliament had legislated without inquiry, and had, at the same moment, burked inquiry, and yet there were subjects well worthy of Parliamentary investigation. Their Lordships' table had groaned with petitions from all parts of India, complaining of the excessive amount of taxation, of the barbarous mode of assessment of the revenue, of the cruelty with which the collection was made, of the absence of due provision for the education of the people, of the disgraceful condition of the local courts of justice arising from delay, expense, and inefficiency, of the neglect of public works, such as canals, roads, bridges, and waterworks. What had Parliament gained by burking inquiry? It put off for a time the evil day of inquiry, but it was afterwards discovered, not by any inquiry set on foot by the Government, but by the casual visit of a private traveller that there existed in India a system of torture by Government officers for Government purposes, and there also transpired the appalling fact that it had existed for these last fifty years, and that its existence was known to the East India Company and to the covenanted servants of the Company, but had been concealed, not only from Parliament and from the people of this country, but also from the Governor General, from the governors of the provinces, and from Her Majesty's responsible advisers, who, but for the juggle of a double government, would have been responsible for the atrocities in question—if, indeed, such atrocities could have existed under a responsible Government. This discovery had brought much obloquy upon this country, and the eyes of the whole civilised world were upon us. One foreign author, who had visited India, said that from one end of the country to the other he had never heard but one word—"Revenue!—Revenue!—Revenue!" Let their Lordships have an inquiry whether this word "revenue" might not have something to do with the horrible system of torture. He trusted that they would not be content with the apology and extenuation that torture existed in India because it had been customary. The Court of Directors, in a despatch dated the 12th of September, 1855, said that torture existed because it had been handed down from the less civilised and less humane nations that preceded us. Is such a miserable plea to be admitted in the Government of a country which has been upwards of half a century in our possession. If our Indian Government had been based upon an European model, these disgraceful acts could not have been committed. But our rule was founded upon the principle of Asiatic despotism, which meddled with everything, and extracted nineteen-twentieths of the produce of the soil. That the Turks, Arabs, and Affghans had resorted to such practices for the collection of revenue was no excuse for us. But he doubted whether these barbarians were so black as the Directors had painted them. Take, for example, the worst of them, Tamerlane or Timour the Lame, "the scourge of God," as he had been called. By reference to his "Institutes" it will be found that he had ordained that the collection of taxes should be enforced, when necessary, by menaces and threats, but never by whips and scourges. Timour also ordained that taxes should not be levied in a manner productive of ruin to the subjects or depopulation to the country. If a Committee were appointed, one subject of their inquiry would be the condition of the public works. It would be found, notwithstanding the improvements lately so ostentatiously set forth that the roads were in nearly the same disgraceful condition, and that the people were in the same state of despondency for want of a market, in consequence of the neglect of the roads in 1856, as they were in the year 1846. There is as little protection from famine, for want of irrigation, to the great majority of the people in 1856 as in 1846. Of the necessity of such works as these he presumed none of their Lordships were ignorant. Millions of the inhabitants of Asia depended upon works of irrigation alone. Our more wise predecessors in India were well aware of the necessity of those works; but for three-quarters of a century they had been neglected. Since the accession of the able nobleman who had lately left the government of India (the Marquess of Dalhousie), something had been done; but what was that something? There were one or two, or perhaps more, great works of irrigation in the Punjab; there was the great Scinde Canal, the great Ganges Canal in the province of Agra, and there was the Eastern Coast Canal in Madras; there were the extensive works of navigation and irrigation in the three great southern rivers of India—the Godavery, the Kistnah, and the Cauvery. But what did all this amount to? Here were seven localities, affecting, at the very most, twenty out of the 120 provinces into which India was divided. Seven localities benefited in a territory more than twelve times as large as great Britain; and those seven localities had been improved at the expense of the whole community. For the very little that had been done he did not hold the noble and distinguished Marquess responsible. He was sent out to India to administer a system sanctioned by the Government and by Parliament, but which was not the less a system at variance with every principle of political science. All that zeal, enterprise, and energy could do that noble Lord had done; but he (the Earl of Albemarle) contended that it was a system under which no country ever did, or ever could, prosper. The construction of public works formed no part of a wholesome and well-regulated Government. Such works came within the province of private enterprise and private capital. But in a country where the Government was despotic and extortionate, in a country where the taxes were very variable, arbitrary, multitudinous, and excessive, where nineteen shillings out of every pound of the whole revenue of the country were taken by the Government, where the Government appropriated to itself everything it could get, and where the administration of justice was in a most miserable condition—in such a country no monied man in his senses would possibly embark in those works. There was one more point connected with this subject—no public works alone could possibly have any effect unless accompanied by measures of such a nature as he believed impossible to be established under the existing form of government. There could be no greater proof of this than was afforded by the districts in the immediate vicinity where these works were taking place. Take, for instance, Tanjore, where most extensive works of irrigation were carrying on; and by referring to the

Torture Report it will be found that in that district the most atrocious acts of cruelty are perpetrated both for the extortion of confession and the collection of revenue. With regard to the administration of justice he would now speak, because that would properly form the subject of discussion when he brought forward another Motion, the terms of which he had already placed on the table. But he would simply refer their Lordships to an observation which had been made by men well conversant with the subject, that the administration could not be satisfactorily conducted in consequence of the paucity of the officers. There were only seventy-four officers in the Presidency of Madras, which contained 22,000,000 people. It was the opinion of Mr. Elliot, one of the members of the Government, that the present system of Government was such that an increase of officers was impossible; and yet, without such an increase, he believed that the abolition of torture could not be effected. He felt that he had now stated sufficient to justify him in asking their Lordships to appoint a Committee to resume their labour just where the Committee of 1853 left it. The noble Earl concluded by moving the appointment of a Select Committee on the Government of Indian territories.

*Moved*—"That a Select Committee be appointed to inquire into the operation of the Act 3 & 4 *Will.* IV., c. 85, for the better government of Her Majesty's Indian Territories."

Earl GRANVILLE said, that he did not suppose that it was the intention of the noble Lord to press his Motion upon their Lordships, but that he had taken a legitimate mode of giving their Lordships a statement of his views connected with the government of India—a question in which the noble Earl took a very great interest. It did not appear to him (Earl Granville) that the noble Earl had sufficiently made out a case for adopting the course he now proposed. The noble Earl had complained of what he called the hasty manner in which the present Act for the government of India was passed, it having become the law before the Government had had sufficient time to conclude the investigation which the state of India demanded. Their Lordships were, however, aware that the subject of the government of India had been inquired into by two Committees of Parliament, which Committees sat during two Sessions of Parliament and went deeply and widely into the subjects brought before them. The noble Earl had also stated that he understood the Government were much influenced by a letter received from Lord Dalhousie, in which that noble Lord strongly expressed his opinion that great inconvenience would arise from any greater delay taking place and the whole of the people of India being left under a Government of an unstable character and only of a provisional kind. He did not think that a reference to that letter was a very happy illustration of the Motion by the noble Earl—by which, soon after the passing of that Act, he proposed that their Lordships should appoint a Committee to do exactly that which Lord Dalhousie deprecated—namely, creating in the minds of the people of India a belief that there was an intention on the part of Parliament to make some great and immediate changes in regard to the government of that country. The chief ground on which the noble Earl based his Motion was with regard to public works. He (Earl Granville) was not fully possessed of a knowledge of all the details in reference to that subject, but he believed that the only question under the able and energetic management of the late Governor General was, whether we should push on these works by means of borrowed money, instead of allowing it to be said that there had been the slightest delay or want of energy in carrying them on. The determination of Lord Dalhousie was to force on the works, and, accordingly, in every part of India, they were carried on by money borrowed at high interest. So far, therefore, from there having been any neglect in that respect, it was one of the brightest points connected with the administration of Lord Dalhousie. The noble Earl had again adverted to the question of torture; but the noble Earl had not ventured to say that since the fact of torture had been proved to exist the Government at home or in India had neglected any means in their power in the most searching manner to inquire into the practice, and to take all possible steps to put a stop to it. But with regard to the constitution of the Government of India this torture case did not appear to him to have any bearing at all. The noble Earl opposite (the Earl of Ellenborough) remarked the other day that he never heard during his administration of the government of India of any case of torture taking place in that country. The opinion held by those possessing the soundest knowledge was, that the government of India, to be carried on with effect, must be carried on in India itself; and it was a point not to be forgotten by their Lordships that whatever change they might be disposed to make in the Government of India, no change could be made in the great experiment now being made—that of admitting the civil servants by open competition—till the result of that experiment had been fully established. The noble Earl, while professing not to speak on the subject of judicial proceedings in India, had yet brought forward certain vague charges in connection with that subject. What the noble Earl ought to do was to bring forward some particular case of hardship, and to show that under the present state of things no efforts were being made likely to produce amendment. Believing, as he did, that it was a great evil to unsettle the minds of all India by Committees of Inquiry into charges of a vague and general character, the only effect of which would be to lead the Natives of that country to suppose that they were living under an unstable form of Government, he could not agree to the Motion of the noble Earl, and he trusted that he would not press it upon the acceptance of the House.

The Earl of ELLENBOROUGH said, that he was quite ready, in the event of a Committee being proposed with a view to organic changes, to concur in the view just taken by the noble Earl; for there could be no doubt that to entertain questions of that kind would tend to unsettle the minds of the people of India. But he should be extremely sorry to suppose that their Lordships were precluded from making any inquiry into the internal administration of India because they declined to enter into a discussion of organic changes. He thought there might be occasionally great advantage in directing the eye of the public of this country to the internal administration of India, and he should be extremely sorry to preclude the possibility of such matters being investigated by Committees of that House. He had in his possession an official paper, laid before their Lordships the other day, purporting to contain an account of the finances of India, and he must say that in that paper alone he saw enough to justify a Committee of this kind. He found it stated, for example, that the cost of collection of the revenue, chiefly derived from land in the North-Western Provinces, was 9¼ per cent; in Bengal, 10 per cent; in Bombay, 13 per cent; in the Punjab, 14½ per cent; and in Madras, 17 per cent. Now, he really thought that, where there was so great a difference in the cost of collection as in one case, 9¼ per cent, and in another 17 per cent, there was a good case for inquiry. In the North-Western Provinces £95,000 of Customs was collected at a cost of £72,000, leaving £23,000 of net revenue. In Bengal, the receipts from the Customs were £768,000; in Bombay, £295,000; but the expense of collecting the small amount at Bombay was considerably greater than that of collecting the large amount in Bengal. Such things as these were matters for inquiry, and might be investigated without impairing in any way the respect and efficiency of the Government of India. He would most earnestly suggest, what he had done two years ago, the appointment of an independent audit for India. This was done by every country that desired to have its affairs conducted with propriety and honesty; and he would recommend the Government, without any delay, to bring in a Bill to establish a board of audit, having no dependence on the Government of India, to examine the accounts of that country, and to place before the House a clear and intelligible statement. In a few days he hoped to call the attention of the House to the mode in which the Directors carried out the Act of Parliament requiring them to lay on the table of Parliament an annual account of the charges of India. The paper which had been presented, and to which he had already referred, was not in accordance with the provisions of the Act; and he regarded this as one among other points which called for the strict vigilance of Parliament. The Governor General and the other Governors had private secretaries, and it was necessary that these should be either civil or military servants of the Company, because it was indispensable that they should speak the native languages. It was consequently impossible for a Governor General to have any English gentleman with fresh views of Indian affairs. Now he (the Earl of Ellenborough) thought it to be very desirable that the Governor General should be assisted by a gentleman having the qualifications and holding something like the position of an Under-Secretary of State in England, and on whose knowledge the Governor General might very confidently rely. It was impossible that the Governor General could attend to everything, beginning business as he did two or three hours before English gentlemen were out of their beds, and finding it impossible to do more than just to finish the business which had arisen during the day. It was impossible for him ever to give two or three hours together for the consideration of one subject, and he was quite satisfied that he would be materially assisted by a gentleman such as he had alluded to. What was wanted was a clear, fresh, unbiassed mind; it was prejudice which he wanted to get rid of. He did hope that it would not be understood that by not agreeing to this Motion they were not precluded from taking into consideration the internal Administration of India.

The Marquess of CLANRICARDE said, he quite agreed with the noble Earl. The paper referred to was not only incomplete, so that it was impossible for any person in England to form a clear idea of the affairs of India, but very great mistakes had been committed. On a late occasion, at the India House, the Chairman of the India Company went into an elaborate account of the state of the finances and of the deficit of the last two years. The Chairman endeavoured to show that the deficit was caused by the money expended for public works during that period, but he made the amount laid out on public works at variance with that given in the accounts placed on their Lordships' table. The returns made the total expended for that purpose during the year 1853–54, £621,413; but Colonel Sykes made the amount no less than £2,525,000. There was a great discrepancy also in the two statements with respect to the amount laid out in the year 1854–55, the return making the amount £1,648,460, and Colonel Sykes £2,997,500, and he thought that this was a matter which called for inquiry, for ever since the year 1784 the debt of India had gone on increasing steadily. The finances of India were administered in such a way as to lead to the unsatisfactory conclusion that sooner or later the taxpayers of the United Kingdom would have to pay the cost. He thought that these were matters for inquiry, but he could not agree with the noble Earl who last spoke, that a more extensive inquiry in reference to the foundations on which the Government in India rested was not desirable. That was a most serious question, for the Government in India certainly did not rest on the affections of the people, and unless some step were taken to improve that Government, in accordance with every principle that history, theory, and experience pointed out as the only solid foundation of government, British rule in India could not last longer than it could be maintained by force of arms. There was this peculiar circumstance to be borne in mind, that by the education and information afforded to the Natives principles of the most liberal and, he might also say, republican nature were instilled into their minds; and therefore it was impossible that the present state of things could last long. The Natives of India must be brought into the Government, or the Government never could be safe. Every year petitions were presented, detailing the grievances of the people of India. They held public meetings and had a free press, and it was, therefore, impossible that the present state of things should go on. The only effectual means of reducing the expenditure of the Indian administration was by employing the Natives instead of the more expensive Europeans. Many high authorities—including the Duke of Wellington—had borne testimony to their administrative powers, and there could be no doubt they were capable of filling many offices, the duties of which they would be glad to discharge. Why should not the Natives be allowed to administer justice in its higher branches, which many of them were well qualified by their learning to do? The Europeans, however, had a monopoly of everything that was good. As soon as the people of this country could be made to see that it was their money of which the Court of Directors were disposing, they would demand a reform in the administration of that country. The income of India was really the income of the Crown, and upon the people of this country might devolve the duty of discharging the debt of India.

*Resolved* in the *negative.*

## MARRIAGE LAW AMENDMENT BILL.

Order of the Day for the House to be put into a Committee.

Lord BROUGHAM, in moving that the House should go into Committee on this Bill, said that he intended to withdraw the clauses relating to divorce and legitimacy, finding, unfortunately, that he had no chance of carrying them on the present occasion. The Bill would, therefore, be reduced to one single but most important object. It would not alter the marriage law of Scotland at all, but it would give protection to the marriage law of England by preventing that gross evasion of it which the conflict of the laws of the two countries occasioned. He might mention, as an example of the evils of the present system, that in one border parish, the population of which during the last half century had increased in the proportion of three to four, the number of marriages during the same period had decreased from eighty to thirty. He had been furnished with a return, from which he found that the number of Gretna-green marriages in the year 1855 amounted to 747. He had also seen a statement signed by nineteen reverend clergymen of the Church of England, of the Roman Catholic Church, and of the Church of Scotland at Berwick-upon-Tweed, affirming that the evils to which the morals of the people were subject by this practice of border marriage were such, that it was impossible to describe to what degree bigamy, seduction, and bastardy were encouraged in that district. He held that the Scotch law, even for Scotchmen and Scotchwomen, was in a state exceedingly unsatisfactory; but there appeared to be a fixed and rooted opinion to the contrary in Scotland, and therefore he did not propose to deal with that question in the present measure. His impression was, that their Lordships would do a wise thing by confining themselves, for the present, to the improvements to be effected by this measure—acting upon the principle, which was not confined to Scotland, of getting what you could and keeping what you got. In France there was also this maxim—"If you cannot get what you like, like what you can get." Upon this principle he had limited his endeavour upon the present occasion to protecting the law and the people of England; the Bill, therefore, would be confined to irregular marriages, striking out those clauses which related to divorce and legitimacy. It was, he felt, a grievous thing to leave the law of divorce in such a state of conflict, and the courts in such a condition as made it an impossibility to administer the law satisfactorily. This, he felt, was the consequence of his being obliged to limit the Bill to the single point of marriages in fraud of the English law. There were cases nearly connected with their Lordships' House in which the uncertainty of the legality of the marriage of the parties might by no remote possibility arise. It was not quite certain that even a Scotch judgment of legitimacy would not be reversed when it came up to their Lordships' House by way of appeal. The Scotch law held that the parties to an English marriage were entitled to marry again after a Scotch divorce. But, if after such a divorce one of the parties married again in England, he would be liable to be prosecuted for felony, and, as Solly was, to be convicted and pass twelve months in the hulks because he had been so ill-advised as to contract the second marriage in England, and not in Scotland. In England the issue of such a marriage would be considered bastards. Having failed himself in his endeavours to remove this conflict by the Bills presented in 1835, and by the present Bill as originally framed, he hoped and trusted that the exertions of some one else would be attended with better fortune—he should be satisfied if by the present Bill he could effectually protect the law of England from constant evasion. This was the object of the petition which he had presented from the Cumberland magistrates. That county and Northumberland suffered most from the conflict of the marriage laws. But its evil effects were experienced generally.

*Moved*, That the House do now resolve itself into a Committee upon the said Bill.

Lord CAMPBELL thought the Bill would not add to the lustre of the name of his noble and learned Friend, because it would not accomplish what it professed to do. His noble and learned Friend proposed that those marriages which he called irregular marriages should not be legal unless the parties had been domiciled for three weeks in Scotland. He (Lord Campbell) believed that this would be no remedy at all, but would be the cause of a great deal of fresh doubt upon the subject. His noble and learned Friend had introduced a new element of doubt as to regular and irregular marriages. What was an irregular marriage? If an Episcopalian bishop performed a marriage in Scotland, that he believed would be an irregular marriage. Marriages could not be legally performed by an Episcopalian within the realm of Scotland. All such marriages were irregular, and any persons so married might be summoned before the Court of Session and be rebuked for living as man and wife without being regularly married. A marriage by a seceding minister would not be a legal marriage. Strictly speaking it must be a minister of the Established Church, after the due proclamation of bans. However, the whole marriage law of Scotland was involved in the utmost doubt and uncertainty, and he did not think his noble and learned Friend would effect any great remedy by this Bill, and that he would only introduce new difficulties into the question if he carried it. It would not operate in mitigation of the evils complained of, and he hoped, therefore, his noble and learned Friend would not press it.

The Earl of ABERDEEN would give the Bill his cordial support. Though he desired to preserve as it was the law of Scotland affecting marriage, he had not the least wish to throw any obstacle in the way of preventing evasion of the law of England, and he admitted that something ought to be done to correct the evil of border marriages. In his opinion the present Bill was well calculated to reduce the evil complained of, and in its amended form he would be quite ready to support it. With regard to marriages in Scotland, all were held irregular that were not solemnized after the proclamation of bans, and the contracting of an irregular marriage subjected the parties to ecclesisastical censure, and, he believed, to penalties, though it was valid in law; but, after the publication of bans a minister of any denomination could perform the marriage ceremony. He could not admit the accuracy of the description given by the noble and learned Lord, and he would only say that the marriage law in Scotland was in accordance with the wishes of a people at least as intellectual as themselves.

Motion *agreed to;* House in Committee accordingly; Amendments made; Report to be received on *Thursday* next.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Monday, May* 19, 1856.

Minutes.] Public Bills.—2° Transfer of Works (Ireland); Court of Exchequer (Scotland); Procedure and Evidence; Judicial Procedure, &c. (Scotland); Registration of Voters (Scotland).

3° Juvenile Convict Prison (Ireland).

### THE BANDS IN THE PARKS—QUESTION.

Mr. OTWAY said, he wished to ask the right hon. Gentleman (Sir B. Hall), in the absence of the noble Lord at the head of the Government, whether it was the fact that the performance of the military bands in the parks on Sundays had been prohibited by the order of the Government; if so, at whose solicitation; and further, whether the prohibition was to extend to other places besides the metropolis?

Sir BENJAMIN HALL said, that he had received a letter from the noble Lord at the head of the Government desiring him to discontinue the music. That was all he knew about the matter.

Viscount Palmerston having entered the House, Mr. Otway repeated his question.

Viscount PALMERSTON: Sir, I received last week a letter from the Archbishop of Canterbury, stating on his own part, and on behalf of his episcopal brethren, reasons why he conceived that in deference to the religious feelings of a large portion of the community it would be desirable that the bands should not continue to play on Sunday evenings in Kensington Gardens and the parks. I wrote in reply to the Archbishop that I concurred in the arrangement by which the bands were to play in Kensington Gardens and the parks on Sunday afternoons; that my opinion had been, and still was, and that I had heard nothing to alter my view of the matter, that the arrangements afforded innocent recreation, combined with fresh air and healthful exercise; but I stated that having regard to the feelings which had been expressed by himself as head of the Church, and having also heard representations that that feeling was partaken by various other persons, I was naturally led, under these circumstances, to ask myself this question—whether the advantage which would arise from a continuance of that arrangment would compensate for the evil that must arise from running counter to the religious feelings of a large part of the community? I said there could be but one answer to that question, and I should therefore take steps to discontinue the playing of the bands. Of course that applies to the metropolis only.

Mr. OTWAY said, he should then give notice that on the first occasion on which it was moved to go into Committee of Supply, he should move that the correspondence which had taken place between the noble Lord and the Archbishop of Canterbury be laid on the table.

### THE DEFENDERS OF KARS—QUESTION.

Mr. OLIVEIRA said, he would beg to ask whether it was the intention of Her Majesty's Government to extend to his gallant comrades—Colonel Lake, Major Teesdale, Captain Thompson, and Doctor Sandwith, the liberality which prompted the award of a pension to General Sir William Williams?

Viscount PALMERSTON: I am sure that the House will feel that such an arrangement ought to be kept within very narrow limits, and in strict accordance with precedent. Now, there is no precedent whatever for the giving pensions to any others beyond the commanding officers on such occasions.

## THE ASSAULT ON MISS ARCHER—QUESTION.

**Mr. PEACOCKE** said, he wished to ask the right hon. Baronet the Secretary of State for the Home Department whether he had instituted an inquiry into the assault upon Miss Archer on the day of the proclamation of peace by a police constable of the D division?

**Sir GEORGE GREY** in reply said, he had instituted no inquiry into the facts of the case, because, as to the facts of the case, they had been disposed of by the decision of Mr. Jardine. He had, however, given directions that every endeavour should be made to ascertain the person by whom the assault had been committed; a searching inquiry had been made into the conduct of every officer on duty that day, and inquiries had also been made of the proprietors of shops in the neighbourhood where it was alleged the assault had taken place, but not one person had been discovered who had witnessed it. An advertisement had been inserted in the newspapers requesting the gentleman who was stated by Miss Archer to have afforded her assistance to come forward, but without any result, and, under those circumstances it had been impossible to take any further step. He might add that every opportunity had been afforded to Miss Archer to identify the police constable who, she alleged, assaulted her.

## HORSES OF OFFICERS IN THE CRIMEA—QUESTION.

**Mr. NOEL** said, that it was stated in General Orders, dated the 26th of April, "that passages would be provided for the horses of brevet officers and staff officers who might be required to rejoin their regiments either on embarkation or on the abolition of their appointments." It also stated, "that it was doubtful whether claims for compensation for lost or injured horses would be favourably considered," the commander of the forces recommending to all such officers to dispose of their horses by any means in their power. He wished, therefore, to ask the hon. Under Secretary for War whether, as many officers in the Crimea had been ordered from their regiments and called upon to do duty on the staff, while others had acted as field-officers with their regiments during the absence of the colonels doing duty as brigadiers, and had consequently been obliged at considerable expense to purchase chargers for the duties entailed on them, the Government intended to make any compensation to such officers for the great loss they must sustain by the sudden sale of those horses in the Crimea; or, whether they would convey, free of expense to the officer, those chargers purchased for special duty to such stations as their respective regiments might be ordered to?

**Mr. FREDERICK PEEL** said, in reply, that the general order recommending the officers in the Crimea to dispose of their horses had not yet come officially under the notice of the War Department; but he found that it drew a distinction between the two classes of horses—the horses for riding and baggage animals. The baggage animals were purchased by the Government, and as regarded them, he did not think the Government were bound to provide for their transport home. With regard to riding horses, it seemed to him that the case was less clear against the officers. If an officer was placed on the staff, and required to purchase horses out of his own resources, he was entitled, upon the discontinuance of the staff appointment, to receive something, either in compensation for the horses, or for the purpose of transporting them home. He was not prepared to give a definitive answer on the subject, but it should receive due consideration.

**Sir DE LACY EVANS** said, he would recommend that a telegraphic message should be sent to the Crimea, relative to the inquiry that had just been made; otherwise he should take the liberty of drawing the attention of the House to the situation of the officers.

**Mr. FREDERICK PEEL** said, that a telegraphic message had already been sent on the subject.

## THE SCOTCH MEMBERS AND THE GOVERNMENT—QUESTION.

**Mr. ROEBUCK** said, he wished to ask the noble Lord at the head of the Government, a question with regard to certain reports which he was given to understand had caused pain to many Members in that House. The noble Lord's answer might perhaps alleviate that pain. It had been said that the noble Lord's determination with respect to the bands in the parks was in a great measure the result of a deputation of the Scotch Members of that House, which had waited upon him. He wanted to know from the noble Lord, whether he had really seen any such deputation?

**Viscount PALMERSTON**: Sir, I saw that such a report was in existence, but I can assure the hon. and learned Gentleman that no such deputation has waited upon me.

## WESTMINSTER BRIDGE—QUESTION.

**Mr. HENLEY** said, he wished to ask the right hon. Gentleman (Sir B. Hall) whether the works in rebuilding Westminster Bridge were suspended, how long they were suspended for, what was the reason for that suspension, when the works would be recommenced, whether any difficulty had been experienced in carrying out the plans, and whether any alteration was intended with regard to those plans?

**Sir BENJAMIN HALL** said, the right hon. Gentleman's question was a very large one, and he was sorry he could not give him all the information he required. The subject of rebuilding Westminster Bridge was brought before a Committee of that House in 1853; the work was let out by contract upon a plan which he believed was sanctioned by the House; but some time afterwards the contractors became bankrupt, and he therefore placed the whole matter, which he found to be one of very great difficulty, entirely in the hands of two eminent engineers, Mr. Rendel and Mr. Simpson. All that had been since done, had been done under the sanction of those gentlemen, and he was in great hopes that he should have been able that day to lay on the table their Report on the existing state of the works, and as to the course they would recommend for the future. He had been informed, however, that the Report of Mr. Simpson and Mr. Rendel would not be ready for ten days or a fortnight, but as soon as it was made it should be laid upon the table of the House.

## THE BUDGET—FINANCIAL STATEMENT.

The House resolved itself into a Committee of Ways and Means, Mr. FitzRoy in the Chair.

**The CHANCELLOR of the EXCHEQUER**: Mr. FitzRoy, it will be in the recollection of the Committee that in a previous statement which I made in a Committee of Ways and Means about the end of February last, I stated the difference which existed between the estimates of revenue and expenditure which I made last year and the amounts as realised in actual receipts and actual expenditure. It will not, I trust, be necessary for me to trouble the Committee with a repetition of the statement which I made on that occasion, and I shall content myself, therefore, with shortly stating to the Committee that the receipts were somewhat less than I had anticipated, that the expenditure was somewhat greater than the Votes in Committee of Supply of the previous Session, and that the result showed an estimated deficiency for the service of last year of a sum amounting to £3,560,000. In order to cover that deficiency I submitted to the House a Resolution for a loan in Consols to the extent of £5,000,000. Since the statement to which I now advert the instalments of that loan have been completely paid up. In the last financial year the amount received of that loan was £3,500,000, and in the present financial year the sum received has been £1,500,000, making altogether the amount of £5,000,000. That result accounts for the entire receipt of the loan of £5,000,000. In addition, however, to that operation I laid before the House a plan, which received the assent of Parliament, for funding a sum of £3,000,000 of Exchequer Bills. That operation subsequently took effect, and it has been successful for the object for which it was proposed. The amount of Bills subscribed was £2,230,200; the Bills purchased out of money paid in lieu of Bills amounted to £769,800, making a total sum of £3,000,000. The Exchequer Bills, which were at a discount of from 7*s.* to 3*s.* in the month of February before the announcement of that plan, rose to par, or to about par, and the March exchange was in consequence effected without difficulty. The amount of Bills sent in for exchange was £6,794,100; the amount sent in for money was £455,600, which was defrayed out of the Ways and Means of the year.

Exchequer Bills, May 19, 1856.

| | |
|---|---|
| Amount outstanding this day (May 19, 1856) ... ... ... | £20,124,000 |
| Of which the Commissioners for the Reduction of the National Debt hold ... ... ... ... | 5,000,000 |
| Amount in the hands of the public | £15,124,000 |

Market Price quoted on Saturday last:—

June Bills, 10*s.* to 5*s.* discount, equal to about 5*s.* discount to par, deducting income tax.

March Bills, 6*s.* to 2*s.* discount.

EXCHEQUER BILLS, Feb. 14, 1856.

(When the funding was announced.)

| | |
|---|---|
| Amount outstanding (Feb. 14, 1856) | £23,093,000 |
| Of which the National Debt Commissioners held ... ... ... | 5,000,000 |
| Amount then in the hands of the public ... ... ... | £18,093,000 |

Market price quoted on Feb. 14, 7*s.* to 3*s.* discount.

March Exchange.—Bills sent in for exchange, £6,794,100; bills sent in for money, £455,600.

Since the time when my previous statement was made, the balance-sheet for the financial year 1855-6 has been laid before Parliament, and members have had an opportunity of seeing in print the exact result of the public receipt and expenditure of last year. I shall not think it my duty to trouble them with any recapitulation of the results of that balance-sheet beyond a short explanation, which, perhaps, may assist hon. Gentlemen in understanding the statements which have been placed in their hands. The expenditure for the year 1855-6 was £88,428,345, the revenue derived from taxation for the same year being £65,704,491, leaving an excess of expenditure over revenue of £22,723,854. This sum, the Committee will observe, is exclusive of the advance of £1,000,000 for the loan to Sardinia, and exclusive also of the redemption of hereditary pensions to the amount of £213,000. The loan to Sardinia does not fall into the ordinary expenditure of the year, and it therefore does not come into the upper part of the balance-sheet, inasmuch as it is a loan repayable by Sardinia. A similar remark applies to the amount for the redemption of hereditary pensions, inasmuch as it is in the nature of a payment for the extinction of debt; but as these were payments made out of the Ways and Means of the year, they must be added to the excess of expenditure of £22,723,854, to show the payments made within the year; and the total excess of expenditure above revenue is then £23,936,854. In order to meet this excess the following sums were raised by borrowing—

| | |
|---|---|
| By loans on Consols ... ... | £19,501,000 |
| Exchequer Bonds ... ... ... | 977,750 |
| " Bills ... ... ... | 6,000,000 |
| Total ... ... ... | £26,478,750 |

The Committee will observe, therefore, that the money borrowed exceeded the excess of payments over expenditure by £2,541,896. Now, Sir, it is my duty to account for that excess of £2,541,896, and the explanation is very simple. Any hon. Gentleman who compares the accounts which have been presented will find that the result is shown in the difference of the balances in the Exchequer. On the 31st of March, 1856, the balances in the Exchequer amounted to £5,600,000, and on the 31st of March, 1855, they were £3,949,000, subject to a deduction of £1,000,000, of outstanding Ways and Means' Bills, which had been advanced upon an anticipation of the revenue of the succeeding year, and which were paid off in 1855-6. To make a fair comparison, then, we must deduct £1,000,000 from the balance as it stood in March 1855, which will make the real balance at that time £2,949,000. If we compare the balance in April 1855, with that in April 1856, we shall find that the increased balance in the latter year was £2,651,000. The sum I have to account for is £2,541,896, and the Committee will see that there is a difference in favour of the Exchequer of £100,000 beyond that amount, owing to money received on account of the funding.

The expenditure of the year which has just elapsed has been in a great measure, as I need scarcely remind the Committee, incurred for war purposes. The charge of the debt has been slightly increased; the civil expenses may have been somewhat augmented, but the extraordinary expenditure of the last year has been principally for purposes connected with the war. I have, therefore, been desirous of preparing a statement which should exhibit as fairly and distinctly as possible the exact amount of the war expenditure during last year and the preceding year. On a former occasion, during the present Session, I made a statement of the expenditure incurred for the purposes of war, founded merely upon the Army and Navy Estimates. It was objected by hon. Members that that statement did not exhaust the subject; that it did not exhibit the increase of establishments for various military purposes; that it did not show the increased charge of debt, and that, therefore, it did not afford a completely fair exhibition of the additional expenses caused by the war. I have, therefore, on this occasion adopted a different mode of calculation, which must, I think, include all additional expenditure that has been created by the war. The total expenditure in two years of war, 1854–5 and 1855–6, for all public purposes whatever, including £1,000,000 advanced on loan to Sardinia, has amounted to £155,121,307. The expenditure in two years of peace, 1852–3 and 1853–4, was £102,032,596. Deducting, then, the expenditure of the two years of peace from the expenditure of the two years of war, we find that the excess of expenditure in the two years of war was £53,088,711. I think it is impossible, according to this calculation, that any expense which is fairly due to the war can have been omitted. The revenue from taxation during the two years of war amounted to £125,200,645, and in the two years of peace to £108,018,123; the increase of revenue from taxation in the two years of war having been £17,182,522. To this amount I will add the money raised by additions to the funded and unfunded debt, amounting to £33,604,263, and, therefore, the total receipt during the two years of war from increased revenue and from money borrowed has been £50,786,785. To this sum the surplus income above the expenditure during the last two years of peace—£5,985,527—should also be added, thus making the total sum applicable to war expenditure over and above the sums applied to peace expenditure £56,772,312. Now, if we compare the estimated expenditure for the present year with the expenditure of the years of peace immediately preceding the war, we shall find that there is an excess of £24,500,000, and adding to that amount the excess of expenditure in the two years of war—£53,088,711, we arrive at a total expenditure for the three years of £77,588,711.

Before I proceed with a detailed statement of the estimated expenditure of the year I would beg leave to call the attention of the Committee to the peculiar character of the contest in which we have been engaged. By the modern inventions of machinery, by that acceleration of the means of locomotion which modern science and skill have devised, we have been able to crowd into a small space of time operations which in former years might have spread over a period of far longer duration. The American war lasted six years, and added £124,000,000 to the national debt. The actual hostilities of the late war have lasted two years, and will add about £42,000,000 to the national debt, funded and unfunded. We have, Sir, by the measures that have been adopted during the war, avoided those drains upon the industry and trade of the country which have been so severely felt under the policy pursued by belligerents in previous wars. We have avoided incidental disputes, arising from the exercise of the obnoxious right of searching neutral ships. We prudently waived our extreme rights as a belligerent Power in maritime warfare at the commencement of the contest; and I trust that the Convention lately concluded at Paris will set the seal to that concession which was so wisely made, and which has been attended with most wholesome results during the late hostilities. Sir, the slight cloud which has arisen between this country and America, caused by the efforts that were made to obtain additions to our army within the territories of the United States, will, I trust, be speedily dissipated under the genial influences of peace. There is another point also which ought not to be left out of consideration with respect to the great expenditure for military and naval purposes during the late war. At the beginning of the war we found ourselves to a certain extent, unprepared for the contest. During the last two years we have devoted large sums to extending and improving our naval and military establishments. Our military arsenals are now much fuller, our stores are greater, our guns more perfect, our troops armed with much more efficient weapons than was the case at the commencement of the war. Our navy is likewise more numerous, better appointed, and more efficient for all the purposes of war; and, although the objects of a belligerent Power are not those which we now seek, it is to be remembered that we are in possession of a much greater amount of articles for naval and military purposes than we had at the commencement of the war. It must not, therefore, be supposed that all our expenditure has merely been for the accomplishment of temporary purposes, for a considerable portion of it remains in a permanent form.

I will now, Sir, proceed to state to the Committee the estimated expenditure and revenue of the year 1856–57. Although peace has been happily concluded and ratified, and although we are not now in a state of war, nevertheless the present year, for all practical purposes, must be looked upon, to a great extent, as a year of war expenditure. The preparations which have been made for a campaign, both by land and by sea, during the winter and early part of this year, were such, that had the war continued, we were in a condition to carry on this year's campaign most effectively, both with our land and sea forces. That expenditure, I rejoice to say, has proved unnecessary; we have not been called on to enter on a third campaign; but, nevertheless, the expenditure was incurred—it will become payable during the present year, and we shall not reap the entire benefits of a return to a state of peace until another year. There will also be the expense of transporting our troops home from the Crimea; there will likewise be the expense of paying off the troops, and all the other expenditure connected with disbanding the army and navy, the whole of which will have to be defrayed during the present year. To these must be added the expense of the retransport of the Sardinian troops from the Crimea, which, though not necessarily a part of our war expenditure, is yet connected with it, and is an expense which we ourselves undertook, and will be effected by our ships. Notwithstanding all these sources of expenditure, which will continue, as I have stated, during the present year, I rejoice to say that it is in the power of Her Majesty's Government to present to Parliament a considerably reduced Estimate, both for naval and military purposes. The original Estimate for the Army, presented before Easter, was £34,998,000; the revised Estimate, presented a short time ago, was £20,747,000; making a difference of £14,251,000. The original Estimate for the Navy was £19,876,000; the revised Estimate was £16,568,000; showing a difference of £3,308,000. The total Estimates for the Army and Navy, as originally presented, were £54,874,000; the revised Estimates were £37,315,000; showing a total reduction of £17,559,000. Besides, Sir, the expenses connected with our attitude as belligerents, to be defrayed during the present year, to which I have already adverted, there is another, arising out of our Convention with Sardinia, to which I will now beg to draw the attention of the Committee. The first article of the Convention with Sardinia, which was concluded on the 26th of January, 1855, runs thus—

> "Article 1. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland undertakes to recommend to Her Parliament to enable Her to advance by way of loan to His Majesty the King of Sardinia the sum of £1,000,000 sterling; of which sum £500,000 sterling shall be paid by Her Majesty as soon as possible after the assent of Her Parliament shall have been given, and the remaining £500,000 at the expiration of six months after payment of the first sum; and Her Britannic Majesty engages further to recommend to Her Parliament to enable Her—if the war should not have been brought to a close at the expiration of twelve months after payment of the first instalment of the above-mentioned loan—to advance to His Majesty the King of Sardinia, in the same proportions, a like sum of £1,000,000. sterling."

The measure by which this Convention was carried into effect received the Royal Assent on the 26th of April, 1855. Some delay took place accidentally—which was not in any way attributable to the Sardinian Government—in the exchange of the ratifications of the treaty, which prevented Her Majesty's Government from bringing in the Bill to give effect to it earlier. The first payment was made on the 3rd of May, 1855, a few days after the Bill received the Royal Assent, and the second payment was made on the 3rd of November. An application was made for a third payment, in the shape of bills drawn at Turin on the Treasury, on the 23rd of October, and received here on the 25th of October, Her Majesty's Government being then under the impression that the war would continue, there being then no anticipation of a treaty of peace being signed. I desire to draw the attention of the House particularly to the dates. The treaty of Paris was signed on March 30, and the ratifications were exchanged on April 27. This Bill received the Royal Assent on April 26, 1855. The engagement entered into with Sardinia was, that if the war were not concluded at the expiration of twelve months after the payment of the first instalment, Her Majesty would advise Her Parliament to consent to advance a second sum of £1,000,000. The ratifications of the treaty of peace were exchanged exactly one year and one day after the Royal Assent was given to this Bill, and the first payment was made two or three days after. The application for the money was, in fact, made to the Government on the day before the anniversary of the exchange of ratifications of the treaty of peace, and the first payment was made two or three days after. Under these circumstances, according to the literal construction of the treaty, the Government do not feel themselves justified in making an advance of another sum of £1,000,000 without laying the matter before Parliament. They feel, however, that practically the second year of the war had commenced, that the spirit of the treaty required that the additional £1,000,000 should be paid to Sardinia, and that, inasmuch as it is a question of one or two days only, it would not be just nor creditable to refuse to pay the second sum. They trust, therefore, that upon a consideration of the circumstances, the House will authorise them to carry into effect the spirit of the treaty, and to advance the second sum of £1,000,000 for the payment of the expenses of the Sardinian army, which expenses have been considerably exceeded by the payments made out of the Sardinian Exchequer, and which, it appears to us, this country is called upon to discharge, after the gallant manner in which the Sardinian troops have distinguished themselves in the Crimea. I will now state the estimated expenditure for the year 1856–57. It is as follows—

| Expenditure. | Gross. | Net. |
|---|---|---|
| | £ | £ |
| Funded Debt, including New Loan ............... | 27,635,000 | 27,635,000 |
| Unfunded Debt............ | 1,025,000 | 1,025,000 |
| Permanent charges on Consolidated Fund ... | 1,750,000 | 1,750,000 |
| Army ...... £20,747,000 | | |
| Navy ...... 16,568,000 | | |
| Civil......... 6,800,000 | | |
| | 44,115,000 | 44,115,000 |
| Charges of collecting the Revenue ............... | 4,588,000 | — |
| Vote of Credit ............ | 2,000,000 | 2,000,000 |
| Loan to Sardinia ......... | 1,000,000 | 1,000,000 |
| Total expenditure... | 82,113,000 | 77,525,000 |

My hon. Friend the Member for Lambeth (Mr. W. Williams) will see that I have included the charge for the collection of the revenue, which has never been done before. The loan to Sardinia I have taken at £1,000,000. The Committee will see, also, that inasmuch as it is difficult, not to say impossible, to make an accurate estimate of the expenses which may be incurred in transporting our army from the East, and in defraying the various expenses which may arise in the change from a state of war to a state of peace, I have included a Vote of Credit for £2,000,000, which I shall propose to the House at a later period of the Session, as a measure of precaution merely, and not because I have any reason to think that I shall be called on to encroach upon the margin which I shall thus provide. The total estimate of expenditure for the year may be taken, with allowance for the margin to which I have alluded, at £77,525,000 net, or £82,113,000 gross.

Sir, I will now beg to offer to the Committee a statement of the estimated revenue for the current year. I will not trouble them with the details of all the different branches of taxation, but will confine myself simply to those matters in respect of which there was an increase in the rates during and by reason of the war. To begin with the income tax. It will be continued for this and for another year, according to the provisions of the existing law. Until the 1st of April next it will continue to be levied at the rate of 1*s.* 4*d.* in the pound, or £6 13*s.* 4*d.* per cent. The Committee will doubtless desire to hear the precise words of the Act of Parliament by which the income tax is imposed and regulated, I will therefore read them. They provide, that "the Act shall continue during the present war, and until the 6th day of April which shall first happen after the expiration of one year from the ratification of a definitive treaty of peace." Proceeding on the basis of calculation laid down by that Act, I propose to estimate the income tax for the next year at the gross amount of £16,355,000, and in round numbers at the net income of £16,000,000. I would now direct the attention of the Committee to the following statement of the prospective alterations of duty (as provided for by the tariff) on tea, coffee, sugar, and molasses, showing the respective rates on each of these articles, and the periods at which they will come into operation. These taxes, I should observe, stand on a different footing from the income tax, and are continued from the 30th of March last until the 5th of April in the year following, that is to say, for a year and a week after the date of the treaty of peace.

| | Existing Rates to continue until April 5, 1857. | | | Reduced Rates. | | | |
|---|---|---|---|---|---|---|---|
| | | | | From April5, 1857, to April5, 1858. | | After April5, 1858. | |
| | £ | *s.* | *d.* | *s.* | *d.* | *s.* | *d.* |
| Tea ... ... per lb. | 0 | 1 | 9 | 1 | 3 | 1 | 0 |
| Coffee (raw) ... „ | 0 | 0 | 4 | 0 | 3 | 0 | 3 |
| Sugar, refined and candy, per cwt. | 1 | 0 | 0 | 16 | 8 | 13 | 4 |
| „ white clayed „ | 0 | 17 | 6 | 14 | 7 | 11 | 8 |
| „ yellow muscavado and brown clayed „ | 0 | 15 | 0 | 12 | 9 | 10 | 6 |
| „ brown muscavado and inferior qualities „ | 0 | 13 | 9 | 11 | 8 | 9 | 6 |
| Molasses ... ... „ | 0 | 5 | 4 | 4 | 6 | 3 | 9 |

In alluding to these duties, and to their proposed continuance at their present amount during the current year, it may not be inappropriate to call attention to a statement which appears to me very satisfactory, not only in a fiscal point of view, but also in a moral point of view, so far as regards the habits of the population of this country. I hold in my hand a Return from the Office of the Inspector General of Imports and Exports, from which the Committee will learn that, notwithstanding many circumstances of depression, there has been a great increase of late years in the consumption of tea, coffee, and sugar. The account is as follows:—

*An Account of the Quantities of Tea, Coffee, Sugar, and Molasses retained for Home Consumption in the United Kingdom, in the Years* 1835, 1845, 1852, 1853, 1854, *and* 1855 *respectively:—*

| Years. | Tea. | Coffee. | Sugar, refined and unrefined, jointly. | Molasses. |
|---|---|---|---|---|
| | ℔. | ℔. | cwt. | cwt. |
| 1835 | 36,574,004 | 23,295,046 | 4,022,850 | 622,479 |
| 1845 | 44,193,433 | 34,293,190 | 4,856,680 | 627,532 |
| 1852 | 54,713,034 | 34,978,432 | 7,172,858 | 799,287 |
| 1853 | 58,834,087 | 36,983,122 | 7,487,589 | 844,034 |
| 1854 | 61,953,041 | 37,350,924 | 8,332,407 | 927,266 |
| 1855 | 63,429,286 | 35,764,564 | 7,547,157 | 920,940 |

Thus the Committee will observe that, notwithstanding the increase of duty during the last year in consequence of the war, and the concurrence of various causes which might not unnaturally have had the effect of diminishing the demand—such, for instance, as the high price of provisions and the occasional low rate of wages—there has been since 1835 such an increase in the consumption of tea, coffee, and sugar, as has materially benefited the Exchequer, at the same time that it indicates a gratifying progress in sober and temperate habits. The statement I consider most satisfactory as indicating the improved habits of the population.

I come now, Sir, to the Return relative to spirits, an article on which there was an increase of duty during the war. The spirit duties in England and Scotland are now 8*s.* per gallon; in Ireland they are 6*s.* 2*d.* Those duties were never in a sounder state than at the present moment, not only as regards the fiscal relations between the three kingdoms on the subject of draw-backs, but also with respect to the question of malt distillation—a matter which formerly gave rise to great embarrassment in regulating this particular branch of revenue. Regard being had to the circumstances of the case, I have little hesitation in expecting that the Committee will concur with me in the opinion that we are justified in extracting from spirits as large an amount of revenue as the article can afford, provided always that we do not incur the evil of increasing illicit distillation. On this subject I am happy to be enabled to fortify myself with the authority of a writer who has devoted much attention to this subject, and who belongs to a school of finance of which I confess I am not a disciple. This latter consideration makes me all the more willing to avail myself of his opinion when I can concur in his views. The gentleman to whom I allude is no other than the well-known historian Sir Archibald Alison, who, having filled a judicial office in Glasgow, had abundant opportunities of observing the operation of the spirit duties. His words are these:—

> "To assert that the increased consumption of spirits by the working classes is favourable to their morality is so strange a doctrine and so contrary to universal experience that it appears almost inconceivable it could have been hazarded in any intelligent assembly. Since the duties on spirits have been reduced a half, the consumption of them has been increased above 200 per cent, and the proportion consumed per head advanced in the same proportion—facts which go far to explain the contemporaneous duplication of crime during the same period. As to the cessation of demoralisation by illicit distillation and smuggling it is a real benefit; but it is dearly purchased by the wholesale demoralisation of so large a part of the working classes by the facility of obtaining ardent spirits. There is more crime, domestic unhappiness, family feuds, and social demoralisation produced in Glasgow by cheap whisky in one month than ever was by smuggling over all Scotland in ten years. There is no person practically versant with the details of both, as the author has been for twenty years, who will maintain a contrary opinion. There is no such fit object of taxation, in an indirect form, as ardent spirits, because the addition which the increased duty makes to the price of the article, when taken in moderation, is so small as to be trifling even to the humblest consumer, while the addition to the public revenue is immense, from the vast numbers who partake of the comfort. It is on the drunkards alone it falls as a serious burden."

Such are the opinions of a man who, having paid much attention to the subject, deliberately gives his suffrage in favour of a moderately high duty on spirits. I will now refer to a similar comparison to that which I instituted in respect to tea, sugar, and coffee, and it will be seen that when applied to spirits and beer it produces a different result. That result is not so favourable in a financial point of view; but I am sure that it will be heard with unmixed satisfaction by all who have at heart the improvement of the moral habits of the population.

*Amount of the Quantities of British Spirits, Beer, and Malt retained for Home Consumption in the United Kingdom, in the Years* 1835, 1845, 1852, 1853, 1854, *and* 1855.

| Years. | British Spirits. | Beer, calculated on the quantities of malt and sugar used by licensed brewers, and deducting the beer exported. | Malt. |
|---|---|---|---|
| | Gallons. | Barrels. | Bushels. |
| 1835 | 25,710,208 | 16,330,010 | 42,892,054 |
| 1845 | 23,122,588 | 14,925,113 | 36,545,990 |
| 1852 | 25,200,879 | 16,756,285 | 41,071,636 |
| 1853 | 25,021,317 | 17,184,033 | 41,992,178 |
| 1854 | 25,883,584 | 16,136,893 | 36,812,727 |
| 1855 | 21,957,275 | 15,184,559 | 33,879,381 |

Now, lest the Committee should think that the diminution in the consumption of spirits is owing exclusively to the duty and not to the improved habits of the people, I would beg to direct their attention to the similar comparison with respect to beer. The consumption of beer, it will be seen, has remained very nearly stationary since the year 1835. There is another cause of an accidental nature which produced some effect on the produce of the spirit duties in the year which has just passed, and which may continue to operate in the present year, which diminishes the duty; but which is, nevertheless, an advantage to the spirit trade, and which increases also the demand for articles from which British spirits are made. I allude to the failure of the wine crop abroad for several years, and to the consequent diminution in the quantity of brandy produced on the continent. That diminution has led to a large increase in the export of British spirits to the Continent; and that export, of course, raises the price of spirits in our market, although it produces no benefit to the revenue, inasmuch as spirits exported to the Continent are, of course, either exported out of bond without duty or are entitled to a drawback. In 1853 the total quantity of spirits exported from the United Kingdom to foreign parts was 931,210 gallons; in 1854 that quantity had fallen to 749,959 gallons; and last year the quantity had increased to no less than 4,268,697 gallons. That large quantity exported must have produced a considerable effect on the home trade in spirits.

I now come, Sir, to the article of malt. The war duty on malt differs both from the income-tax and from the duty on colonial produce. It was continued during the present war and until the 5th day of July next after the ratification of a definitive treaty of peace, and no longer. That duty, therefore, will cease nearly at the earliest period at which it was possible that it should terminate, inasmuch as the ratifications of the treaty of peace were exchanged in the present quarter, and the July first ensuing falls at the end of this quarter. The war duty on malt is 4*s.* a bushel, and it will fall on the 1st of July next under the present law to 2*s.* 8¼*d.* a bushel. This, however, does not measure the entire loss which the revenue will suffer in consequence of the reduction; for it will be necessary, in accordance not only with former precedents but also with equity, to allow a drawback on all stocks in hand; and that drawback is estimated by the most experienced officers as likely to amount to a sum not very far short of £1,000,000. That repayment will have to be made during the present year; and we shall, therefore, lose not only the increased war duty on malt from the 1st of July next, but we shall also lose probably not much less than £1,000,000 in the repayment of duty upon stock in hand. With regard to the malt duty, it must be admitted that the falling off in the consumption appears to indicate that the pressure of the duty has to a considerable extent affected the consumption of the article. Some effect, no doubt, is to be attributed to the price of barley during the last year; but I think that the figures which I am about to read to the Committee will show that, perhaps, the diminution of duty which will take place, will not be inopportune with reference to the progress of the consumption. In 1835, the quantity of malt brought into charge in this country was 42,892,054 bushels; in 1845 that quantity had fallen to 36,545,990 bushels; in 1852, it was 41,071,636 bushels; in 1853, it was 41,992,178 bushels; in 1854, it was 36,812,727 bushels; and in 1855, it was 33,879,381 bushels. Now, although it is true that the duty on malt has an effect upon the consumption, it is right that I should point out that on the whole—taking the malt duty under the present distillery law, as nothing more than a beer duty in another form—the article of beer is lightly taxed at this time when compared with the burdens which it has borne at comparatively recent periods. From the peace of 1815 up to the year 1829, there was a beer duty, as well as a malt duty and a hop duty. The average produce of those three duties for the years 1827, 1828, and 1829, was £7,192,474. The beer duty alone produced in 1827 £3,200,902; in 1828, £3,294,697; and in 1829, £2,989,561. That duty was repealed in 1829, and it has not since been reimposed. In 1831, 1832, and 1833, the average produce of the malt and hop duties, which were the only two duties which then fell upon beer, was £5,011,911, as compared with £7,192,474 in the three preceding years ended in 1829. During the last three years the average produce of the two duties of malt and hops has been £6,530,886 a year. Therefore, if we take the produce of the war malt duty and compare it with the average tax on beer in the years 1827, 1828, and 1829, it will be seen that in those three years the average duty was £7,192,474, whereas in the last three years it has only been £6,530,886. Including the war duty therefore on malt, beer has been in the last two years a more lightly-taxed article than it was in 1827, 1828, and 1829. There is another point of view in which the duties on beer and on spirits may be compared, which certainly favours the assumption that the duty on malt ought not to be considered as excessive. Unquestionably, if the duty on spirits can be considered reasonable, the duty on beer, as it will stand after the 1st of July next, must be regarded as altogether insignificant. The price of a barrel of beer may be taken at about 33*s.* The quantity of malt used in making that beer—2½ bushels at 2*s.* 7*d.* and 5 per cent—will pay a duty of about 6*s.* 4*d.*, and the hops—2 lbs. at 2*d.* and 5 per cent—pay about 4*d.* The duty, therefore, upon a barrel of beer, when the war duty on malt has ceased, may be taken at 6*s.* 8*d.*, the proportion of the duty to the price being about 25 per cent. Now, the price of a gallon of plain spirits is about 10*s.* 8*d.* The duty thereon is 8*s.*; so that the proportion of duty to price in the case of spirits is not less than 300 per cent. This comparison certainly shows that, as contrasted with spirits, beer is subjected to an extremely moderate tax.

I will now read to the Committee certain figures to which I have before referred, showing the gross and net amounts which I estimate to receive from the different branches of revenue—

| | Gross Estimate.<br>£ | Net Estimate.<br>£ |
|---|---|---|
| Customs ... ... | 23,850,000 | 22,524,000 |
| Excise ... ... ... | 17,170,000 | 16,348,000 |
| Stamps ... ... ... | 7,185,000 | 7,000,000 |
| Land and Assessed taxes | 3,110,000 | 2,950,000 |
| Property and Income tax | 16,355,000 | 16,000,000 |
| Post Office ... ... | 2,810,000 | 1,070,000 |
| Crown Lands ... ... | 260,000 | 260,000 |
| Miscellaneous ... ... | 1,000,000 | 1,000,000 |
| Total ... ... | £71,740,000 | £67,152,000 |

Then, deducting the total estimated revenue from the total estimated expenditure—including the margin of £2,000,000, which I stated that I should request the Committee to assent to in order to guard against contingencies—the deficiency will be £10,373,000. From that sum must be deducted £1,500,000 which has been received in the present year as the produce of the loan of £5,000,000, which was effected a short time before Easter; and that makes the estimated deficiency £8,873,000; or, omitting the margin of £2,000,000, it leaves the real estimated deficiency at £6,873,000; or, adding the £2,000,000, which we propose as a Vote of Credit, the estimated deficiency will be, as I have just said, £8,873,000. Now, Sir, in this state of the public revenue and expenditure, Her Majesty's Government do not think that, in the present circumstances of the country, looking to the probability of the public income at an early period becoming adequate to meet all the demands upon it, and also having regard to the expectations naturally excited by a return from war to peace, as well as to the difficulty of imposing any new taxes, they would be justified in proposing at this time any additional taxation to this House. On the other hand, with the estimated deficiency in the expenditure of the year to which I have adverted, we do not feel it consistent with our duty to recommend any diminution in any source of revenue which the existing law supplies. We have, therefore, determined to propose no change in the present taxation of the country. Sir, if the common phrase, "a state of transition," is ever applicable, it is especially so in regard to the present year, when we are passing from a state of war to one of peace, and when the country is placed in circumstances of so peculiar, temporary, and exceptional a nature as to render any proposals calculated to effect the future in any permanent manner wholly impolitic, rash, and undesirable. Her Majesty's Government have, therefore, arrived at the decision to maintain the public taxation on its existing basis; and have resolved to resort to borrowing to make up the deficiency. We propose, in the first instance, to have recourse to a loan of £5,000,000. The proposals for that loan were made public a short time since, and the offers were received this morning at the Treasury. The price tendered in the first instance was £108 Consols for £100 in Money. The reserve price fixed by the Government was somewhat less—being £107 10*s.* 7*d.*, or equal to Consols at 93. The terms fixed by the Government were accepted by the contractor, Baron Lionel de Rothschild, and the provisional agreement was signed by both parties this morning. The arrangement will be submitted to the Committee in the form of a Resolution, which I shall move before I conclude. Perhaps, I may be permitted to state a fact, which will be satisfactory, as showing the great resources and ample available capital of this country at the close of the arduous contest in which we have for two years been engaged; and it is further gratifying as showing the extensive monetary operations conducted by single individuals in this country, in whose honour great confidence is deservedly placed by a large portion of the community. Baron Lionel de Rothschild informed me this morning, that the deposits in his hands, sent by persons desirous of obtaining a share in this loan, amounted to a sum of not less than £4,000,000, the whole of which was transmitted to him either in Bank of England notes or in gold. The amount thus subscribed in actual money, being deposits of 10 per cent on the loan, represented a gross capital of the large sum of £40,000,000. This fact I state on the authority, and with the permission, of Baron de Rothschild. I may add my belief that the Committee, on an examination of the prices of stocks, will be of opinion that the loan agreed to this morning was effected on terms perfectly fair as between the parties concerned; that while, on the one hand, the price is as high as Her Majesty's Government had a right to expect, a reasonable rate of remuneration on the other is secured to those who come forward at such a moment to advance their capital to the public: I therefore trust that the Committee will allow that Her Majesty's Government exercised a sound discretion in negotiating a loan on the terms and in the manner which I have described.

But, Sir, this loan will not cover the entire estimated deficiency of the year. Omitting for the present the margin of £2,000,000 for contingent expenses, the estimated deficiency for the year is £6,873,000; thus leaving, beyond the loan of £5,000,000, an estimated deficit of £1,873,000. This sum I reckon in round numbers at £2,000,000, and I propose, at a later period of the Session, to ask the House to agree to confer on the Government a power of borrowing, when the necessity shall arise, an amount equal to that in Exchequer bonds, with an alternative power of issuing Exchequer bills, should the state of the money-market render such an operation advisable, to the extent of £2,000,000. That sum, as the Committee will have collected from my statement, will cover the whole of the estimated deficiency of the present year. If the Committee should agree to a Vote of Credit of £2,000,000, to meet any accidental excess, I propose to take a similar power to cover that Vote also, a power which I trust there will be no difficulty in granting. I have stated that I propose probably to borrow that sum in Exchequer bonds. The present state of the Exchequer bill market may render it inexpedient to increase that portion of the unfunded debt. Many circumstances have occurred of late years calculated to diminish the quantity of Exchequer bills which can be made to float upon terms advantageous to the holders. The great increase in the amount of railway debentures has produced a security of a similar nature which comes into competition with Exchequer bills. The circumstance of money now being kept at interest on call by bankers has also diminished the demand for Exchequer bills. There is not, therefore, an active call at present for so large an amount of these securities at a fair premium as was formerly the case. At the same time, I believe that temporary causes have produced the fall in their value which has occurred during the last week or fortnight, and it would be rash to draw any decided inference from so brief an experience. With the permission of the Committee, I will refer to the precise quantity of Exchequer bills now in the market. That quantity was diminished by the funding before Easter. The amount of Exchequer bills, as I stated in the early part of the evening, outstanding this day (19th of May) is £20,124,000; but of that sum the Commissioners for the reduction of the National Debt hold £5,000,000. This £5,000,000 may be regarded as virtually in the hands of the Government, and is never likely to be brought into the market. The amount of these bills in the hands of the public is therefore not greater than £15,124,000. There are many circumstances which render it probable that the depreciation in Exchequer bills, during the last ten days or a fortnight, is of a merely accidental nature, and that they will shortly resume the position which they occupied before the funding was announced.

Sir, at the end of the late contest, in which considerable additions have been made to our national debt, it is natural that we should revert in retrospect to the progress and fate of that debt in previous wars. Unfortunately, among the most marked characteristics of the national debt of this country has been its immoveability, the very slow efforts made to reduce it, when once it has been increased, the increase being allowed to remain, while little has been done in subsequent years towards its diminution either by the operation of a sinking fund or by the reduction of interest. However, we cannot but observe with satisfaction that our present position, as compared with the state of our debt at the end of the last war, is not a disadvantageous one. I will trouble the Committee, as the subject is of great importance, with a comparison of the state of our funded and unfunded debt at the close of the war in 1816 and at the present time. On the 5th of January, 1816, the capital of the funded debt of England was stated at £816,311,939; on the 5th of January, 1856, it was £766,778,599; showing a decrease of £49,533,340. That decrease has taken place notwithstanding the addition made to the debt last year. I come now to the unfunded debt; where the comparison is even more favourable. On the 5th of January, 1816, the unfunded debt was stated at £43,939,708; on the 5th of January last it was £26,614,200, showing a decrease in the capital of the unfunded debt of £17,325,508. The total diminution in both the funded and the unfunded debt, since the end of the last war, is £66,858,848. Let us now see what change has taken place in the charge of the debt. On the 5th of January, 1816, the charge of the funded debt was £30,458,204; on the 5th of January, 1856, it was £27,275,768, showing a diminution of £3,182,436. With regard to the unfunded debt, the charge on the 5th of January, 1816, was £2,325,964; on the 5th of January, 1856, it was no more than £993,769; showing a diminution of £1,332,195. The total diminution in the charge of the funded and unfunded debt since the close of the last war is £4,514,631. In connexion with the question of the debt, it is right I should state to the Committee what are those accruing liabilities in the nature of debt which are to be anticipated in the immediately following years, and which will have to be met out of the revenue of the country. Next year, 1857, there will fall due Exchequer bonds to the amount of £2,000,000. In 1858 there will fall due Exchequer bonds to the same amount, and a sinking fund for war loans to the amount of £1,500,000, making a total of £3,500,000. The accruing liabilities will be the same in 1859; but in the following year—1860—the Exchequer bonds falling due will be £1,000,000, and the sinking fund £1,500,000, making the total amount £2,500,000. From 1861 to 1873 there will be an annual payment of £1,500,000 for the war sinking fund, and from 1874 to 1877 the payment will be £500,000 per annum. The statement which I have now made goes up to April last, and does not include any bonds which may be issued in the present financial year.

While such are our accruing liabilities, there is one topic of consolation which I am happy to be able to put before the Committee. In 1860 annuities will cease to the amount of £2,150,000, and in 1867 there will be a cessation of the dead weight of naval and military pensions to the extent of £585,740. Sir, the statement which I have made seems to me to exhibit the only manner in which the national debt can ever really and fairly be extinguished. It is a sanguine delusion to expect that any mysterious self-acting sinking fund can be formed by which the debt of a country can ever be diminished. Public debt, like private debt, can be extinguished only by the application of money. In the case of a nation, that money can be raised only by taxation. There is only one resource to which an honest Legislature can resort in our position—namely, to raise a surplus revenue by taxation, and annually to apply it to the extinction of the debt. All other contrivances of financiers—all pretended sinking funds, however ingeniously formed or concealed under specious phrases, will be found in practice delusive, and must end in disappointment. When we intrust to subordinate bodies the power of raising money upon the security of taxes, we impose an obligation of creating an annual sinking fund which is devoted to the extinction of a portion of the principal of the debt. In every case where a county or a borough, a board of guardians, or any of the various municipal bodies with which England is covered, receives from Parliament the power of effecting a loan, it is always accompanied with a condition which requires that an annual sinking fund shall be set apart for the extinction of that loan. I believe there is not a single instance in which the power of borrowing thus conferred by Parliament upon any public body is not accompanied by a condition of that sort. Parliament recognises the wisdom and policy of that principle as applied to all public bodies except itself. Why, then, should Parliament be an exception to such an obligation? Unfortunately, it has hitherto been remiss in applying that mode of extinguishing debt to the largest of all debts—namely, the debt which the nation has itself incurred. The loan which will presently be submitted to the Committee has been effected in Consols, without any resort to terminable annuities. Perpetual annuities have been found by experience to be that form of borrowing which is at once most advantageous to the borrower and to the lender. It is convenient to the borrower because he never can be called upon for the principal of the loan; his creditor is a mortgagee who never can foreclose; while it is also convenient to the lender, because it is an advantage to him not to be compelled to receive his money before he wants it. At the same time he can go into the market whenever he chooses, and by selling his perpetual annuities realise his capital. The position of the public creditor reminds me of the description applied to the keeper of a celebrated club at a time when gambling in clubs was more common than happily it is now—

> "Who, nursed in clubs, disdains a vulgar trade,
> Exults to trust, and blushes to be paid."

Such, Sir, are the feelings of the public creditor. He wishes not to be compelled to receive the capital which he has advanced to the Government; and it is an advantage to the Government, on the other hand, not to be forced, before it can effect the operation upon favourable terms, to repay the sum so advanced. But it is an entire mistake to suppose that because a loan is raised on perpetual annuities that the debt must be permanent. The Government has the same facility of paying off the creditor who has advanced his money in perpetual annuities as it has in the case of the creditor who has advanced it on terminable annuities. It is true that in effecting a loan in terminable annuities the Government compels itself to repay annually a portion of the principal; but in subjecting itself to that necessity, it makes worse terms on behalf of the public than it would do if the loan were effected in perpetual annuities.

Sir, there seems to be an impression in some quarters that at this period of transition from war to peace we ought to enter upon a revision of our whole system of taxation. It is said that the present moment affords a favourable opportunity for a complete review of our whole fiscal system, and that we are imperatively called upon to undertake it. Before we adopt that view, let us consider what great exertions have of late years been made in the revision of our taxation. In 1842, the late Sir Robert Peel subjected the whole of our tariff to a most careful and systematic review. In 1846, a large part of it again came under the consideration of Parliament, and in 1853 the whole of our Customs' duties underwent revision. By these successive revisions all prohibitive, protective, and excessive duties have been swept away from our tariff, and the only duties, as far as I know, which can now be pointed out as being of the nature of protective duties are those on foreign spirits and on hops. The Customs' duty on foreign spirits is, no doubt, higher than the duty upon British and Colonial spirits. The duty on foreign spirits is 15*s.* per gallon, while on colonial spirits the duty is 8*s.* 2*d.*, and on British spirits 8*s.* However high apparently may be the duty on foreign spirits, it has never been considered liable to serious objection on the ground of being a prohibitive duty. With regard to hops, it is true the Customs' duty is more than double the Excise duty, and in ordinary years amounts nearly to a prohibition upon the introduction of foreign hops. The entire revenue derived from stamps received very close attention when my right hon. Friend at the head of the Admiralty (Sir C. Wood) held the office of Chancellor of the Exchequer, and that branch of revenue is now, I consider, in a very satisfactory state. The whole subject of bills and receipts was dealt with in 1853 by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), and the Newspaper Stamp duty was repealed last Session. The window tax was repealed in 1851, at a loss to the Revenue of £1,170,000. The assessed taxes were revised in 1853—rates were reduced and exemptions abolished, which resulted in remission of £290,000 a year. With regard to the land tax, the rates are irrevocably fixed, and there is therefore no option allowed to the Government. As to the income tax, we lately had a debate in this House, in which a plan was proposed for commuting it into a property tax —a plan which I trust will never receive the sanction of this House. With regard to the Excise, the whole revenue from that source has been, of late years, constantly under the consideration of Parliament. The duty on bricks was repealed in 1850, being a remission of £456,000. The duty on soap was repealed in 1853, being a remission of £1,126,000. In the same year, the hackney carriage and post-horse duties were reduced, and in 1855 a reduction was made in the stage-carriage duties. The Post Office has lost the character of a branch of revenue, inasmuch as the whole net revenue of the Post Office, after the expenses of the inland Post Office are defrayed, is only a little more than sufficient to cover the expense of foreign mails.

It seems to me, therefore, Sir, that the great obstacle to the improvement of our system of taxation is owing not to any want of care on the part of Parliament, nor to any want of frequent revisions and suggestions elaborately carried out by successive Governments, but to the necessity under which we are unfortunately placed of raising a large revenue to meet the expenditure of the country. As long as that necessity exists, I fear it will be impossible for us to avoid imposing some taxes and maintaining others at certain rates, which we should be willing, if we had the option, to alter. At the present moment, after the large expenses of the last few years, it may be interesting to the Committee to hear how the public expenditure of this country stands in relation to that of other countries. With regard to the proportion which the debt bears to other branches of expenditure, and the similar expenditure in some foreign countries, I have prepared a table which, I think, places the matter in the clearest light:—

GREAT BRITAIN.

| Year. | Public Debt. | Military and Naval Expenditure. | Miscellaneous Expenditure. | Total. | Population. | Rate per Head. | | | Rate per Head Exclusive of Public Debt. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | £ | £ | £ | £ | | £ | s. | d. | £ | s. | d. |
| 1852–3 | 27,918,027 | 16,198,416 | 11,102,887 | 55,219,330 | 28,048,000 | 1 | 19 | 4 | 0 | 19 | 5 |
| 1853–4 | 27,790,262 | 16,487,769 | 11,566,500 | 55,844,531 | 28,245,000 | 1 | 19 | 6 | 0 | 19 | 10 |
| 1854–5 | 27,864,533 | 30,121,706 | 12,214,408 | 70,200,647 | 28,460,000 | 2 | 9 | 4 | 1 | 9 | 9 |
| 1855–6 | 28,112,824 | 51,661,187 | 13,270,735 | 93,044,746 | 28,628,000 | 3 | 5 | 0 | 2 | 5 | 4 |

Now, if we compare this expenditure with that of France, we shall, I think, be inclined to the conclusion that the expenditure of England, if we exclude the debt, is not unreasonably large:—

FRANCE.

| Year. | Public Debt. | Military and Naval Expenditure. | Miscellaneous Expenditure. | Total. | Population. | Rate per Head. | | | Rate per Head Exclusive of Public Debt. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | £ | £ | £ | £ | | £ | s. | d. | £ | s. | d. |
| 1852 | 15,954,983 | 16,460,289 | 24,954,791 | 57,370,063 | 35,781,628 | 1 | 12 | 0 | 1 | 3 | 1 |
| 1853 | 14,975,380 | 16,721,704 | 25,783,723 | 57,480,807 | | 1 | 12 | 1 | 1 | 3 | 10 |
| 1854 | 16,710,005 | 30,920,654 | 27,376,923 | 75,007,582 | | 2 | 1 | 11 | 1 | 12 | 7 |
| 1855 | 16,734,818 | 17,620,000<br>8,000,000 | 24,991,354 | 67,346,172 | | 1 | 17 | 7 | 1 | 8 | 3 |

I will only trouble the Committee with one other comparison—namely, that of Prussia. I take that to be an economical Government, in which the expenditure is kept within the smallest limits :—

PRUSSIA.

| Year. | Public Debt. | Military and Naval Expenditure. | Miscellaneous Expenditure. | Total. | Population. | Rate per Head. | Rate per Head Exclusive of Public Debt. |
|---|---|---|---|---|---|---|---|
| | £ | £ | £ | £ | | £ s. d. | £ s. d. |
| 1855 | 1,792,965 | 4,333,634 | 10,569,637 | 16,696,236 | 17,286,434 | 0 19 3 | 0 17 3 |

Those comparisons will, I think, Sir, make the Committee incline to the conclusion that, if we leave out of our consideration the great annual charge occasioned by the public debt of this country, the portion of public expenditure within the control of Parliament is reduced within reasonable and moderate limits. There is no doubt that the large amount of revenue which it is necessary to raise in order to meet that great expenditure compels us not unfrequently to maintain duties at higher rates than it otherwise would be desirable to do. For example, the duty on tobacco is maintained at a rate which is exorbitant when compared with the price of the article. It is the constant cause of smuggling, and consequently necessitates the maintenance of a large coastguard to protect that branch of revenue. There is another article upon which it would be desirable, upon international grounds, if the exigencies of the revenue would permit, to make some diminution. I refer to the duties on foreign wines. For the purpose of increasing our commercial relations with France and other States of the Continent, it would be undoubtedly advantageous if, consistently with the demands of the revenue, it were in our power to reduce the duties on wine ; but, looking to the great amount of our revenue which is derived from beer and spirits, and remembering that if the duty on wine, which is already a moderate duty, were still further reduced, it would interfere with the consumption of other fermented liquors, I think the revenue would suffer more than the demands of the public service would permit. There is another duty which is no doubt inconveniently high, but which, in the present state of the revenue, I do not see how to alter. I mean the duty on fire insurances. That duty produces a revenue of about £1,300,000 or £1,400,000. It has been in existence since 1782. It has stood at its present rate since the peace, and although it is open to many objections—although it represses the prudential motives of insurers, and although it is a duty which, upon many accounts, it would be desirable to reduce, I do not see how, in the present state of the revenue, it would be possible for Her Majesty's Government to propose it as a subject for reduction.

Sir, I have now laid before the Committee a statement of the estimated revenue and expenditure for the ensuing year, and I have added such remarks as it appeared to be my duty to submit for the information of Parliament. It has been my object to give full information upon all matters which it is material Parliament should know in the present state of public affairs. All reserve and all concealment would be misplaced on occasions of this sort. The time has long gone by when the public are not to be trusted with a knowledge of their own affairs, and it is of the utmost importance that the financial state of this country, resting as it does on a perfectly secure basis—founded upon the increasing trade of the country and the untiring energy and industry of the people—should be known not only to the population of England, but throughout the whole world. I have made this statement, relying upon the fairness of the Committee in forming an opinion upon the plan which I have submitted to it—a plan which does not involve any departure from existing principles of our financial system, and which is intended merely to supply the deficiencies of the year by the resources which I have laid before the Committee. In preparing this plan Her Majesty's Government have been most anxious to arrange such a system as would be suited to the exigencies of affairs, and I rely with confidence on receiving the support of the House when it has examined in all its details the plan which I have now had the honour of submitting to it. The right hon. Gentleman concluded by moving the following Resolutions :—

1. *Resolved—*

"That, towards raising the Supply granted to Her Majesty, the sum of five million pounds be raised by Annuities."

2. *Resolved—*

"That every contributor to the said sum of five million pounds shall, for every £100 contributed and paid, be entitled to the principal sum of £107 10*s.* 7*d.* in Annuities after the rate of £3 per centum, to commence from the 5th day of January, 1856, and to be added to and made one joint stock with the existing Consolidated £3 per Centum Annuities, and to be payable and transferable at the Bank of England at the same times and in the same manner and subject to the like redemption as the said Consolidated £3 per Centum Annuities."

3. *Resolved—*

"That the said Annuities, so to be payable as aforesaid, shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

4. *Resolved—*

"That every contributor shall, on the 22nd day of May, 1856, make a deposit of £10 per centum on such sum as he or she shall choose to subscribe towards raising the said sum of five million pounds, with the chief Cashier or Cashiers of the Governor and Company of the Bank of England, as a security for making the subsequent payments on or before the days or times hereinafter mentioned (that is to say):

| | | | | | |
|---|---|---|---|---|---|
| Payment of | £20 | per centum on or before the | 12th | day of | June 1856. |
| „ | £20 | „ | 28th | „ | June 1856. |
| „ | £20 | „ | 24th | „ | July 1856. |
| „ | £10 | „ | 28th | „ | Aug. 1856. |
| „ | £20 | „ | 18th | „ | Sept. 1856." |

5. *Resloved—*

"That all the monies so to be received by the said Cashier or Cashiers of the said Governor and Company of the Bank of England shall be paid into the account of the Receipt of Her Majesty's Exchequer at the Bank of England, to be applied from time to time to such services for Great Britain and Ireland as have been or shall be voted by this House, or to such services as are now charged on the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or shall be charged thereon by any Act that may be passed hereafter."

Mr. ALCOCK said, he regretted that the right hon. Gentleman should not have grappled with the impending difficulty with regard to fire insurances. It would have been far better to have made a virtue of necessity, and to have reduced the duty to 1*s.* It was most unfortunate that the tax should be retained at this moment, when they were so anxious to increase their intercourse with their gallant Ally and near neighbour, France. But the tax, under any circumstances, would be an improper one, and was in direct contravention to the principles of free trade. It was a tax upon prudence, and it favoured the rich company and even the rich individual. He knew cases in which persons of no great capital—persons of £5,000 or £10,000 a year, or even less, insured their own property themselves. For instance, one of those capitalists would put by £20 as an insurance upon one of his farms; and so on with the rest of his property. But if he sold that farm, a poorer man would not be able to obtain the same security against risk without paying £60 a year to some company—£20 for the insurance and £40 as duty. The right hon. Gentleman the Chancellor of the Exchequer had stated that if he reduced the duty to 1*s.* the revenue would lose £500,000 or £600,000. Undoubtedly it would the first year. But they should remember that while seven-eights of the property in France was insured, only one-third of the property in England was thus secured. If, then, the present duty was diminished, there could be no doubt that the loss would soon be made up. With regard to the income tax, he was one of those who never wished to see it repealed. By the present tax of 1*s.* 4*d.* they obtained £16,000,000, or £1,000,000 for every 1*d.* He should like to see it increased to 10 per cent, so as to raise £24,000,000. In that case they would be able to dispense with the malt tax, and so put an end to adulterated beer, that fertile cause of drunkenness and crime. He believed that the principle of the income tax was acceptable to the great body of the people, for their idea of taxation was that they who had the most should pay the most. That was his opinion too; but the present mode of raising the tax was in some respects most unfair and unjust. He knew a case in which a poor hard-working clerk had to pay the tax on his income of £100 a year, while in the next house there lived three maiden sisters who had between them £10,000, short only of a small sum which reduced the income of each a little below the £100. Those ladies did not pay a 1*d.* During the late war—from 1806 to 1816—all incomes down to £50 a year paid the tax; but then all property in land or in the funds paid. At present not less than £76,000,000, or one-tenth of the public debt, paid no income tax at all. That surely proved that the present mode of assessing the impost was both imperfect and unjust.

Mr. HADFIELD said, that when the right hon. Gentleman the Chancellor of the Exchequer brought on his Bill in Committee for imposing a duty upon fire insurances effected in foreign offices, he (Mr. Hadfield) should move to reduce the duty generally from 3*s.* to 1*s.* per cent, and that he intended to take the sense of the Committee on the question. He hoped the Chancellor of the Exchequer would be induced to yield this point, considering the inequalities of the tax, and the admission the right hon. Gentleman had made, that it operated as a tax upon prudence. He believed the reduction he proposed would produce but very little loss to the revenue, even in the first instance, and in the end result in a positive gain.

Mr. W. WILLIAMS said, as the financial statement they had just heard might be considered as the winding-up of the war, in reference to the expenditure for which the House had extended its confidence to the Government generally, and as they had no means of ascertaining what amount was necessary for such winding-up, they had not, as it appeared to him, any alternative but to continue the same confidence, and trust that the Government would bring the expenditure to a conclusion with all possible economy. He did not find fault with the Resolution the Chancellor of the Exchequer had placed in the hands of the Chairman in regard to the proposed loan, but he had expressed a decided opinion when the two previous loans and the propositions for funding Exchequer bills were under discussion, that it would have been more consistent with prudence and economy if those additions to the national debt had been made in the new stocks, introduced by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) when he was Chancellor of the Exchequer, than in the Three per Cent Consols. He admitted that £5,000,000 was too small a sum to deal with in that way, but if the whole £36,000,000 had been raised in the new stocks it would, he thought, have been an advantage. He wished to know when Estimates for the Army and the Navy, stating the items in which reductions were to be made, would be laid before the House, so that they might see what, if any, increase was proposed in the annual expenditure on account of the military establishments as compared with what it was previous to the war.

Mr. E. BALL said, he hoped that the right hon. Gentleman the Chancellor of the Exchequer would consider the propriety of remitting the additional 5 per cent on the malt duty. A stronger proof of the folly of placing a higher duty on malt could scarcely be adduced than the statement the right hon. Gentleman had himself made that evening, that the enhanced duty had been attended with a falling off in the receipts. He believed if the duty were reduced to 16*s.* a quarter the gross receipt from the malt duty would be quite equal to what it was now, while the Chancellor of the Exchequer would accomplish two great objects — namely, giving satisfaction to a large and important interest, and promoting the consumption of a beverage truly English in its character, and which cheered and invigorated without intoxicating.

Mr. VANCE said, that on the part of the Irish distillers he must complain of the increase of the duty on Irish spirits, which had given an impetus to illicit distillation, to the prejudice of the fair trade. The amount of Irish spirits brought into account as paying duty had fallen since the increase of the duty from 8,440,000 gallons to 6,228,000 gallons. It was true the same amount of revenue had been paid by the smaller as the larger quantity, but it had operated very injuriously on the moral condition of those districts where the illicit distillation was carried on. If the high duty were persisted in, the right hon. Gentleman would find that the quantity of Irish spirits brought under charge next year would be still further reduced. He had a remonstrance upon the subject from the Irish distillers, of which the right hon. Gentleman the Chancellor of the Exchequer would probably hear more.

Mr. MILNER GIBSON said, he felt with the hon. Member for Lambeth (Mr. Williams) that it was not the time, when they were in a transition state from war to peace, to discuss the peculiarities of each special tax; but he (Mr. M. Gibson) must confess that there was one part of the Chancellor of the Exchequer's speech which he did not altogether like; it was that in which he seemed to discredit the idea of revising our financial system, not exactly by a reference to the present state of affairs, but inferentially, by looking back at the past. The right hon. Gentleman said, "You have already gone through your Customs duties, you have revised your Excise laws, and you have re-arranged your stamp duties—all these things have you done:" and he left them to infer that they had now arrived at the most perfect mode of raising the public revenue, that everything worked well, and that the country must consequently submit to the existing system of taxation. Now, he (Mr. M. Gibson) must demur to that. When he asked for the repeal of any tax, it had never been with the idea that the money could be spared. He believed they were all unanimous in the opinion that the public credit must be supported; but, notwithstanding, he held there was ground for calling for the repeal of a tax when it could be shown that such tax was an improper mode of raising the money, and was more injurious to trade and industry than it was beneficial to the revenue. Then it became a matter of fiscal policy for the Government to consider whether they were not bound to abolish the tax in question, and make up the amount by some other means. He did not consider that we had arrived at perfection in our fiscal system, and therefore we must continue to be in a progressive state for years to come. With regard to the fire insurance duty, it ought not to be reduced merely, but altogether abolished. And he was glad to hear that the noble Lord the Member for King's Lynn (Lord Stanley) had, in a very able speech made to his constituents recently, stated that that was one of the duties he thought ought to be repealed. In expressing objections to particular taxes, they were protesting against their being considered as permanent items of revenue, and he thought his hon. Friend (Mr. Alcock) was perfectly right in keeping the fire insurance tax continually under the attention of the Government and the House. He should not do justice to his own opinions if he allowed the opportunity to pass without mentioning another objectionable duty, which he had repeatedly brought under the notice of the House—he alluded to the duty on paper. He believed that nearly every Member of that House who had been a Chancellor of the Exchequer, but who did not happen to be Chancellor of the Exchequer at the time, had supported him. The right hon. Gentleman opposite (Mr. Disraeli) had, he thought, voted with him on one occasion—and the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had gone to Manchester, being at the time Chancellor of the Exchequer, to make an attack on this paper duty, and, in point of fact, to make his (Mr. M. Gibson's) constituents more earnest with him to insist upon the repeal, than they would otherwise have been. If, after that, he were to go to Manchester and talk to his constituents about the days for revision of tariffs having come to an end, he should like to know how such doctrines would be received there? He regarded the paper duty as a disgrace to the financial system of this country, and, unless that tax was repealed, it was impossible to attain those results which they had in view when they repealed the newspaper stamp duty and the duty upon advertisements. He was for taking the exciseman's hand from the press altogether. He wished to see a free and untaxed press, and that they could not have so long as the duty upon paper was maintained. It had been said the repeal of the newspaper stamp had proved a failure, but he would take leave to say that that was a great mistake. He knew of his own knowledge that there were at least a hundred penny and threehalfpenny papers in circulation in the kingdom, which were not in a dying state. They were frequently told that penny newspapers had departed this life, but the great difficulty with which the conductors of such publications had to contend with was the duty on paper. He knew, for instance, one small publication —a penny newspaper — which paid the Government £3,000 a year as a tax upon paper. What a tremendous obstacle that was in the way of cheap literature! This £3,000 a year deducted from the funds of a penny publication must deprive the managers of the opportunity of producing good as well as cheap literature. He contended that the maintenance of the duty on paper was utterly inconsistent with the desire which had been frequently expressed in Parliament for the diffusion of knowledge in a cheap form among all classes of the people. He therefore gave notice to the Government that, whether there was a deficiency or a surplus of revenue, he should feel it his duty, on a fitting occasion, again to ask that House to repeal the duty on paper. He would urge that proposition mainly upon moral and educational grounds, although he could also make out a very strong case upon commercial and industrial grounds. He wished, before sitting down, to make one further remark. A reduction of expenditure was an essential preliminary to an extensive revision of our financial system, and he hoped the expenditure for the defences of the country would be reduced to the amount at which it stood before the war commenced, if, indeed, it could not be reduced below that amount. Increased expenditure had been required on particular emergencies, but the practice had been to reduce such expenditure as soon as the necessity for it passed away, and he hoped that no larger expenditure would be incurred for the defences of the country than was required to maintain a proper and effective peace establishment. He could not lend any countenance to the doctrine that, before the commencement of the late war, the country was helpless and defenceless in consequence of the Government not having been supplied with sufficient funds; for that House had always supplied the Government with any funds they required for the defences of the realm. If the state of our armaments afforded any cause for just complaint, it must have been owing to the mismanagement and misapplication of the funds which Parliament had placed at the disposal of the Government. He consequently hoped, at no distant period, to have the opportunity of supporting large reductions in the public expenditure, and he trusted that the trade and industry of the country would be relieved from some of those oppressive excise duties which had so pernicious an effect upon the moral and material interests of the great body of the labouring classes.

Mr. INGRAM said, in addressing the House for the first time, he desired to offer his thanks to the right hon. Gentleman the Member for Manchester for giving notice of his intention to submit a Motion upon the subject of the paper duty. He (Mr. Ingram) was then prepared, if necessary, to go into that question, but he thought it would be much better to defer the consideration of it to some more seasonable time. The right hon. Gentleman could not say too much as to the injurious effects of that duty. It was the most obnoxious tax which existed. He should not now enter into the question, but when the proper time arrived he would be fully prepared to prove his statements, and he doubted not but that he could satisfy the House that the tax on paper ought to be abolished.

Mr. DISRAELI: Sir, the right hon. Gentleman the Chancellor of the Exchequer having stated that he has been in communication with an eminent capitalist in this country, I am sure it must be gratifying to this House and to the country to receive from the highest authority upon financial topics an assurance that the resources of the Empire are not diminished by the great struggle in which it has recently been engaged, and that, whatever emergency or exigency may arise, we may always appeal to them with full confidence that they will suffice to defend the interests and vindicate the honour of the country. Sir, I do not wish, at the present moment, to touch upon those points connected with particular taxes to which the Chancellor of the Exchequer has referred. Opportunities will, no doubt, be afforded on some other occasion for expressing our opinions, if it should appear necessary, upon such questions; but it does not seem to me that there is, at the present moment, any very immediate prospect of a Chancellor of the Exchequer introducing into this House a proposition for the reduction of any existing tax. I will therefore leave the Chancellor of the Exchequer to settle with his habitual supporters of Liberal opinions those doctrines of financial finality which he has promulgated with so much authority, and which will no doubt be regarded with great attention by the country. I will, however, take this opportunity of expressing my opinion upon one point which I deem of great importance. I hope, Sir, when the excitement of the war which has just terminated has passed away, the Government will give their best attention to measures of wise, but at the same time, rigid economy. That is expected by the country, and I am convinced that that is the only spirit in which we can confirm the principles of finance upon which our system is now generally established, and that will enable us to prepare those resources for the future which, whenever an emergency arises, will enable us to show the same power we have recently displayed. I will also take this opportunity of stating my belief that it would be most unwise on the part of the country to allow itself to be misled by what I cannot but regard as most superficial and ill-founded opinions, and to suppose that it can guard itself against the recurrence of many—I will admit, mortifying—incidents which occurred at the commencement of the war, by habitually supporting a much larger military establishment than is necessary for the ordinary interests of the country. I feel persuaded that if we suppose that we can protect ourselves from the repetition of events which we all regret, and which occurred at the commencement of the late war, by maintaining a larger army, and supporting in every department of our military system more extensive establishments, we shall probably have the mortification of finding, when a crisis arrives and a struggle is again to be entered upon, a repetition of the same mischances and disappointments which prevailed before, with the consciousness that in the interval we had expended those resources which, having been accumulated by the wise system of economy that has generally prevailed of late years, have enabled us to meet our difficulties with so much comparative ease, and have also enabled the Minister of Finance, this evening, to make a Report of our financial position, which cannot fail to be most satisfactory to the country. Sir, I not only hope, but expect, that we may profit by what has passed, and that we may learn, from recent circumstances, what are the weak points of our system, and take care to be better prepared in those particulars when a future danger shall arise than we were on the last occasion. I hope that we shall not only insist upon the Government following a course which shall secure such an end, but that we shall take this opportunity of impressing upon the country that there is a great difference between an effective and an expensive army; that we may have a military system which is perfect, and which, at the same time, is founded on a wise economy; that the military establishment which we sanction should be a model, rather than a force adequate to any great occasion which may hereafter arise. These, Sir, are the true principles, and if we can vindicate them we shall have profited by our late experience, and we shall be following a course which will maintain the strength and honour of this country without endangering those elements of real power which are derived from the labour and industry of the people. In looking over the proposed reductions of the original Estimates prepared by the Government, I saw, with some distrust, the large reduction proposed in the original Estimate for the militia. That, certainly, is a branch of our defences which I hope this House will never permit to fall again into a state of inefficiency. The constitution of that national force should be maintained largely and liberally. I limit myself to the constitution, because I cannot suppose that we should keep on foot a large force of embodied militia, as at present; but if the constitution of that force is largely and liberally maintained, we may appeal to it, when occasion requires, as a source of strength which will place this country in that position which it is entitled to occupy in any great European question which may arise. I consider that the Committee ought to impress upon the Government that it expects they will take advantage of the recess which is approaching to effect great reductions in the expenditure of the country, not with the intention of obtaining a temporary popularity, for I know well that reductions effected in that spirit are generally pernicious, but effected on a distinct principle—on a principle consistent with the maintenance of the power of this country, and of the position which it ought to occupy in the politics of the world. I should hardly have ventured to trouble the Committee on this occasion were it not for one point on which I think we have a right to expect some explanation from the Government. I allude to the Convention with Sardinia, to which the right hon. Gentleman (the Chancellor of the Exchequer) particularly referred. I collected from his observations that the impression of the Government—I may say their conviction—was, that, according to the letter of that treaty, we were not bound to furnish a second sum of £1,000,000 to Sardinia. Upon a question of such great importance, involving not only the interpretation of a treaty, but also considerations of high policy, I would not presume to give a hasty opinion, nor do I think that the Government would expect the Committee at once to give an opinion which may commit it upon the subject; but I am quite sure that I do not misrepresent the feelings of the House of Commons when I say, that to all treaties it is always prepared to give a large and liberal construction. But when we are asked to exercise towards Sardinia, under these circumstances, a liberality which, from what I can gather, the Government is not prepared to recommend that we should exercise towards our own troops; when, acting in the spirit and not in the letter of the treaty, we are asked to advance to Sardinia a considerable sum of money, we have a right to ask, in our turn, that the Government should put fairly, clearly, and frankly before us some view of the relations which subsist between this country and the King of Sardinia. I confess myself that nothing that I recollect ever appeared to me so perplexing and so perilous as the position which this country has assumed and the relations which it is now forming in regard to that very kingdom. If I look to the protocols of the Conferences of Paris which have been laid on the table, I find expressions of sympathy with suffering Italy which greatly exceed the usual caution of diplomatic language. I find that the Sovereign of Sardinia is encouraged apparently in every way by the English Government to fulfil the high mission to which his subjects believe him to be called, and, moreover, which they expect him to accomplish. He is preparing, and he is encouraged to effect, what he deems to be the liberation of Italy. We have authoritative evidence of the feelings of the Sardinian Government, and of the policy of the Sardinian Ministers in the very important documents which have been promulgated, and certainly, if we were to judge from the protocols of Paris and from the documents of the Sardinian Ministers, we should come to the conclusion that there was a perfect understanding between the English Ministry and the Sardinian Government, and that, in fact, not only was the liberation of Italy an adopted policy, but that the means of effecting it had been agreed upon, and that England was to occupy a great position in the accomplishment of that object. But how are we to reconcile such language and such diplomatic documents with the publication of that tripartite treaty which, if not secret, was at least unexpected, which apparently not only fashions but consolidates a policy opposed and adverse to that which Sardinia has adopted, which she is encouraged to prosecute, and which, according to the documents of her eminent Minister, she is at this very moment actively prosecuting? The language of the Sardinian Minister is that the presence and the rule of Austria in Italy are felt to be insufferable—I give no opinion of my own upon these points on the present occasion; that the occupation of Italian provinces by Austria is the principal and the prime source of the degradation, the misgovernment, and the misery of Italy; that these are evils which it is the mission and policy of Sardinia to terminate; and that Sardinia looks, and has reason to look, for the co-operation and support of England in her efforts to this end. Well, Sir, if this be the case, how can we explain that subterranean policy which at the same time signs the protocols of the Congress of Paris, claps the King of Sardinia on the back, and signs a treaty which, we now understand, appeared unexpectedly, and which, if it has any point at all, has this point—that the government of Europe is to be carried on for the future by France, Austria, and England, and that the security and the tranquillity of the world depend upon this tripartite alliance? Sir, I am not going to say one word against that tripartite alliance—I am not going to say that the alliance of France, Austria, and England may not be a wise policy. I know that it has been sanctioned and adopted, on some of the greatest occasions of history, by men second to no living statesmen. I know well that Lord Castlereagh, Prince Metternich, and M. de Talleyrand devised and, I believe, accomplished such an alliance at a moment of great difficulty at the Congress of Vienna. I am not now saying anything against that policy, but at a future time it must form a subject of discussion in this House. The present state of affairs and the foreign policy which this country is now pursuing are not only legitimate subjects of discussion, in this House, but I think we should not be doing our duty to our constituents if we went back to them without having fully and completely discussed them. I do not wish to enter into these questions to-night, but when I am asked to sanction a treaty which demands from the people a large portion of their treasure to be contributed to a foreign Power, I have a right to ask for some explanation of the mysterious circumstances which apparently at this moment affect, and I think perplex, our relations with that Power. I give no opinion as to the foreign policy which it may be wise for this country to pursue. An alliance with France and Austria for that object may be wise and politic, but this I may say, that it is neither wise nor politic to enter into an alliance of that kind which, if it means anything, means a guarantee of the Austrian Empire, and of course of her Italian dominions—no mean portion of her empire—and, at the same time, to enter into relations with the King of Sardinia which stimulate him to a policy utterly opposed to the Austrian and Imperial policy, utterly opposed to the retention of those Italian provinces by Austria, and utterly inconsistent with the solemn policy which has produced the tripartite treaty. For the interest of the country and for the sake of our national reputation, it is in the highest degree desirable that there should be a satisfactory explanation by Her Majesty's Government of the strange inconsistency between the protocols of Paris and this tripartite treaty. I want to have some explanation how it is that England should at one and the same time engage to rescue Italy from the grasp of Austrian dominion, and conclude a treaty which in effect guarantees the integrity of the Austrian Empire, and declares that the destinies of Europe shall henceforward be governed by England, France, and Austria? Sir, I want to prevent a repetition on the part of the British Government of the scenes that were enacted in 1848. I have never met with any gentleman of any nation who, whatever his political opinions might be—whether he was a Conservative or a Liberal in England, or an aristocrat or democrat in some other country—whether he was a devoted advocate of monarchical despotism, or a frantic follower of Red Republicanism — did not concur in the opinion that our conduct in 1848 was not only most disgraceful to ourselves, but most injurious to Italy. If, for the sake of exciting the unreflecting applause of a mob, and in order to obtain for the existing Government the reputation of being devoted to those vague entities called "Liberal opinions," we are again to be in the position of stimulating Italian liberalism, while at the same time we rivet the fetters of Austrian despotism, I foresee for this nation consequences most fatal to her just and legitimate influence, and to that high character which, notwithstanding the mistakes we sometimes commit, and despite our party conflicts, it is our happiness to think that our country has hitherto maintained. There will, no doubt, be ample opportunity to discuss this question in all its bearings when the Chancellor of the Exchequer shall hereafter ask us for a Vote; but it appeared to me impossible that the observations of the right hon. Gentleman on the subject of the treaty with Sardinia should in the meantime be allowed to pass wholly without notice. I again say that I do sincerely hope that, profiting by the bitter experience of 1848, and by the recollection of Lord Minto's mission, and of those scenes of popular tumult which, excited by English influence, and deserted by English power—a desertion remembered to this day on the Continent with anguish and indignation—I say, Sir, that I do devoutly hope that, bearing all these things in mind, the House of Commons will refuse to be made the cat's-paw of any Government for the sanctioning of that pseudo-liberalism which, while it affects sympathy with oppressed lands, strengthens the hands of their oppressors, and aggravates the weight of that despotic power. Should the House unhappily neglect this lesson, they will pursue a policy better calculated than any that I can imagine to impair their own authority and to bring dishonour on the reputation of England. I trust, Sir, therefore, that we shall be most scrupulous in exacting from the Government a precise, frank, and definite account of the relations between this country and Sardinia, that we may understand whether we have played our cards so badly at the late game of diplomacy that we are at the same time pledged to support Austrian authority and Italian regeneration. This is a question which is recurring to many minds in this country. It has touched the heart of England, and be assured it is watched with anxious attention throughout the whole of Europe. I feel a deep interest in the future of Italy, and sure I am that there is no honest man in this empire who does not look forward with delight to the day when that immemorial land to which we all owe so much shall take her proper place among the nations, and be again one of the leading communities of the world. But I, for one, base my hope of that consummation on my faith in the genius of the people and the resources of the country. Time, the great reformer, will save Italy; but if there can be anything that will throw her back in her career—anything that will baffle her advancing destinies—it will be the intrigues of politicians who are not Italians, and who, for the sake of getting a support which otherwise they might not command, trifle with the fate of a great people, pander to the lusts of secret societies, pretend to sympathy they do not feel, and, for the love of popular applause and a momentary success, compromise the destiny of a gifted nation.

VISCOUNT PALMERSTON: We have heard, Sir, a great deal of that eloquence which the right hon. Gentleman the Member for Buckinghamshire is so capable of summoning at any moment to his command —eloquence expressing a world of virtuous indignation, which would be well deserving of the attention and consideration of the House, were it not that, unfortunately, it is wanting in one essential,—that of having the slightest foundation in fact. The right hon. Gentleman has talked of "mysteries" where none whatever exist, and attached to very simple treaties meanings which any man who takes the trouble of reading them only once in his whole life will perceive at a glance are utterly inapplicable to them. The right hon. Gentleman has chosen to go back to the year 1848, making assertions with respect to the conduct of the Government at that period which I hesitate not to say are not only totally unfounded, but wholly devoid of even the semblance of truth, and which imply charges which are totally untrue. As regards our relations with Sardinia, and those allusions to them in the protocols of Paris which the right hon. Gentleman desires to have explained, all I have to say is that there is no mystery in them. They are known to everybody, and are manifest on the face of the protocols, as well as on that of the treaty we have concluded with Sardinia. They are the relations of perfect confidence, of cordial friendship, and of intimate alliance; but, as to our having engaged with Sardinia in any secret project for revolutionizing Italy and overthrowing the Governments which exist in other parts of that country, there is not the slightest ground for such a supposition, nor the shadow of a pretext to justify such a charge, or draw such an implication. It is not to be denied that the Government of Sardinia has a mission to fulfil, a destiny to accomplish—the great mission, the high destiny of holding out to all the other States of Italy a bright example of liberal institutions and constitutional government; and most sincerely do I hope that she will succeed in that noble enterprise, and that the day is not distant when all the Italian nations will give proof of their capacity to govern themselves in a manner to insure the maintenance of order and liberty, and to command the approval of Europe. Such as I have described them, Sir, are our relations with Sardinia, and there is nothing in the protocols that implies anything different from what I have stated. Nothing has passed between Sardinia and England which is not known to the world, and which does not do honour to both countries. No doubt, when a territory like Sardinia nobly joins an alliance such as that subsisting between France and England, and gallantly launches into a war to which those Allies are committed, there are considerations of honour and friendship which make it understood that, if Sardinia should ever be menaced by an unfriendly Power, she will have a fair claim on England and France to protect her from insult and injury. But, Sir, it is far, I am sure, from the thoughts of the Sardinian Government, and it has certainly never entered into the contemplation of France and England, that that honourable alliance, founded on good faith and for noble objects, should be the means of enabling Sardinia to set forth upon a crusade of aggression against any other State. The right hon. Gentleman talks of the "tripartite treaty" as of an instrument that contemplates in its execution that the three contracting parties—England, France and Austria—shall govern Europe, and that it involves an engagement on the part of England and France to guarantee all the possessions of Austria. Sir, I am really surprised that the right hon. Gentleman should hazard assertions of that kind with regard to a document which any man who reads it must perceive to be susceptible of no such interpretation. The treaty does not imply that the three Powers in question shall take upon themselves any authority or interference whatever, in the general affairs of Europe, nor does it contain one single syllable about guaranteeing the territories of any of the contracting parties. That treaty has only one object, the same that Austria proposed at Vienna in the spring of last year, namely, that in the event of a peace there should be an undertaking between England, France, and Austria to provide for the due execution of a common treaty, having for its object the securing of the integrity of the Turkish Empire. I am utterly at a loss to understand where in that treaty the right hon. Gentleman finds anything to warrant the impression that it is a treaty erecting those three Powers into the arbiters of the destinies of Europe, or binding England and France to any guarantee of the territorial possessions of Austria. There is nothing, therefore, inconsistent in the provisions of that treaty with the protocols of Paris, or with any diplomatic engagements or intercourse which may have taken place between the British Government and the Government of Sardinia. The right hon. Gentleman has, I think, fully justified what passed in the Conferences of Paris in regard to the unfortunate condition in which many parts of the Italian States now are. He did not, perhaps, go to the extent of expressing censure; but, by the anticipations which he expressed of a better destiny for the future, he very significantly showed what he thought of the present state of that country. The right hon. Gentleman may or may not agree with Count Cavour as to the extent to which the military occupation of States by foreign troops may affect the happiness, welfare, prosperity, or good order of those States; but I have no hesitation in saying that I think those occupations are misfortunes, and that they should cease as speedily as possible. Those occupations began under very different circumstances, which might or might not have justified them at the time; but those circumstances have long ceased to exist, and I am ready to admit to the right hon. Gentleman that, in my opinion, the time has come when those occupations ought to be put an end to. But with regard to any engagement for that purpose, there is nothing but what is public to all the world on the face of those protocols. These matters were openly discussed at the Conferences of Paris, and in the presence of the Austrian Minister. There was no concealment, no mystery about them; the opinions which were entertained were expressed without the slightest reserve and with perfect good faith on the part of all who were concerned in the discussions. Now, with regard, Sir, to what passed in 1848—those transactions have often been the subject of debate in this House and elsewhere, and those who assert that the Government of this country were not actuated by perfect good faith in the course which they took must assert it in complete ignorance of what passed at that time. The part which we took was perfectly fair and open. Lord Minto went to Italy for the avowed purpose of tendering advice to those Governments which might be willing to receive it with respect to improvements in their administration. Well, Sir, at that time there was an insurrection in Sicily, and at the request of the King of Naples we endeavoured to mediate between him and the Sicilians. We had brought that mediation nearly to a point. The question was—not what institutions they should have, because the King of Naples was willing to give them institutions almost similar to those which they had before possessed—but the question was, whether the Crown of Sicily was to be united with that of Naples, and the King of Naples to remain Sovereign of the two countries. That would have been settled in a manner satisfactory to the Sicilians and consistent with the unity of the empire, when the French Revolution of 1848 occurred. The news of that revolution kindled a fresh flame among the Sicilians, and they refused to have the King of Naples as their Sovereign. Lord Minto, then, acting according to the instructions of the Government, and to the spirit of the mediation which we had proposed, said that he could no longer carry on communications with those who refused to remain subjects of the King of Naples, after offers had been made to them which ought to have satisfied them in regard to their institutions. There was no abandonment of any party that we had undertaken to support. We gave them our good offices up to the point of their continuing to be subjects of the King of Naples; but when excited and encouraged by events in France, they declared that they would no longer consent on any terms to have the Crown of Sicily united with the Crown of Naples, we said that good faith to that Sovereign with whom we were in alliance, and with whose consent our diplomatic agent had entered on mediation, prevented our carrying on that mediation any further. The Earl of Minto therefore retired, and the parties were left to deal with each other as they pleased. There was nothing then in that transaction with which this country need be dissatisfied. We gave every assistance we could to put an end to the quarrel which had broken out between the people of Sicily and the Neapolitan Government; and our failure was not owing to any want of effort or goodwill on our parts, but to events which took place in another part of Europe which proved fatal to an arrangement which was otherwise in a fair way of being satisfactorily settled.

SIR FRANCIS BARING said, the course of the debate would almost induce him to ask himself whether he was not under some mistake as to the subject which was before the Committee. He fancied he must be labouring under some strange delusion, for he had thought that they were called upon to consider a financial Resolution, and that the subject they were to discuss was one eminently of a domestic character; but the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had treated it as a question of foreign policy; he had connected it with the affairs of Italy and the tripartite alliance. Now he thought that it was not quite fair towards quiet and business-like Members, that the right hon. Gentleman, upon such an occasion, should swamp their deliberations with that sort of magnificent declamation which he was so well able upon every occasion to display; or that he should diverge so widely from what really was a question of whether the Committee approved of the terms of the loan which had been made that day. Now he (Sir F. Baring) quite concurred in the course which the right hon. Gentleman the Chancellor of the Exchequer had taken. The right hon. Gentleman had settled merely what was to be done in the present state of things, leaving his course for the future quite open, and not committing the country to his policy for the future, in any way whatever. On such occasions almost every Gentleman had some hobby in view, some tax to endeavour to get rid of at the expense of the revenue; and he himself had objects which he should be happy to explain in due time, but he hoped the Chancellor of the Exchequer would stand firm now, and would not consent to abandon the position he had taken. Something had been said of our attaining perfection in our taxation; but no perfect tax could ever be devised. Ever since the peace of 1816 we had been reducing or changing our taxation, and he should be sorry to have it ever said that any system of taxation was final and could not be improved. But he hoped his right hon. Friend the Chancellor of the Exchequer would not allow any inroad to be made upon the revenue in consequence of any immediate appeal that might be made to him: for his doing so would prevent the Chancellor of the Exchequer hereafter, when the proper time should come, from taking a full, comprehensive, and extensive view of our whole system of taxation. That was the more important because there were certain taxes laid on merely as war taxes, and pledged to be taken off in a certain time after the signature of the peace; and if the Chancellor of the Exchequer, at the first moment, now, in consideration of any particular tax, allowed his deficiency to be increased, it would be impossible hereafter for any Government to perform that of which a promise had been held out, namely, that if the country would pay certain taxes during the war, they should at the expiration of the war be taken off. He thought it of the greatest importance that faith should be kept in those matters; and he earnestly begged his right hon. Friend the Chancellor of the Exchequer not to be led by any one to permit a sudden inroad into the revenue, either for the repeal of the paper duty or anything else. There was another subject on which the right hon. Member for Buckinghamshire had spoken well. He earnestly hoped that between this time and the next financial statement the Government would seriously take into consideration the establishments of the country, with a view to reducing them to a peace establishment, still remaining effective. He quite concurred with the right hon. Gentleman in believing that economy and efficiency not only could, but generally did, go together; and that frequently our very faults arose from the too large expenditure which we had made; and he did not believe we should have been better prepared for the late contest if we had spent double the sum for our army and navy which had been spent. He hoped that next year the Chancellor of the Exchequer would be able to show the country that the Government had considered the establishments with a view to reducing them to what would be sufficient for the service; and if that were not done it would be the duty of that House loudly to call upon the Government to reduce the expenditure, and recur to those old practices of economy which, during the last few years, had not been so fashionable.

MR. GLADSTONE: Sir, although I may regret that we have been led to trespass to so considerable an extent upon questions of foreign policy on an evening devoted to financial concerns, yet it is not to be denied that the proposal made by the Chancellor of the Exchequer with respect to Sardinia—a proposal the grounds of which were not fully developed—has tended, to a certain degree, to carry us into that field. For my right hon. Friend has proposed to the Committee, with regard to Sardinia, that we should enter into an arrangement which is not comprehended within the treaty we have concluded with that country, and upon the grounds of which I consider we ought to be fully informed. Recollecting the favourable manner in which the right hon. Gentleman the Member for Buckinghamshire, notwithstanding his objections to the system of subsidies and guarantees in general, received, in common with those who sit beside him, the proposal of last year to make a loan to Sardinia, I am quite sure we are not to regard his speech to-night as indicating any change of feeling on his or their part with respect to the policy of that measure. I take the liberty of saying so much, because, even at the hazard of following the example, if such it be, of discussing what is beside the question before the Committee, I cannot say how much importance I attach to maintaining abroad the conviction that if there is a subject of foreign policy upon which the House of Commons, if not absolutely unanimous, yet approaches to unanimity, it is in the feeling of respect and regard which we entertain towards the Sardinian Government and people, and in our sense of the duty of lending them every support that the moral influence of England can give. Well, Sir, the right hon. Gentleman the Member for Buckinghamshire alluded to certain paragraphs which he finds in one of the protocols of the Conferences at Paris, and which he considers as indicative of an aggressive policy on the part of Sardinia. Now, Sir, I venture to say, that even if Sardinia did entertain such schemes of aggression—and although we might, upon being assured that such was the fact, regret that she harboured such feelings—yet, considering her position, we could, I think, scarcely wonder at it. We must consider the extreme difficulty which is experienced by a very small country that has one neighbour—and sometimes more than one—of whom she has cause to be afraid, and not only has her political position complicated by foreign policy in its ordinary sense, but is likewise troubled in the rectification of her ecclesiastical laws on account of her relations with Rome, finding at her own doors — one might almost venture to say in every parish—some portion of her subjects upon whom little reliance can be placed. At the same time I venture respectfully to express the opinion, that if Sardinia carries the same enlightened spirit into her foreign policy which has governed her domestic policy, she will renounce and forswear all those schemes of aggression. She has need of a lofty self-denial and self-command, but a disinterested part is that which in the end will best serve her interests. Her function is, as stated by the noble Lord at the head of the Government, in the course of this discussion, to exhibit a right example to Italy, and in the moral force of that example and the consequences flowing from it, she is certain to find the reward of all her efforts and endurance. I have now one remark to make with respect to this proposal in regard to Sardinia. I am sure it is the unanimous feeling of the people that we should discharge in an ungrudging spirit of liberality, and something more, not only our written obligations to Sardinia, but also those more general obligations which are to be found beyond the limits of the treaty we have concluded with her. I hope the Chancellor of the Exchequer will show—I have no doubt my right hon. Friend will, but I express the hope in a distinct form, because I did not understand that portion of his speech so clearly as the rest — that whatever advance he may propose to make to Sardinia is to be *bonâ fide* for the purpose of liquidating the pecuniary obligations which are due to her for her operations in the Crimea; and I am sure that, as far as the question of money is concerned, nothing will induce the House of Commons to stay its hand, provided my right hon. Friend conforms to the principle which I have thus ventured to indicate. And now, following the example of the right hon. Member for Portsmouth (Sir F. Baring), I feel it to be my duty to refer to those statements which I heard with sincere satisfaction proceeding from the right hon. Gentleman the Member for Buckinghamshire with respect to the principle upon which our military expenditure is to be conducted. To whatever it may be owing, we cannot be blind to the fact that there is a vague impression abroad that the parsimony of the House of Commons was the cause of the evils and disasters we have recently incurred. There is no man, I apprehend, who, after the light which time has thrown upon these matters, will deny that we have incurred evils which might have been avoided; but I hope that there are many men both in this House and out of it who will demur to the conclusion that a legitimate connection can be traced between those evils and an undue economy on the part of the House of Commons. Let us look to the examples that are immediately before us. If it is economy that has produced those evils, what are we to say to the case mentioned by the Chancellor of the Exchequer —the case of Prussia for instance? Whatever we may think of the policy of Prussia, or of the errors which she may recently have committed, we must regard her as a considerable military Power, with a well-organised, effective, and disciplined army; and yet the Chancellor of the Exchequer tells us that the whole of the military expenditure of Prussia, her naval force being comparatively insignificant, does not amount to more than £4,900,000 a year. I do not suppose that an English army can be maintained as economically as a Prussian army; there are many reasons why it should not be so; but when we hear language held with respect to the proceedings of various Administrations and of this House, as if the national purse had been closed and our establishments reduced to the lowest scale, it should be recollected that £13,000,000, £14,000,000, £15,000,000, and even £16,000,000 a year have been ungrudgingly voted by this House for military purposes. But if we want to dissipate the delusion that an effective army usually means an expensive army, let us take a much stronger case than Prussia—the case of Sardinia. No army ever took the field in a more effective state than did the Sardinian Contingent in the Crimea. The Sardinian army in every point—in equipment, in organisation, in numbers, in discipline, as well as in courage—has won the admiration of all acquainted with it; and yet Sardinia is a small country, her army is numerically much less than the British army has ever been, and it is maintained at a cost which might well make the lips of the most rigid economist in this House water, but which one would be almost afraid to mention for fear of frightening the English people into the notion that we were going to reduce our expenditure to the same level. One word upon a subject which has been frequently referred to in this debate. Gentlemen speaking from various parts of the House, upon the score of the fact that we have returned from a state of war to a state of peace, seem to be contemplating a reduction of taxation, and we have even had intimations that positive proposals of that kind are to be made in the course of the present Session. Yet I think it is undeniable that, as far as expenditure is concerned, the year now before us is not a year of peace at all. I do not use those words merely in a general sense, but in a sense very specific, because if you compare the expenditure of 1856–7, as it has to-night been estimated by the Chancellor of the Exchequer, with the expenditure of 1854–5, which was throughout a year of war, you will find that the former greatly exceeds the latter. The expenditure of 1854–5 was somewhere about £68,000,000, but the statement which the Chancellor of the Exchequer has made to-night, shows that the expenditure of 1855–6 is not £68,000,000, but, is to amount to £77,000,000. With respect to the provision he has made, the hon. Member for Sheffield (Mr. Hadfield) compliments him upon its lavish amount, and threatens to aim a blow at a great branch of revenue—the duty on fire insurances, which will cost at least £1,000,000, and he says the Chancellor of the Exchequer has provided for it three times over in his surplus of revenue over expediture. I confess the provision with reference to the expenditure as it stands on paper seems to me somewhat narrow. If it be sufficient, it is quite plain it will not be more than sufficient; for while the expenditure is £77,000,000, the revenue amounts to £67,000,000. Then there is £1,500,000, which may be taken from his balances, and still there is a deficiency of between £8,000,000 and £9,000,000. There may be £2,000,000 for a Vote of Credit, and that reduces it to between £6,000,000 and £7,000,000, but still nearer £7,000,000 than £6,000,000. The Chancellor of the Exchequer proposes to provide £5,000,000 by the loan for which he has just made arrangements, and he proposes to borrow £2,000,000, if necessary, upon Exchequer bonds or Exchequer bills. Supposing he gets his £2,000,000 on Exchequer bonds or Exchequer bills, I do not think the figures, when they come to be balanced, will show more than a surplus of £160,000, and such a surplus upon a sum of £77,000,000 is sailing very near the wind indeed. I, for one, shall be delighted, when the proper opportunity arises, to see the hon. Member for Sheffield succeed in taking away a million of money from the revenue of the country; but in the present state of our finances I hope the Chancellor of the Exchequer will hold very firm and decided language to prevent such incursions on the funds at his command; and I trust whatever may be our differences of opinion, we shall not set the pestilent example of abolishing taxes and meeting the expenditure of the country by borrowed money. I observed in the early part of this debate that, for the moment, hon. Gentlemen seemed to forget the inevitable relation between the expenditure and the taxation of the country. It is now the disposition of the House of Commons to force increased expenditure upon the Government. From every quarter we hear suggestions that this ought to be done and that ought to be done—that there should be no parsimony here and no niggardly proceedings there — until the House of Commons has become a power on the whole rather favourable to increased expenditure than to economy. I must confess that I should have been glad to see greater reductions than those which have been announced. If I look at the Army Estimates, I am sorry to find the Vote which the House of Commons passed, rather as a war measure than upon any distinct examination of its merits, for £870,000 for works, which is a peace Vote rather than a war Vote—I am sorry to find that Vote is not likely to undergo more effective scrutiny or be subject to any sensible reduction. I confess that I likewise view with some disappointment the amended Navy Estimates. A sum of £16,800,000 is very large; I will not say it is alarming, but it is a very disagreeable figure to see for naval expenditure in the first year of peace. I perceive that a very considerable part is for transport service—£6,000,000. But still a sum of nearly £11,000,000 remains for the naval establishments of the country for the first year of peace; and, considering that our naval establishments are not like those of the army—considering that the navy can be recalled and its excess got rid of with far greater facility than the army, the whole strength of which is in the Crimea, and to bring home, which will require many, many months, I should have been very glad if the right hon. Gentleman the Chancellor of the Exchequer had proposed to us a more moderate amount, and I am sorry the Committee has not seemed disposed to take him to task upon the subject of those Estimates. If the Committee were disposed to do that, whether right or wrong in particulars, it would be going the right way to work. But, instead of that, there seems to be a disposition to stimulate increased expenditure, while, by questions, motions, and divisions, every effort is directed to stinting the means of meeting that expenditure, although those means are already quite enough, if not perhaps too much, reduced. I trust the Chancellor of the Exchequer will hold firm and decided language upon this subject, and make it understood that it is the intention of the Government to maintain taxes until the time comes (no man longs for it more than I do) when the Government will be in a position to propose those remaining reforms which I quite agree are yet to be accomplished in our system of taxation. I long for the arrival of that time, but until that time does come, I trust the Government will be firm in its language, and I am confident, if the Chancellor of the Exchequer will hold language which is intelligible, he will find that the House of Commons will never refuse to support him in maintaining the public revenue.

Mr. MALINS said, he wished to say a few words with regard to the increased income tax, which the country had submitted to have raised to so large an amount during the war. The country certainly expected that that tax would be reduced from the standard of a war tax as soon as possible after the conclusion of hostilities. During the war the duty on tea was raised to 1*s.* 9*d.* in the pound; but the increased duty was to cease, as stated by the Chancellor of the Exchequer, on the 15th of April, 1857. He admitted that as regarded the income tax the words of the Act were with the Government in declaring that the additional rate should remain on till the 5th of April, 1858; but he really thought that that circumstance was to be attributed to accident. The words in the Act imposing the additional duties upon tea and coffee were that those duties should exist for twelve months from the 5th of April following the date of the definitive treaty of peace. Now, he was perfectly aware that the date of the treaty of peace was the 3rd of March, 1856; and that, therefore, by the Act those additional duties would cease on the 5th of April, 1857. The words of the Act relating to the increase on the income tax were, "for one year after the 5th of April following the ratification of the definitive treaty of peace." He was quite aware, too, that the ratification of the treaty took place on the 27th of April last, and that, therefore, one year after the 5th of April next after the ratification would be the 5th of April, 1858; but was the intention of the Legislature that the additional income tax should exist after the additional duty on tea had ceased? He believed that the country would cheerfully submit to the payment of the income tax for one year more; but not for a longer period. The income tax was most burdensome to the people, and especially oppressive upon the middle classes of the country, and he was therefore the more disappointed that the right hon. Gentleman had held out no hopes that the country was to be relieved from that great burden before 1858. As he had before observed, he admitted that the words of the Act were in the Chancellor of the Exchequer's favour; but he asked the right hon. Gentleman to act up to the spirit of the enactment, which was to provide means for carrying on the war, and to discontinue the increased taxation in a limited time after the war had ceased. He (Mr. Malins) did not in the least object to the additional advance proposed for the Sardinian Government. Quite the contrary. But he should remind the Chancellor of the Exchequer, that in that case he was not confining himself to the words of the Act; for the Act only bound Her Majesty to ask Parliament to enable her to make a second advance in case the war continued for twelve months after the payment of the first instalment of the original loan. Now, the war had not continued for that time. He (Mr. Malins) only referred to this circumstance to illustrate his proposition that in the case of the income tax the Chancellor of the Exchequer should not feel himself bound by the words of an Act. He had spoken to several Members of the House on the subject; and his opinion was that the intention of the Legislature in passing both measures was that the additional tea duty and the additional income tax should cease at the same time; and that the difference in the wording of the Acts had escaped the observation of the House. The opinion expressed by his right hon. Friend (Mr. Disraeli), and echoed by the right hon. Gentleman opposite (Mr. Gladstone), met his entire concurrence—namely, that, because after a long period of peace we were taken by surprise, and had to enter upon a war under great difficulties, it was not to be assumed that these difficulties were to be avoided in future simply by a large increase in the army; and that, in fact, it was not upon the number but the efficiency—not the quantity but the quality of our forces, that we must depend. He also concurred in the sentiment of the right hon. Member for the University of Oxford, with regard to the principle upon which the Chancellor of the Exchequer must act in respect to taxation. He, for one, had the strongest possible objection to the high rate of fire insurance duty. For many years he had been of opinion that that was an impolitic and oppressive tax, and one which he should rejoice to see reduced. But if he were now asked to give up two-thirds of a tax which had produced £1,340,000 during the past year, and thereby strike off at least £800,000 from a revenue which was at present barely sufficient to meet the demands of the country, he confessed that he should not hesitate to withhold his assent from any such proposal. He could have wished that it had formed a part of the treaty of Paris that there should be a general reduction of armaments among the great European powers—that the continental nations generally should reduce their forces, and that one nation should not be compelled to maintain a large army simply because another did so to keep a neighbour in check. Perhaps, however, that was a little too much to expect at present. He would, therefore, conclude his observations by saying, that, upon the whole, he was well satisfied and much gratified to find that great as was the expenditure which was going on, the right hon. Gentleman had a reasonable prospect of getting over the year with the moderate loan of £5,000,000.

SIR HENRY WILLOUGHBY said, it appeared that the cost of the war during the past year amounted to no less a sum than £92,500,000. In other words, £65,700,000 had been raised by taxation, whilst £25,500,000 had been borrowed. Those two sums would make together £91,200,000; and if to that they added the portion of the last loan, to which the Chancellor of the Exchequer had referred, he believed he was right in saying that the total expenditure had been £92,500,000, or thereabouts. [The CHANCELLOR of the EXCHEQUER dissented.] The right hon. Gentleman shook his head. He should be glad if the right hon. Gentleman would inform him where he was wrong. Believing, then, that he was very near the correct figure, what he wanted to know was, what were the data upon which the Committee was to come to the conclusion that £77,500,000 was necessary for the expenditure for the forthcoming year. The right hon. Gentleman had himself shown that there was a reduction upon some of the Estimates to the extent of £17,000,000. Surely, then, that would not leave an expenditure for the ensuing year of £77,500,000. The truth was he believed that the right hon. Gentleman had very little data to go upon, and that when he came to provide the ways and means for the £77,500,000, he would not be able to show very clearly how he could take the revenue for the year at so large a sum as £67,000,000. That amount would indicate a considerable increase in the receipt of taxes for the present year, and as some of the taxes would cease in the course of the year, it did not appear to him (Sir H. Willoughby) that the right hon. Gentleman's data were sufficient to justify him in arriving at any such conclusion. Supposing, however, that the right hon. Gentleman was correct in his statement, still there would remain £10,000,000 to be provided for; and £5,000,000 of this, it appeared, was to be raised in the old style of borrowing, and that upon the issue of Exchequer bonds. Now, it appeared to him that this method of raising money was an extremely awkward one for all parties concerned; and he trusted that if the right hon. Gentleman were driven to borrowing at all he would do so by resorting to the issue of Exchequer bills, for nothing was more calculated to complicate our system of finance than a constant issue of bonds in small quantities. With regard to the Sardinian loan, he should be glad to know if the money granted to Sardinia was really a loan or not? [The CHANCELLOR of the EXCHEQUER: Yes, it is a loan.] Well, that was one important consideration; but when would it be repaid? For his part he believed it was a delusion to term it a loan, and that we should never see one farthing of it back again. There could be no more mischievous system adopted than that of granting money in this manner. Surely, it would be far better to treat Sardinia generously at once, and not to conceal from ourselves that what we called a loan was in point of fact a gift. The proposal of the right hon. Gentleman was certainly a very simple one; for it went to raise as much taxation as was possible under the existing system, and borrow the remainder. But he warned the Committee to be shy of increasing the capital of the national debt, for he must remind them that within the last two years they had increased it to the amount of all the diminution they had been able to effect in the course of the previous forty years, and that there could be nothing more injurious to the interests of the country than having a constant recourse to loans. In fact, loans were only to be justified in cases of extreme necessity; and he thought the right hon. Gentleman should have endeavoured to carry out his own maxim, and, having proposed to borrow money, been prepared to provide the means of paying the interest, by creating some species of sinking fund for clearing off the principal of the debt. With regard to the expenditure, he believed the time would come when that question would be looked into more closely than it had been during the last year or two, and he believed the right hon. Gentleman who was now calling upon the Committee to sanction an expenditure of £77,500,000 would not lose sight of the fact that he had taken upon himself a most responsible task. His belief was that the right hon. Gentleman was asking the Committee to sanction a most extravagant Estimate, and that it was the duty of the Committee to do all in its power to curtail the expenditure, for they might rely upon it that the feeling was pretty wide spread throughout the country that a great deal of the expenditure at home had been most lavish, and that much of it might have been saved had a wise and prudent economy been exercised in the various branches of the public service.

MR. J. G. PHILLIMORE said, he quite agreed with the hon. and learned Member for Wallingford (Mr. Malins) that there were few taxes so impolitic and mischievous as the tax on fire insurances. At the present time it was notorious that it was driving a considerable portion of the trade that might be carried on in England to France. Under the circumstances, however, he should not feel justified in consenting to cut off so large a portion of the revenue as would result from the carrying the Motion of his hon. Friend (Mr. Hadfield). He trusted, however, that the Government would take the earliest opportunity of reducing our military establishments to as low a condition as was compatible with the reputation and honour of the country; and that we should, now that the war was over, return to the system which was followed by our fathers, and not think it necessary to maintain large military establishments for the sake of making this country, what she was never designed to be, a great military power. He should be glad to see the camp at Aldershot at an end to-morrow; but with regard to the navy, that was our best defence and natural protector, and he desired to see it kept up on a large and liberal scale, for it was a description of force respecting which the country never need feel any apprehension.

MR. HENLEY said, the right hon. Gentleman the Chancellor of the Exchequer had stated that there were £5,000,000 of Exchequer bills in the hands of the Commissioners for the Reduction of the

National Debt. He wished to know if that £5,000,000 were a portion of the money that belonged to the savings banks?

Mr. VANSITTART said, he did not think the right hon. Gentleman had adopted the wisest course for the future interests of the country, which he appeared to him to be sacrificing for a temporary purpose. He was of opinion that it would have been far wiser to have reduced at once the tax on fire insurances, and so to have encouraged the effecting of insurances to the whole extent of the property of this country. That would have been the boldest and also the wisest course to have pursued.

The CHANCELLOR of the EXCHEQUER said, in reply to the question of the right hon. Member for Oxfordshire (Mr. Henley), that the £5,000,000 which he had stated were in the hands of the Commissioners for the Reduction of the National Debt was a portion of the money held upon securities belonging to the savings banks. The hon. and learned Gentleman opposite (Mr. Malins) said that the income tax ought to be put upon the same footing as the tax upon tea or coffee, and he had pointed out in detail the difference existing between the provision of the law as regarded the income tax and those taxes. Now, the statement of the hon. and learned Gentleman cut both ways. It might have been that the income tax should be taken off as soon as the taxes on tea or coffee, or persons might draw the opposite conclusion, and say that it was meant that the taxes upon tea and coffee should be prolonged until the expiration of the term appointed for the cessation of the income tax. He had not in the statement which he had had the honour of making to the House at all touched upon the equity of the existing provisions, but had only pointed out their effects; and he could only say that the spirit of the treaty related rather to the exchange of the ratifications than to the time of the treaty being signed. As to the question asked by the hon. Member for Cambridgeshire (Mr. E. Ball), he could only say that what it was proposed to do with regard to the malt tax was to take off the duty which had been imposed during the war, so that it would stand at the amount of duty as it was at before the commencement of the war. The hon. Member for Evesham (Sir H. Willoughby) seemed to think that the calculation that £77,500,000 would be necessary for the service of the year was excessive; but he wished he could find any reason for supposing that such was the case, for he was sorry to say that he had no doubt but that the whole of that sum would be required. As regarded the Sardinian loan, it was true that he did not state to the House the grounds upon which the Government were prepared to ask the House to consent to the payment of the second sum of £1,000,000; but as it would be his duty to bring in a Bill to give effect to that stipulation of the treaty, there would then be an opportunity for full explanation on that subject. He thought the nation was bound in honour to pay the second sum of £1,000,000 of the loan. The expenses actually incurred by Sardinia before the termination of the war exceeded the £2,000,000 of the loan, and an application had been made for additional assistance by the Government of Sardinia beyond the amount of the loan. Her Majesty's Government, however, did not feel justified, under the circumstances, in acceding to that proposal, but they assuredly felt bound to carry out the original convention to its full extent. As to the question of a final and definitive correction of our existing system of finance and taxation, nothing was further from his intention than to convey any belief on his own part that our system of taxation, although based upon sound principles, had reached the point of definite perfection. He thought that particular branches of our system of taxation might be considered, with a view to its adaptation to the circumstances of the country. But he had expressed an opinion to which he adhered—that he saw no reason, because we had returned to a state of peace, for subjecting our taxation to a complete and systematic revision.

Mr. W. WILLIAMS said, the right hon. Baronet the Chancellor of the Exchequer had not answered his question as to when details of the reduction in the Naval Estimates would be laid on the table.

Sir CHARLES WOOD said, that nine-tenths of the Votes in the Naval Estimates had been taken in full. There were only two Votes in which there was a reduction—in the number of men and the Vote for the transport service. He would make a statement on moving the balance of the Votes which would give every information on that particular subject.

Mr. WALPOLE said, he wished to ask whether it was intended to separate the Votes for the Ordnance service from those more properly belonging to the army?

THE CHANCELLOR OF THE EXCHEQUER said, that there were certain Votes on which a small additional sum was proposed to be taken. Thus, the original Vote for the land forces was £10,950,000; the reduced Vote was £7,000,000; and the Committee had already voted £7,000,000 on account. A nominal sum of £10 would be added to this Vote in order to give hon. Members an opportunity of debating it. In cases where the Committee had voted on account a larger sum than would be required the original Resolution would be rescinded, and the reduced sum would be brought forward.

Resolutions *agreed to;* House resumed.

## FIRE INSURANCES BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. BAXTER said, that his objections to this Bill were increased ten-fold since it had last been under consideration. The object of the Bill was to prevent insurance business from going abroad. Foreigners were not satisfied with inviting British subjects to insure abroad, but they had appointed agents in London; he, therefore, did not blame the Chancellor of the Exchequer for endeavouring to apply a remedy to this evil, but what they had to consider was the sort of remedy he proposed to apply. He thought the right hon. Gentleman had taken a wrong course, and that the Bill would be both impracticable and inoperative for the purpose of suppressing foreign insurances. In his opinion, it would be impossible to prevent people from sending their orders for insurance to France or Germany. His opinion was, that those orders would increase in such a ratio as would compel the Chancellor of the Exchequer to adopt a course more consonant with finance. The question simply was, in what manner could they prevent foreigners running away with a great part of the insurance business of this country? His answer was, that it could only be done in one way, and that was by reducing the duty on British insurances. The tax was wholly indefensible in principle. Mark how it worked. The amount of insurable property in this country was between £5,000,000,000 and £6,000,000,000, and yet not more than £850,000,000 were insured against fire, because of the excessive duty. In France £1,600,000,000 worth of property had been insured within the last thirty-six years. It was perfectly obvious if the duty were reduced a great benefit would be conferred upon the community, and the Chancellor of the Exchequer would in the end, no doubt, receive a large amount of revenue. The marine insurance was a precisely analogous case. The duty in former times was very high; what was the consequence? The owners of vessels and shippers of goods went to Rotterdam and Hamburg to insure. The Government reduced the duty, and the shipowners and merchants immediately resumed insuring in England. The same result would be the case with fire insurances. Clause 8 could only be enforced by opening every letter that passed through the Post Office. That nibbling sort of legislation was trifling with a great question. He hoped the right hon. Gentleman would take these objections into consideration, and provide a remedy more in accordance with sound principles of finance.

MR. WILKINSON said, he fully concurred in the opinion expressed by the hon. Gentleman as to the impracticability of the measure. The object of the Chancellor of the Exchequer was to secure the revenue on fire insurances, but this was not the way to do it. He believed that if the duty were reduced from 3*s.* to 1*s.* it would effect all the purposes desired. It was impossible to retain the present amount of duty, besides which he thought the Bill objectionable in principle.

MR. HADFIELD said, he thought that at a moment when free trade was making such rapid advances on the Continent, and when foreign countries were likely to make changes in their policy which would largely benefit us, the Bill before the House was one which would prejudice foreign nations against England. With regard to the duty levied by the Government, the fact was, that the large amount of allowances made to the insurance offices for expenses connected with the collection of the revenue acted as a bribe to those offices to hold their tongues. He cordially reiterated the hope that the Chancellor of the Exchequer would take the subject into his serious consideration.

SIR SAMUEL BIGNOLD said, the expenses incurred by the insurance companies in collecting the revenue which was handed over to the Government amounted, he believed, to more than the allowances received by them from the country. Then it must be remembered that in this metropolis the British insurance companies entirely maintained the Fire Brigade, the expenses of which during the last year amounted to £21,500, and the country fire brigades cost about the same sum. If, from being subjected to any unfair competition the resources of the companies were impaired, the public—non-insurers as well as the insured—would, of course, be deprived of this protection to property. On the part of the insurance offices, he could say that if the Chancellor of the Exchequer could see his way clear to give up two-thirds of the revenue arising from this source, they would be most happy to receive it as a boon. They did not press this now, but, meanwhile, he thought they had a right to ask for some defensive measure like the present.

Mr. GLYNN said, he should support the Bill on the ground of the unfair competition to which the English offices would otherwise be subjected. With regard to the question of revenue, he thought the House ought not to part lightly with a duty bringing in about £1,300,000 a year —a sum collected probably with less difficulty than any other tax in this country. The proposition of the hon. Member for Sheffield (Mr. Hadfield) would reduce by one-half the revenue derived from fire insurances, and he, for one, was not, in the present position of the national finances, disposed to accept that proposition. When the alteration took place in the duty on agricultural insurance about twenty years ago, the effect of that was not to increase very materially the amount of property insured, although the reduction was very great. The amount of insurances upon agricultural policies between 1841 and 1851 increased only from £51,000,000 to £54,000,000, which did not, in point of fact, represent in any degree the difference in the value of property between those respective periods. Bringing the calculation down to the present day, he found that the amount of agricultural property insured was only about £62,000,000, which, taking into account the increase in the value of property, did not, in 1856, by any means represent the amount of insurance effected in 1841. He assumed, therefore, from these facts that a reduction of duty would not bring about the great increase of insurances which hon. Members seemed to calculate upon. It must be remembered, also, that the system of insurance was entirely different in this country from that which existed in France and Holland, where what was termed the "average clause" was adopted; and he would suggest to the right hon. Gentleman whether he could not leave the duty as it stood upon English policies in their present shape, but make a remission of the duty to 1*s.* or 1*s.* 6*d.* upon policies containing the "average clause." That would be a considerable inducement for persons to adopt the "average clause;" he considered that the competition of the French offices would be best met in that way; and by introducing the French practice into this country the Government would do more to increase insurances than by any other plan which could be devised. The great aggregate of the amount of losses arose from small fires, comparatively few of which were, strictly speaking, accidental; and if they did not occur through wilful design, many were the consequence of culpable negligence. He also thought the introduction of the "average clause" would have the effect of inducing greater care on the part of insurers. He conceived that the Bill was absolutely necessary for the protection of the English offices.

Lord STANLEY said, he entertained a very strong opinion that of all taxes now existing in the financial system of this country the tax upon insurances was not only the most inexpedient, but, if he might use a stronger word, he would say it was the most immoral, and that it combined every possible bad quality which any tax could have. At that particular moment, however, knowing the pressure there was upon the Government, and quite concurring in the general feeling of the House that this was not a fit time for undertaking a revision of the financial system of the country, he would not upon general grounds have opposed the Bill. But, on looking into the provisions of the measure, he found that it must apparently remain utterly inoperative unless larger powers were given than the Bill conferred, and than he believed Parliament would sanction. By clause 3, every person acting as an agent for any insurance office abroad was required under a penalty to take out a proper licence. The clause did not propose merely to interfere with any person opening an office, or advertising himself as an agent of a foreign insurance office, but with any person who in any single case acted as the agent of a foreign insurance office. Now, by what possible machinery did the Government intend to discover parties who were acting in the capacity of agents?

The office was established abroad, and advertised in the English newspapers. Nay, it need not even do that, for it might circulate prospectuses by the post, and the business might be, and probably would be, transacted by correspondence. The agent might receive his powers by a private letter, and, acting upon these powers, he would communicate with his employers by private letters. In all those proceedings there was absolutely nothing that could come before the public, or of which it was in the power of the Government to take cognizance. He did not know what machinery the Government intended to employ, but he thought that in a great majority of cases such a course as he had described would be pursued. He had supposed that some explanation would have been afforded on the part of the Government of the means by which they intended to meet these cases, and, as no such explanation had been given, he felt that he had no alternative but to vote, as he did very reluctantly, against going into Committee on the Bill.

MR. TITE said, that the average clause in foreign policies, to which he referred on a former evening, was in effect this: that in case the property belonging to any person should be of less value than the amount insured, a proportion only of the amount would be paid, and by another clause in the foreign policy, he found that, if the parties would not agree as to the total value, they were remitted to the Courts of France for the matter to be inquired into. It should be well understood, that any person who took out a policy in these foreign offices was liable to be referred to the Courts in France before his claim would be settled. He thought at one time that interference by enactment with these new offices would be unnecessary, but he had since found that a larger amount of insurances was going abroad than he anticipated. The tax was objectionable as it at present stood, but he thought something ought to be done to protect the financies of the country as well as the insurance offices.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the course the House seemed disposed to take with regard to this Bill was somewhat unusual. He had stated on a former occasion that the Bill was introduced in order to remedy a defect in the law respecting fire insurances. The present law did not prevent foreign offices from establishing agencies in this country, and dealing in fire insurances without being subject to the duty to which fire insurances effected in English offices were liable. The English insurance offices were thus exposed to unfair competition, inasmuch as the foreign offices were able to effect policies without the payment of the duty which was required from English offices; and the nation also lost the revenue which would have been derived if the insurances effected in foreign offices had been effected in English offices. It, therefore, seemed to him that it was a very obvious course to subject insurances effected by the agents of foreign offices to the same duties which were applicable to insurances in British offices. It had been stated by more than one hon. Member that the Bill would be inoperative and that it would not effect the object for which it was brought forward, but that objection proceeded from gentlemen who, as he understood, did not wish to render the measure more stringent and efficient, but to defeat the Bill altogether. He could only say that the Bill had been carefully drawn by the legal advisers of the department of revenue to which it related; that it had been submitted to the Law Officers of the Crown, and to persons interested in different insurance offices; and that he believed it would fully effect the object for which it was introduced. He was the person responsible for the introduction of the measure, which was to a great extent intended to protect the revenue of the Crown, and he did not wish to make himself responsible for proposing more severe or stringent provisions than the Bill now contained. If the measure should receive the sanction of the Legislature, and its operation should be ineffective, they might then consider whether more stringent provisions ought to be adopted. When, on a former occasion, he had said that the system of foreign insurances was a species of contraband traffic, he had meant that, although it was a practice which had grown up under the shelter of the law, it was an evasion of the purpose and spirit of the law, and, therefore, bore a resemblance to contraband trade. Those hon. Gentlemen who wished to obtain a reduction of the duty on fire insurances seemed disposed to say to the Government, "We have found out a mode by which the duty on fire insurances may be evaded; we will not allow you to amend the law, but we will make a bargain with you, and we will exact from you in return for an extension of your powers a diminution of the duty." That was a course scarcely worthy of that House. If hon. Members objected to the tax, and thought this a proper time for sacrificing so large an amount of taxation, why not bring forward a distinct Motion on the subject, and let the question be fairly debated on its own merits? It was a mistake to suppose that this tax was one of the desperate resources to which Chancellors of the Exchequer were reduced during the war before the last, for the fact was that the duty was raised to three shillings on the 28th of September, 1815, three months after the battle of Waterloo, so that it did not come into operation until after the conclusion of the war. Many duties had been remitted since that time, but it was not until this Session, at the conclusion of a great war, with a deficient revenue and a loan of £5,000,000 just contracted, with the prospect of a further loan in view, that the cry was raised against this tax, and a pressure put upon the Government to consent to its remission. He could not say that he was at all convinced by the arguments which had been advanced for the remission of the tax. He did not mean to say that there was anything in the tax which recommended itself to his eyes beyond the revenue which it produced, and he should have been very glad had it been consistent with his public duty to consent to its remission; but in the present state of the revenue no adviser of the Crown would be justified in proposing a reduction of taxation. All the arguments founded on the presumption that if the duties were lowered the revenue would increase were mere sanguine expectations, which would never be fulfilled. If two-thirds of the duty were remitted two-thirds of the revenue would most assuredly be lost. Such was the opinion expressed to him by some of the most experienced persons connected with insurance offices in the kingdom. The arguments drawn from the state of things in foreign countries were entirely delusive, on account of the prevalence of the system of averages in foreign insurance. Where an "average clause" was inserted in an insurance a person recovered the same proportion of his loss which his insurance bore to the total value of his house. For instance, if he insured one-third of the value of his house, he recovered the third part of his loss. He was afraid, however, that any attempt to force by legislation the universal introduction of the system of averages would be looked upon as an intolerable grievance. The suggestion of the hon. Member for Kendal (Mr. Glyn), to lower the duty on policies containing the "average clause," and to retain it at its present amount on the others, would be found, he was afraid, to produce much confusion. The habits of the country were too deeply rooted in the present system to think of any such change being successful. Under these circumstances he trusted no further objection would be made to the House going into Committee.

Sir FITZROY KELLY said, that for whatever purpose the Bill was brought forward it would, he believed, be totally ineffectual. If it was ever sought to make it in any degree effective, it could only be by means to which the people of this country would never submit for the purpose of putting a stop to foreign insurance. By one clause of the Bill it was enacted that every person who insured with a foreign office should be considered a Crown debtor for the amount of the duty. But how were you to find out who was such a debtor? It was said, that in order to do so, it would be necessary to open all the letters in the Post Office; and so it would be if the foreign offices chose, as they would, to advertise in this country, and then to communicate by letter with intending insurers in this country. The clause in question was wholly without meaning, and he did not believe it would be possible to enforce it. If there were any means of intercepting the policies as they came to this country, as you did a cask of wine or a bale of goods, then the Bill might have had some chance of being operative, though he should certainly not have expected to see a new tax of this kind introduced by the present Government. Then the Bill went on to impose a penalty on all who acted as agents for a foreign insurance company without taking out a licence. According to that, every person who came over from abroad, and called upon private gentlemen at their own house, as the agents for the wine houses did, would be liable to a penalty if he did not take out a licence. How could such a clause as that be enforced? Then, by another clause, it was provided that all persons who, by any public notice or advertisement, were advertised "as persons from, or to, or by whom proposals shall be effected, shall pay £100 a day;" so that if an insurance agent in Paris advertised that Mr. A or Mr. B would receive policies in England, the person so indicated would be liable to £100 a day, without, perhaps, even knowing that he had been advertised. The present Bill was an attempt, by means of an ingeniously-framed clause, to meet every possible case which could arise—to impose a duty where, from the nature of things, it would be utterly impossible, with effect, to impose or enforce it. He trusted, that if the Government felt it necessary to keep up this duty a little longer, they would let foreigners carry on their business as they had hitherto done, and would leave those who chose to trust them, and would not seek to interfere in the matter, in a way which must be utterly fruitless.

MR. GREGSON said, that the present was not the occasion on which to discuss the policy of the duty upon fire insurance; but he contended that, while it continued in force, foreign offices ought to be subjected to the same duty of 3*s.* per cent as the English offices were obliged to pay.

MR. ALCOCK said, he would remind the House that if they voted for this Bill they voted for that which would inevitably foster improvident habits among the people. There was property insured in this country to the value of £900,000,000, but property to the value of £1,800,000,000, still remained uninsured, and it would continue so if the Government were enabled to pass this Bill.

MR. VANSITTART said, that in order to give the House a distinct issue to divide upon, he would move, as an Amendment, that the Bill should go into Committee upon that day six months.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 172; Noes 31: Majority 141.

Main Question put, and *agreed to.*

House in Committee; Mr. FITZROY in the Chair.

Clause 1 *agreed to.*

Clause 2 (Persons insured chargeable with Duties where Insurances made by Unlicensed Foreign Companies).

MR. BAXTER said, he thought some explanation was due to the Committee, for the Bill aimed at establishing a system of espionage quite foreign to this country.

THE ATTORNEY GENERAL said, that the object of this 2nd clause was to prevent that advantage which foreign countries would otherwise have over the insurance offices of this country. It was not proposed to make any charge upon the foreign companies which were beyond the jurisdiction of our law, now was it sought to fix agents who might be men of straw, but the persons who effected the insurances should be liable, for he saw no one else whom they could make liable. If this were not so, foreign companies would have the advantage over our own national companies which, of course, it was desirable to prevent.

SIR FITZROY KELLY said, he had great difficulty in seeing how the Government were to devise means of knowing what insurances were effected subject to this measure.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the Committee would do well to allow this clause to stand, although he frankly admitted that he did not place any very great hope in its practical result.

MR. WILKINSON said, he thought that the whole Bill was inoperative, but of all its provisions, this particular one was the most useless.

THE CHANCELLOR OF THE EXCHEQUER said, he did not attach any particular value to the clause; but, as a declaration of the liability of persons insured, it might not be altogether without use.

THE SOLICITOR GENERAL said, he thought the clause a most reasonable one, and necessary for the consistency of the Bill. The clause made it obligatory on the insurers, in the case to which it referred, to pay the duties as a debt to the Crown, and there would be no difficulty in compelling a discovery of the insurances effected by them.

LORD STANLEY said, that during the whole of the discussion, no explanation had been given of the means proposed to be used to ascertain who were the parties liable to the payment of these duties.

MR. HADFIELD said, that if it were proposed to find out the parties by a bill of discovery, that would be a most expensive process, and the discovery of a single insurer for £5, or even 5s., might cost £500. The remedy was most impracticable, and the clause ought to be thrown out.

MR. BAXTER said, he would take the sense of the Committee on the clause. It could only be enforced by opening letters at the post or by employing spies.

MR. HANKEY said, he wished to ask, whether, if he went to Paris, and effected there an insurance of his house in this country, he would be liable to prosecution on bringing back his policy?

The CHANCELLOR of the EXCHEQUER said, that if the Bill received the sanction of Parliament, the hon. Gentleman would be, under the circumstances, liable, at the suit of the Crown, to pay the duties on insurance and the costs of the suit. He would not be liable to any penalty. The hon. Member for Montrose (Mr. Baxter) intimated that the clause could only be carried into effect by a system of espionage, but nothing was further from the intention of the Government than to resort to such means; obviously a great variety of modes of effecting the object might be resorted to, quite justifiable and according to ordinary practice. It should be borne in mind, too, that the clause would have a deterring effect, for persons would be extremely cautious how they made themselves parties to any illegal transaction.

Mr. W. EWART said, he would remind the Chancellor of the Exchequer that in his first speech he had said this clause would be inoperative, and that in his second speech he had said he believed it would be of much service in checking foreign insurances. He (Mr. Ewart) objected to a system of legislation which would rest upon the chance of catching particular persons who might have infringed its provisions. He had a great dislike to a system of chance, by which a person would now and then be made a victim.

Sir FITZROY KELLY said, he wished to have this question answered. Supposing a hundred merchants of Liverpool, or any other place, wrote to a well-known insurance-office in Paris, desiring to effect policies of insurance on their properties, received the policies and transmitted the premiums, how was it proposed to obtain the knowledge that they had effected such insurances and become debtors to the Crown for a certain amount of duty? It was no evasion of the law to effect insurance abroad. The Bill did not prohibit it. On the contrary, the Bill legalised such insurances by making them liable to duty.

The ATTORNEY GENERAL said, in the first place, he did not believe in the possibility of the fact which the hon. and learned Gentleman assumed. He believed that if by law insurances effected abroad were made liable to duty, no respectable or honest man would effect an insurance abroad, and withhold the duty. He would ask the hon. and learned Gentleman whether he himself would do so? If, as he believed, the hon. and learned Gentleman would not violate the law, it confirmed his opinion that all honourable and honest men were, by this clause, brought within the rule of the law. As to there being no means of ascertaining who were liable to the duty, there were the same means in this as in all other cases, that, when they found an individual evading the law, they came down upon him with the strong arm of the law and made him pay. The English companies would keep a very sharp look out for such offenders, and while honest men would not be guilty of evasion, cautious men would not venture upon infringement, which entailed upon them litigation, and not only the duty but the costs of a suit.

Sir FITZROY KELLY said, that however honest a man might be, the present measure did not show him to whom the duty was to be paid, or how it was to be paid. Assuming that the provisions of the Bill were most just, it was the duty of the Government to devise means by which Returns should be made. There was not a single case in which a duty was imposed by the Legislature in which there was not some provision made by means of which an honest man could easily do his duty, and he called upon the Government to devise some machinery for pointing out how the duty was to be paid.

The SOLICITOR GENERAL said, he agreed with the hon. and learned Gentleman in the necessity of introducing a clause to point out the manner in which the duty should be paid.

Mr. HENLEY said, he had understood the right hon. Gentleman the Chancellor of the Exchequer to say that this clause had received the most careful consideration, and had been sanctioned by the Law Officers of the Crown. He thought that the right hon. Gentleman must have been mistaken, because, in the first place, one of the Law Officers of the Crown had stated that he had never seen the clause; and, in the second place, the clause, taken in conjunction with the third clause, would compel persons to pay the duty twice over.

The SOLICITOR GENERAL said, he must admit that, as the clauses stood, such would be the case, but care would be taken to make such alterations as would guard against that result.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 143; Noes 54: Majority 89.

Clause *agreed to.*

The remaining clauses of the Bill were also *agreed to.*

MR. HADFIELD moved the following clause:—

> "That, in place of the duty imposed by the statute of 55 *Geo.* III., chapter 184, schedule, part one, for or in respect of every insurance from loss or damage by fire only, there shall be paid for or in respect of every insurance from loss or damage by fire only, which shall at any time after the passing of this Act be made or renewed or continued by any public company or other person or persons licensed, or who ought to be licensed, as in the said Act mentioned, or by the Royal Exchange or London Assurance Corporation, a duty at and after the rate of 1*s.* for every £100 insured for a year, and at and after that rate for any fractional part of a year, as well as for any number of years for which such insurance shall be made or renewed or continued, but no fraction of a penny shall be charged."

THE CHANCELLOR OF THE EXCHEQUER said, it was unnecessary to repeat the arguments which had already been used against the proposition of the hon. Gentleman. The present seemed scarcely the time when the reduction of such an amount of taxation could be brought under the consideration of Parliament. Whenever there should be a surplus revenue, an opportunity would be afforded to the House to take the principle of this duty into consideration. But whenever that time arrived there would, no doubt, be other gentlemen who would prefer similar claims and advance strong arguments against other parts of the taxation of the country. It would then be the duty of the House to consider which party had the strongest claim for a reduction, and which tax it would be most convenient to the Government to reduce. He hoped, after the opinions which had been expressed, the hon. Gentleman would not think it necessary to divide the House.

Clause put and *negatived.*

Bill *reported*, as amended.

House resumed.

## GENERAL WILLIAMS.

Resolution *reported.*

> "That the annual sum of One Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be settled upon Major General Sir William Fenwick Williams, K.C.B., for the term of his natural life, to commence from the 8th day of May, 1856."

LORD JOHN MANNERS said, he wished to ask the noble Lord at the head of the Government a question which, perhaps, ought to have been put to him before. As far as the House and the country knew, one of the most gallant of General Williams's companions in arms, Tahir Pasha, upon returning to his native country after his captivity in Russia, was to be brought to trial at the request, he might also say at the command, of the English Government. He desired to know if the despatch in which the Turkish Government were requested to put this officer on his trial would be persisted in? He was satisfied General Williams would feel that the honours showered on him would lose considerably in value if one of the men whose conduct he praised so highly in his despatches was, on his return from captivity, subjected to this cruel and most unjust charge.

VISCOUNT PALMERSTON said, he must request the noble Lord to repeat his question to-morrow.

Resolution *agreed to, Nemine Contradicente.*

Bill *ordered* to be brought in by Mr. FITZROY, Viscount PALMERSTON, and the CHANCELLOR of the EXCHEQUER.

## REGISTRATION OF VOTERS (SCOTLAND) BILL.

Order for Second Reading read.

MR. BLACKBURN said, he must complain that the Bill had been so short a time in Members' hands, and the last two days were in the holidays, when Members had not the opportunity of delivering their opinions.

THE LORD ADVOCATE said, the Bill was introduced at the express desire of Members of both sides of the House, who were anxious that it should come into force during the present year, which it could not do unless it passed at once. Its object was merely to assimilate the practice in Scotland to that in England.

MR. DUNLOP said, he hoped the Bill might pass its second reading. He would remind the House of the tacit understanding, when the Premier gave out last Friday that they were not to be too strict in opposing the passing of Bills after twelve o'clock.

Bill read 2°.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at a quarter before One o'clock.

# HOUSE OF LORDS,

*Tuesday, May* 20, 1856.

MINUTES.] PUBLIC BILLS.—1ª Juvenile Convict Prison (Ireland).
2ª Divorce and Matrimonial Causes.

## DIVORCE AND MATRIMONIAL CAUSES BILL.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, in moving the second reading, said that he had not much to add to the statement which he had made two years ago when a very similar Bill was under consideration, to which their Lordships gave a second reading, but which, owing to the advanced period of the Session, was not at that time prosecuted. The evil which the Bill was intended to rectify was one which had long been felt, both by those who looked at the matter theoretically as well as by those who viewed it in a more practical light, to require a remedy. As their Lordships were aware, a divorce, properly so called, such as would reinvest the parties with the privileges of single persons and enable them to marry again, was entirely unknown to the law of England. When, unfortunately, differences occurred between a husband and wife—in a case of infidelity on either side—the aggrieved party might apply to the ecclesiastical courts, and obtain a divorce *à mensâ et thoro*, which enabled the parties to live separate, and in some respects relieved them from the obligations of marriage. But it did no more; it did not make either of them in the nature of single persons so as to enable them to contract a new marriage. The cases in which divorces *à mensâ et thoro* were granted were not merely cases of adultery. Gross cruelty was likewise thought sufficient to render further cohabitation impossible. There were also other cases—where, for example, persons, from physical causes were incapable of contracting marriage, or where marriages were contracted within the prohibited degrees of consanguinity or affinity —in which the ecclesiastical courts, upon application, granted what is sometimes called, though inaccurately, a divorce *à vinculo matrimonii.* It was clear that, in such cases the divorce was nothing more than a declaration that no valid marriage had in reality taken place. That being the state of the law upon this subject as it at present stood, it had for more than a century and a half been felt as a great grievance that when a separation had taken place after marriage—for adultery, for instance, or for some other competent cause, the aggrieved party should not be able to marry again; and, to remedy that evil, recourse had been had to what he must say was a clumsy expedient —to give it no worse name—namely, a reference to that House on the part of the injured party, asking their Lordships to grant a private Act of Parliament to supersede the general law of the country and enable the party to contract another marriage. It was a matter rather of antiquarian curiosity than of any practical value to trace the progress of the law on this subject; but it might be expedient to indicate what had been the various changes in the course of legislation in the matter of divorce, in order to lay a foundation for the Bill which he was now asking their Lordships to sanction. In remote times there was no possibility, in any circumstances, of dissolving a marriage which had once been duly contracted, marriage in the Roman Catholic Church being considered a sacrament and indissoluble. But it was a matter of historical notoriety that the Court of Rome, partly in order to enrich its coffers, and partly to please those by whom applications were made to it, was in the habit of enabling divorces really to take place by declaring marriages which had in fact taken place to have been unlawful and void *ab initio*, by conjuring up a vast variety of conditions precedent, beside those of impotence, or relationship within the forbidden degrees, by which the marriage contract was said to be rendered null *ab initio.* One of these conditions was the existence of a previous contract. Again, the forbidden degrees with us included the relations of brother and sister, uncle and aunt, and some few others; but the Court of Rome went much further, and held marriages null which had been contracted between eighth or ninth cousins. There was one case mentioned by Lord Coke, in which a marriage was declared null by the Court of Rome, because one of the parties had been godfather to the sister or cousin of the other. Such were the expedients resorted to in order to get rid of the pressure arising from the strictness of the Roman Catholic law which prohibited divorces altogether. The Reformation swept away all that class of laws and expedients, and then came the question as to the footing on which divorce was for the future to be placed. In the latter part of the reign of Henry VIII., and again in the reign of Edward VI., a commission was issued to very learned persons—Archbishop Cranmer being at the head of them—to inquire into all the subjects connected with the new ecclesiastical state, including those of marriage and divorce. The opinion of the Commissioners was embodied in a report written in very elegant Latin, but which never became law, and which was now only valuable as showing the views entertained by those learned persons. Shortly after that period, their Lordships' House interfered in the matter for the first time. He referred to the case of the Marquess of Northampton; which, however, was not regarded as a precedent, because at the end of the reign of Elizabeth, or in the beginning of the reign of James I., it was universally admitted that a divorce, in the sense of a total separation, so as to enable the parties to marry again—a divorce *à vinculo matrimonii*—was entirely unknown to the law of England. Towards the close of the seventeenth century two or three cases occurred in which, for the first time, the House of Lords was called upon to sanction those private laws—*privilegia*, as they were called,—which put parties in the same position as if they had never been married. The new system had now so far taken root that in the first eighty years after the establishment of that system, according to the last report of the Commissioners, to whom he should presently advert, private Bills granting divorces were obtained at the rate of about one per annum. That, he supposed, was the time when, at the suggestion of Lord Loughborough, the House agreed to standing orders, that no Bill granting a divorce *à vinculo matrimonii* should be passed, except at the instance of a person who had previously obtained a divorce *à mensâ et thoro* in the Ecclesiastical Courts, and had brought an action at law and recovered a verdict against the adulterer, or could explain why such action had not been brought. When that course had been taken their Lordships had, almost as a matter of course, upon the party proving his case at the bar, passed a Bill granting him a divorce, unless it should appear that the misconduct of the wife had been caused or fostered by the treatment she had received from the husband. The Bill after passing their Lordships went to the House of Commons, where it was treated in every respect like a Private Bill; and thus the aggrieved party obtained by a private Act of Parliament that redress which the general law of the country did not give. Now that was a state of things unsatisfactory both to those who unfortunately were obliged to have recourse to such proceedings and to those who looked at the law and legislation of the country in a scientific point of view; and accordingly in 1850 a Commission was issued under the great seal to a number of very eminent persons, both lawyers and civilians, including his noble and learned Friend the Lord Chief Justice, the late Lord Beaumont, Dr. Lushington, Mr. Walpole, and Sir William Page Wood, to inquire into the nature of the remedy for a system which had been so universally complained of. The Commissioners made their inquiry and made their Report, and it was on the recommendations made in that Report that the provisions of the Bill now introduced were chiefly founded. What he proposed to effect by the operation of the Bill was this—instead of making it necessary for a husband who complained of the infidelity of his wife to come to their Lordships' bar, to raise an action at law, and to take proceedings in an Ecclesiastical Court, he proposed at once to constitute a court competent to deal with the whole matter. Actions of *crim. con.* as they were called—always actions of a revolting nature, and very much to be deprecated—would thus be rendered unnecessary. He did not, however, propose to abolish such actions altogether, as persons who had sustained a grievance might wish to have recourse to them; but such actions were not to be necessary as a preliminary to getting relief by divorce. He thought it was also very absurd to require a person to go to another tribunal in order to get half way towards procuring a divorce, and, therefore, the necessity of repairing to an Ecclesiastical Court would be abolished. The great difficulty in establishing the new court lay in constituting an efficient tribunal. On the one hand, there would not be anything like business to occupy the whole time of a court constituted for the purpose of granting divorces; and, on the other hand, in making a selection of Judges, it was requisite to obtain the services of the best legal functionaries. In framing the constitution of the new court, the Bill followed as nearly as possible the recommendations of the Commissioners. The Commissioners recommended that the court should consist of a Vice Chancellor, a puisne common law Judge, and an ecclesiastical Judge. Now, instead of the Vice Chancellor, he proposed the Lord Chancellor. He did not say that the Lord Chancellor was necessarily a better judge than the Vice Chancellor, but he thought that in making a transition from the Legislature itself to a court of justice it was important to give all the dignity they could to the new tribunal that was to be constituted. Then, instead of a puisne Judge, he proposed that the Lord Chief Justice should be one of the judges, and instead of an ecclesiastical judge the Judge of the Court of Probate. Such was the tribunal he proposed to constitute; and the next point was how they were to deal with the matters intrusted to them. He proposed that, in making inquiry whether or not a wife complained of by her husband had or had not committed adultery, they should proceed to obtain evidence, not by depositions, but *vivâ voce*, and that they should be empowered to send, if they though fit, certain issues to be tried by a jury, as was at present done under the practice of the Court of Chancery. The Commissioners recommended, and he thought wisely, that, inasmuch as these questions of divorce would not only apply to divorce *à vinculo matrimonii*, but to divorce *à mensâ et thoro*, the court should be required to deal with all matters relating to disputes between husband and wife, involving questions less serious than a divorce *à vinculo matrimonii*. This he thought a valuable recommendation, and therefore he had adopted it; but he did not think that in dealing with these questions the presence of the Lord Chancellor or the Lord Chief Justice would be necessary. He therefore proposed that the judge of the Court of Probate should be entitled to deal alone with these cases, calling his colleagues to his assistance whenever points of gravity and importance should arise for decision. That being the course of proceeding in the court itself, he proposed next that there should be an appeal, not as now, from the Ecclesiastical Court to the Privy Council, but to the bar of the House of Lords, just as in other cases of appeal from inferior courts; but that if no appeal were taken within three calendar months then the decision of the Court should be final. There was one point connected with the subject on which great difference of opinion prevailed—and that was whether a suit for a divorce was one to which a court ought to listen on the application of the wife, or one which could be instituted only at the suggestion of the husband. He was ready to admit that on the first blush it did appear very unjust that relief should be given to the husband complaining, while the same relief was not given to the wife, but he concurred with the recommendation of the Commissioners, that on that point they should adhere to the law as it now was. In theory it was very well to say that a wife ought to have the same relief as the husband, but practically the feelings and habits of mankind would be found to go along with the views of the Commissioners. There had been published an able pamphlet on this subject, in which it was suggested that an expression had dropped from him (the Lord Chancellor) to the effect that a husband would only have to be a "little profligate" in order to get quit of his wife. By such an expression—if indeed he ever used it—he was understood to speak lightly of misconduct on the part of a husband in such cases. He could only say that he must have expressed himself very unfortunately on the subject, for certainly he never intended to put such a construction on the misconduct of a husband. It was the common feeling of mankind that, if a husband repented and treated his wife with kindness, the sin on the part of the husband was not necessarily an unpardonable offence. There were cases in which a wife might and ought to condone, but the common feeling of mankind told them that this must be on the part of the wife only. There was, he thought, much wisdom in the language used upon this subject when it was said that when parties felt that they must continue husband and wife, that feeling induced them to become good husbands and good wives. He did not propose, therefore, to enable this court to grant divorce at the instance of the wife merely on the ground of the husband's infidelity. Of course cases might arise in which it would be right that relief should be given to a wife; but for that purpose he put her in no worse position than she was in now. There had only been four instances within the last century and a half in which their Lordships had granted this relief at the instance of the wife. In two of these cases it was impossible, both legally and morally, that the wife could condone; they were cases in which adultery was committed with the sister of the wife, and it was impossible by the ecclesiastical law to allow cohabitation after such an offence. Another of these cases was that of Miss Turner; but it was hardly a case of divorce, being rather a special Act of Parliament declaring the nullity of the marriage. The only case in which he thought relief might properly be given to the wife was where the adultery of the husband was incestuous, and where, therefore, condonation by the wife, and subsequent cohabitation, would be impossible. He thought in the case of incest it was extremely reasonable that the wife should have that relief which was granted to the husband in ordinary cases. He had now given their Lordships an outline of the object and the details of this measure. His noble and learned Friend (Lord Lyndhurst) had given notice of his intention to move that the Bill should be referred to a Select Committee, which should also inquire generally into the subject of the law of divorce. He (the Lord Chancellor) would be most reluctant to oppose any wish entertained by his noble and learned Friend with regard to a measure which it must be their common object to render as perfect as possible; but he must remind the noble and learned Lord that a few years ago the subject of divorce was referred to a Commission, which examined witnesses, inquired into the matter thoroughly, and presented a very elaborate report. He (the Lord Chancellor) could not see, therefore, that any advantage would result from referring the subject to a Select Committee. It appeared to him that the only questions to be considered were questions of principle, such as whether the wife should be allowed to have the same relief in all cases as the husband, or whether any further relief should be granted by private Acts of Parliament. He could only say that if there were any defects in the Bill he would be most anxious to amend them. He had been asked the other day by a noble Earl near him to what extent Ireland would be affected by this Bill. At present all cases of divorce *à vinculo matrimonii*, whether arising from adultery committed in Ireland or elsewhere, were disposed of at their Lordships' bar. He had certainly thought, in the first instance, that it was desirable that cases of this kind should be dealt with by one tribunal; but, as he understood a strong feeling existed in the sister country in favour of the establishment there of a similar court to that which he proposed to constitute in England, to determine upon cases of adultery committed in Ireland, he was ready, if it should be their Lordships' wish, to assent to the establishment of such a tribunal. Such a measure would certainly be attended with one advantage, by diminishing the expenses now entailed upon parties to a suit for divorce when the adultery occurred in Ireland. He was therefore willing to introduce a clause into this Bill for establishing in Ireland such a court as he wished to establish in England, or if it were thought more desirable, he would introduce a separate Bill applicable to Ireland. He thought the cumbrous, inconvenient, and, he must say, discreditable system which had been pursued for a century and a half of sanctioning divorces by private Acts of Parliament, ought to be abandoned, and he hoped therefore their Lordships would consent to give a second reading to this Bill.

*Moved*, That the Bill be now read $2^a$.

LORD LYNDHURST: My Lords, I have deemed it my duty to consider with much attention the Bill of my noble and learned Friend; and, notwithstanding the respect I entertain for him, I must say that I think the measure is most insufficient, and ought not in its present shape to pass into a law. Its operation would be most unjust as between husband and wife, and, so far from rendering the situation of a woman better, it would in some most material respects render her situation much worse than it is at the present moment. I think, considering the interesting nature of the subject, and the extent to which it affects the welfare of society, that, notwithstanding the inquiries which have already taken place, the whole matter ought to be referred to a Select Committee. I entertain that opinion the more strongly, in consequence of the statement which I understand was made by a Minister of the Crown, a gentleman of great learning and commanding talents. Some time after, a former Bill relating to this question was withdrawn, its defects became the subject of discussion in a place which is publicly and pretty well known; and the learned individual to whom I refer, expressed a sincere and earnest hope, that when another Bill of a similar description was brought in, due care and attention would be paid to it, and that an endeavour would be made to put an end to the system of harship and cruelty as regards the woman which had hitherto existed. With that concurrence of opinion, I venture to suggest to your Lordships that this Bill, and the whole question of the law and practice of divorce, important as it is, ought to be referred to a Select Committee. There are many questions of great importance connected with this Bill, and with the relations between husband and wife. The matters with regard to which the female sex have a right to complain may, I think, be ranged under four heads —first, with respect to property; next, with regard to personal protection; thirdly, with regard to actions for criminal conversation; fourthly, as to divorce. I beg that your Lordships will not be alarmed at this enumeration. It will not require many observations to explain these different points. First, then, with respect to property. I do not refer to the questions of property as between man and wife when they are living together in harmonious connection, but to the relation of property when they are separated from each other, in consequence of the misconduct of the husband, by sentence of the Ecclesiastical Court. What is at present the law upon this subject? Why, if a woman is separated from her husband by a sentence of the Ecclesiastical Court, and a legacy is left to her, or if she succeeds to personal property in consequence of intestacy or in any other way, such property belongs to her husband. He can receive it, and generally does so, and he may appropriate it altogether independently of his wife. This matter is closely connected with the law of divorce, but it is not touched by the present Bill. Ought it not to be inquired into and set right? Again, if the wife succeeds to real property by devise or by inheritance, to whom does that property belong? The husband occupies it during the lifetime of his wife, and may take the income from it notwithstanding a separation in consequence of his misconduct. But, much worse than this, if the wife tries to eke out a scanty subsistence for herself and her children by the exercise of any art in which she is proficient, or by instruction, the husband can seize upon the proceeds of her industry and bestow them upon his mistress. I ask your Lordships whether, in legislating upon the law of divorce, you ought not to adopt some provisions with reference to this subject. These are the claims which the husband has upon the property of his wife. Let us look at the other side, and mark the position in which every wife is placed. With the exception of a scanty allowance in the shape of alimony, whatever personal property belongs to the husband he may appropriate as he thinks proper; he may assign it, or bequeath it by will, and leave his wife and children destitute. There is no reciprocity or inequality in such a case. It is said, however, and with some justice, that settlements executed previously to marriage may restrain the husband in the exercise of these rights; but the system of settlement does not extend to the great mass of the people. Nine-tenths of the marriages in this country take place without any settlements, and are governed, as to rights of property, by the common law. I now come to another view of the question. A wife is separated from her husband by a decree of the Ecclesiastical Court, the reason for that decree being the husband's misconduct—his cruelty, it may be, or his adultery. From that moment the wife is almost in a state of outlawry. She may not enter into a contract, or, if she do, she has no means of enforcing it. The law, so far from protecting, oppresses her. She is homeless, helpless, hopeless, and almost wholly destitute of civil rights. She is liable to all manner of injustice, whether by plot or by violence. She may be wronged in all possible ways, and her character may be mercilessly defamed; yet she has no redress. She is at the mercy of her enemies. Is that fair? Is that honest? Can it be vindicated upon any principle of justice, of mercy, or of common humanity? Another branch of this question that demands particular attention, is the prosecution for alleged criminal conversation. The husband brings an action against a supposed paramour, to recover damages as a *solatium* for what is described as his "loss of honour." Is the practice that at present governs such proceedings to continue? Mark the injustice of it. As far as the plaintiff and defendant are concerned, it is a matter of mere money with them, and therefore an affair of comparatively trivial importance. But is it so with the wife? Oh, far otherwise. With her it is a matter of life and death. If the plaintiff's action succeeds, all is lost with her. She is driven from society, she has no refuge, no one will receive her. In actions of that description she is not so much as heard. She dares not lift her voice. She is not permitted to appear in the case, or to give evidence. She has everything at stake, yet the law treats her as if she had nothing. This is a subject which deserves attention, and assuredly some more equitable system ought to be substituted for so disgraceful a course of proceeding. It has been sometimes thought that a criminal proceeding might be substituted, and we all know that a Bill with that object was introduced into your Lordships' House some forty years ago, and received the zealous support of some of the best and most illustrious members of your order. It was brought into the Commons by the Master of the Rolls, and was supported by Pitt, Windham, Wilberforce, and some of the most learned and eminent men in that branch of the Legislature; but unhappily the Bill was thrown out. The cause of its defeat I have never been able to ascertain. Most assuredly it was not that the current of argument or the weight of character as regards its friends and opponents was against it. I now come to the question of divorce. The law in that respect is usually administered by the ecclesiastical courts. It is of two kinds—the divorce *à vinculo matrimonii* and that *à mensâ et thoro*. And here observe how different is the principle on which these two descriptions of divorce are administered. The divorce *à mensâ et thoro* is granted for cruelty and for adultery; but adultery is a sufficient cause, whether committed by the wife or the husband. Here the parties are on an equal footing, and there is no difference between them. But in the case of the divorce *à vinculo*, the ecclesiastical courts proceed upon a different principle. Those tribunals do not annul marriages except for causes which were in existence previously to the solemnisation of such marriages; as, for instance, consanguinity, or an incapacity to perform the duties and fulfil the objects of marriage. It is only under such circumstances that the ecclesiastical courts pronounce a judgment of divorce *à vinculo matrimonii*. They take no cognisance of what has occurred since marriage, nor have they any power to divorce for adultery. Since the Reformation marriages have not been dissoluble on the ground of adultery by any proceedings except by the action of the Legislature, and now cannot be dissolved by any other machinery than that of an Act of Parliament. It is needless to enumerate all the arguments that may be advanced against such a mode of proceeding. It is attended by manifold inconveniences, and it is open to the charge of flagrant injustice. One fatal objection to it is its enormous expense, which limits its application to one class of society. To that class alone does it bring relief. In ordinary cases a Bill of divorce costs from £700 to £800; and instances are of no unfrequent occurrence where the expense amounts to several thousands, and where the proceedings are protracted for a long series of years. Several attempts to effect a change in the law have been made, but without effect. The noble and learned Lord on the woolsack proposes a new tribunal; but, before we consent to its establishment, it is essential to understand on what principles it is to be governed, and on what system it is to accomplish the object it has in view. In the first place, the new tribunal ought not to be open to the upper classes only. It should be accessible to persons of moderate incomes, and it should be so constituted and administered as to do equal justice to the parties who appeal to its jurisdiction. Will the system proposed by the noble and learned Lord fulfil these conditions? I scarcely think it. In the first place, there will be an investigation before a tribunal composed of three learned Judges, who will examine and inquire; but after that there will be for either party a right to appeal to your Lordships' House. Thus, under the new state of things, as under the old, the question will eventually come before your Lordships. It will be competent for you to confirm or reject the decision already pronounced, or you may direct the court below to examine additional witnesses or to re-examine the former witnesses on other circumstances; or you may order certain issues to be tried by the Judges on their respective circuits. And all this complicated machinery is contrived and put in motion with the view of cheapening the cost of divorce, and making the tribunal accessible not only to the rich, but to persons of moderate means. I am much mistaken if, so far from having any such effect, it will not occasion in many cases more expense than is incurred under the law as it at present stands. And then as to the equality of justice—what is the principle of this Bill? It is, that a married woman shall have no remedy against her husband for adultery, unless in cases of incest. However atrocious the conduct of the husband may be—though it may be so infamous that it may be a horror to the wife to be connected with such a man, yet the only ground on which the wife is to have a claim to a divorce is in the case of incest on the part of the husband. But that offence is so exceedingly rare, that the position of the wife will be practically no better than it is at present. It is said, indeed, that as regards adultery there is an ingredient in the case of the wife which does not exist in that of the husband, inasmuch as the wife's adultery may introduce spurious offspring into a family. Allowing this to be true, will it be denied that there may be circumstances in the conduct of the husband such as may render it not only advisable, but necessary, that the right of divorce should be granted to the wife? What will be said of the case of the husband who not only treats a virtuous and innocent wife with cruelty, but lives in open adultery and takes his mistress home with him? Under such circumstances, ought not the wife to be relieved from the marriage obligation? My noble and learned Friend's doctrine is, that the situation of the husband in this case is not very much changed. He simply lives with a mistress instead of a wife; he suffers little in the opinion of the world, nor is his station in society affected; he is merely considered "a little profligate." That is the picture which my noble and learned Friend draws of the wrong-doer—of the man who has driven his wife from her home by his infamous conduct; but what is the situation of the suffering woman? To live in a blank state of desolation—all her prospects blasted—driven from her home, perhaps separated from her children, with no object on which to fix her affections, exposed to the designs of profligate men, and scarcely able by any care or caution to avoid calumny and slander—living on the brink of destruction. Such is the gloomy fate which awaits the injured wife. Is it to be borne that there shall be no relief for her except in the solitary case of incest? Imagine the case of a woman (and we have had examples of this) whose husband has attempted her life by poison that he may more freely give way to some unlawful passion—is she to have no relief? This Bill actually places a woman in a worse position than she is at present. Now she may apply to this House for a divorce, she may state her case, and narrate all the injuries to which she has been subjected, and your Lordships have a discretion to decide in her favour. My noble and learned Friend's authority is very high, but let us hear what Lord Thurlow says on this subject:—

> "The House passed Bills of divorce in a variety of circumstances. In all such cases their Lordships governed their judgment by the circumstances of each particular case. Indeed he knew not how they could do otherwise. Because with respect to divorce he knew no rule to direct their conduct or to limit the wisdom and discretion of the House. What was the objection to granting the petitioner, a much injured wife, the divorce which she prayed for?"

Then he stated the case of the wife of Lord Audley. Would their Lordships have refused the prayer of the petitioner in such a case? I know, it may be said, that the case to which Lord Thurlow was referring was a case of incest; but he does not confine himself to incest, for he extends his remarks expressly to Lady Audley's case, which, horrible as it was, was not a case of incest. My noble and learned Friend's Bill, however, would refuse a divorce in that case, infamous, base, and scandalous as it was. The moment we pass this Bill, and say that divorce shall only be granted in particular cases, you cannot go out of those cases. Your Lordships will have no discretion—a divorce can only be granted under the circumstances laid down in this Bill. It is true there is an appeal to your Lordships; but in dealing with these appeals your Lordships will be bound by the law of the court below. There is a clause in the Report to which my noble and learned Friend has referred of a most extraordinary character. It is to the effect that there is nothing to prevent a woman from applying to your Lordships for a particular Act of Parliament to dissolve her marriage, even if you pass a law to enable the husband to prosecute divorce upon other terms—that is, you are, according to the recommendation of the Commissioners, to alter the law in a manner which shall enable the husband to prosecute a divorce on easy terms, and to leave the law just as it is, with all its hardships, on the wife separated from her husband, with probably no means, and therefore no possibility of redress. It is said, that the breach of morality is not so great in the husband as it is in the wife—that is, that infidelity in the one does not introduce so much immorality into society as it does in the case of the other, and the Commissioners quote the authority of the great moralist, Dr. Johnson, for this. Unfortunately the Commissioners do not quote the whole of the passage in which the *dictum* to which they refer is contained. I will supply the omission in order that your Lordships may judge how far you are justified in taking the great moralist as your master and guide upon subjects of this description. This is the whole passage—

> "Between a man and his wife a husband's infidelity is nothing. Wise married women do not trouble themselves about the infidelity of their husbands. The difference between the two cases is boundless. The man imposes no bastards on his wife. A man, to be sure, is criminal in the sight of God, but he does not do his wife any very material injury if he does not insult her; if, for instance, he steals privately to her chambermaid: Sir, a wife ought not greatly to resent this."

I will read to your Lordships the observations made on this passage by another moralist of late days—

> "The manner in which the earlier years of his life had been passed had given to his demeanour, and even to his moral character, some peculiarities appalling to the civilised beings who were the companions of his old age."

That is the commentary of Macaulay on Dr. Johnson's matrimonial doctrine. It is said that if equal facilities of divorce were given to women the courts would very soon be choked up with their applications. But I know woman's character better than that. I know that in none but in extreme cases would she resort to this remedy. I could enlarge upon this topic, but my ideas are so well expressed in the language of an eloquent writer that I will quote it to your Lordships—

> "A man who has lapsed in his observance of the marriage vow may nevertheless be a kindly husband and father, with whom reconcilement would be a safe and blessed generosity. If we add to these admissions woman's natural lingering love for her companion; love undeniable, indisputable; love evidenced each day, even among the poor creatures who come bruised and bleeding before the police courts, refusing to give evidence, in a calmer hour, against the man such evidence would condemn to punishment; if we add the love of children, the dread of breaking the bond which shall perhaps help a stepmother into the mother's vacated place; if we add the obvious interest, in almost every instance, which the woman has to remain in her home, and the horror most women must feel at the idea of the public exposure and discussion of such wrongs;—it is evident they would not be so very eager to avail themselves, in usual cases, of the extreme remedy. But in unusual cases—in cases of the dreary, stormy, deserted life—where profligacy, personal violence, insult, and oppression, fill up the measure of that wrong which pardon cannot reach—why is there to be no rescue for the woman?"

I am quite satisfied that the more your Lordships look into the matter the more

*Lord Lyndhurst*

you will be satisfied that a married woman would not, except in extreme cases, avail herself of this remedy. But, in principle, there ought to be no distinction made between the adultery of the husband and that of the wife. But it is said that all the ecclesiastical authorities are against the opinion I profess. So far from that being the case, the Commissioners mentioned in their Report the celebrated judgment of Bishop Cozens in the case of the Duke of Norfolk, and I will read a short passage from it on this subject:—

> "The bond of marriage is a conjugal promise made between a man and his wife, that each of them will live together, according to God's holy ordinance, notwithstanding poverty or infirmity, or such other things as may happen during their lives. But the promise does not extend to tolerating adultery, which, according to God's ordinance dissolves the marriage. By adultery the very essence of the contract is directly violated; but the contract ceasing, the bond or obligation depending upon it (that is, the nuptial tie) ceases also. It is against all reason that all matrimonial duties should be for ever taken away, yet the bond or obligation to those duties should continue."

If your Lordships read the whole of the judgment to which I have referred they will find it supports with great weight this doctrine. But I have authority much higher than any individual ecclesiastic; I allude to the work *De Reformatione Rerum Ecclesiasticarum*, on which so much praise is bestowed, and so much reliance placed in the Report of the Commissioners. Your Lordships are aware of the history of that work. In the reign of Edward VI. a Commission was appointed, composed of thirty-two persons; sixteen being ecclesiastics of high rank, and sixteen laymen, also of high stations, Members of this and the other House of Parliament. The object of the Commission was the reformation of the whole ecclesiastical law. That Commission drew up articles, which were framed by Cranmer, and relating, among other matters, to marriage. And what is it that that Commission said on the subject? It said that adultery is a ground of divorce, whether committed by man or woman. If, then, authority is wanted in respect to this matter, here you have the authority of the early Reformers, whose attention was directed to the point:—the authority, not of ecclesiastics alone, but also of laymen of high station. This conclusion is consistent with our ecclesiastic law, because by it the adultery of the husband is put on the same footing as the adultery of the wife; and though the Ecclesiastical Courts have the power to divorce only *à mensâ et thoro*, still the same principle applies in cases of divorce *à vinculo matrimonii.* What greatly strikes the minds of people is, that all law should be equal. If you go north there is perfect equality between man and woman with respect to the law of divorce; in the same way as it is laid down in our ecclesiastical law. There adultery on the part of the wife or husband dissolves marriage *à vinculo.* How monstrous is it, then, that the law on a subject of so much importance, coming home, as it were, to every one's fireside, should be so different in different parts of the United Kingdom. Ought not your Lordships to inquire and endeavour to ascertain whether there is any foundation for this distinction? A Committee of this House sat some time ago respecting the state of the law of marriage, and Scotch witnesses were examined. I know that many noble Lords in this House, who can, from their own knowledge, answer at once this question—Is there more licentiousness in Scotland than in England in reference to the intercourse of the sexes? I believe quite the reverse; and yet such licentiousness was apprehended formerly if you gave women the right of applying for divorce against husbands. The then Lord Advocate M'Neill, now Lord Justice General, was examined, and gave the following evidence:—

> "Is there a double proceeding with you as with us—that is to say, a sentence of separation from bed and board, as well as a sentence which dissolves the marriage?—Yes.
>
> "Are both proceedings competent to the wife as well as to the husband?—Yes.
>
> "Is there any difference whatever between the right of the husband and the right of the wife to prosecute those kind of proceedings?—Each has the right in law.
>
> "Has any inconvenience been found to result from giving the wife an equal remedy with the husband in obtaining a divorce *à vinculo*?—I am not aware of any inconvenience.

And Mr. Maconochie expressed a similar opinion, thus, namely—

> "Do you think that any practical inconveniences arise from giving the wife a remedy against the husband of the same kind as he has against the wife?—I think not.
>
> "Do you consider that there are about as many cases of wives divorcing their husbands as of husbands divorcing their wives, or fewer?—I think very considerably fewer.
>
> "Is it your opinion that marriage ought to be dissolved on account of the adultery of the husband in every case?—I should certainly say so, generally speaking, from my own experience in Scotland. The same remedy that is given to the husband, I think, ought to be afforded to the wife.
>
> Is that the general opinion of Scotch lawyers?—I should say so, decidedly.

Such is the evidence of the witnesses on the effects of the law of Scotland, showing that no inconveniences resulted from it. I think I have heard it stated that Lord Eldon entertained an opinion on this point in accordance with the provisions of the present Bill. Such may have been his opinion at an early period of his life; but as the full result of his experience he came to a different conclusion, for in Mrs. Moffatt's case, where the application for divorce was made by Mrs. Moffatt on the ground of cruelty and adultery, he made this declaration:—

> "The novelty of the present application arises from its being an application on the part of the wife against the husband, but I have yet to learn that a woman has not as good a right to relief as a man, under the circumstances that give rise to Bills of this description; and, as I see no reason why a woman is not as much entitled as a man to sue for a divorce, I shall move that the Bill be read a second time."

The noble and learned Lord who was then upon the woolsack, and who now sits below me (Lord Brougham), felt himself bound in that case by the practice of the House; but he has since altered his opinion on the subject, and I have a passage here, stating, in strong and eloquent terms, what was the opinion of my noble and learned Friend some time after that case occurred. I am spared the necessity of troubling your Lordships with that extract, because my noble and learned Friend is now present, and he can state to your Lordships what his opinions are. I trust that I have now satisfied the House that, so far from the weight of authority being in favour of this Bill, it is the other way, and I leave it to your Lordships to say whether I have not proved such a case as to induce you—to compel you almost—in justice to grant this Committee. I therefore conclude by moving an Amendment in the terms of my notice.

Amendment *moved*, to leave out from ("That") to the end of the Motion, and insert ("the Bill and the Law and Practice of Divorce be referred to a Select Committee, with Directions to Enquire whether any and what Alterations it will be proper and just to make in the said Bill; and to report thereon to the House.")

Lord BROUGHAM seconded the Amendment. Anything more convincing, more luminous, or (which is saying everything) more worthy of his noble and learned Friend than the statement which he had just addressed to their Lordships he had not only never heard, but could not even imagine. That the Bill followed substantially the tenour of the Report of a most respectable body of Commissioners he did not deny; but as he differed from the Report of the Commissioners he differed from the Bill, being decidedly of opinion that the question ought to be dealt with in a larger sense and on a wider basis. He thought that as to the question of divorce there were only two courses which it would be consistent, or even rational or intelligent for them to adopt; one was considerably to enlarge the remedy proposed by the Bill, and the other was to put an end to all divorces, even by legislation. The practice of refusing, almost as a matter of course, a remedy to one party and granting it to the other, almost as a matter of course, appeared to be so utterly repugnant to every principle of common sense, of justice, and common humanity, that he did not see the possibility of maintaining it, and his noble and learned Friend was fully justified in taking the stand he had upon the present occasion. His noble and learned Friend had justly remarked that the establishment of the proposed court would rather make matters worse for the wife than they now were, because the court would have no discretionary power. The Bill provided that a wife should have no remedy against her husband except in cases of incestuous adultery; but he begged to remind the House that cases of polygamy sometimes occurred. Two such cases had come before him. In one, the husband had been tried at the Old Bailey, convicted, and sentenced to transportation for having intermarried with another woman, his wife being alive. That was held to be a ground for divorce, and the prayer of the wife was granted. In the other case, there had been no conviction, but the parties separated at the church door; there was no consummation of the marriage, and the husband, being disappointed as to fortune he had expected with his wife, took himself off and married another woman at Brussels. Those circumstances, according to the rule of their Lordships' House, would be no ground for granting a divorce; but having been proved in evidence their Lordships violated their rule of refusing all remedy to the wife, and granted the prayer of the petition. He remembered another case of the grossest cruelty to the wife, and the most grievous misconduct and profligacy of the most loathsome description on the part of the husband. Great resistance was made to the claim for a divorce, and it was very nearly being refused at once, on the ground of the general rule; but it seemed so monstrous that all remedy should be refused in such a case that it was agreed, if the facts turned out to be as they had been opened by counsel, and if no case of recrimination were proved, that the rule should be extended and a divorce be granted. Unhappily, although the abominable conduct of the husband was made out beyond all question, yet great doubt remained with regard to the conduct of the wife, which had been set up by the husband as a defence against the divorce; and the result was that the divorce was not granted. His noble and learned Friend (Lord Lyndhurst) had cited a case which occurred when he (Lord Brougham) was on the woolsack. He (Lord Brougham) felt, in common with the late Lord Wynford, the great hardship of that case, and he had never denied that it was most grievous that there should exist such a rule to confine and control their practice; but at the same time he felt that he was bound to abide by that practice, and that except in extreme cases the suit of the wife for divorce ought not to be permitted. That was not so bad a case as many others which had been referred to, but it showed the hardship of the hitherto inflexible rule. No doubt the noble and learned Lord on the woolsack might say that there had already been an inquiry into the subject, not only by a Commission, but formerly by a Committee; but he (Lord Brougham) begged their Lordships to observe how clearly that raised an additional argument in favour of the Amendment. He found that the then Lord Advocate—now Lord President of the Court of Session—when examined before the Committee, stated that in Scotland, where the same facilities for obtaining a divorce were afforded to the wife as to the husband, there were many more divorces applied for by the husband than by the wife. The Lord Advocate was mistaken in that particular, for the returns to which he referred in his evidence, and which related to the whole of Scotland, showed that for the four years ending in 1840, the average number of divorces granted *à vinculo* was twenty and a fraction in the year, while in 1841 the number was only ten. That was very material, for it proved how very groundless the apprehension was that, if the Scotch law were introduced into England, and if both parties, as according to every principle of justice and common humanity they ought to be, were placed upon the same footing, there would be an endless number of divorces, because the expense would be much less than in coming by Bill to Parliament, and because the wife as well as the husband would have a chance of redress. It was an error of the Lord Advocate to state that there was in Scotland a much greater proportion of divorces applied for by the husband than by the wife; for the names of the cases in the returns showed that the proportion was about nine of the wife and ten of the husband, being very nearly equal. That a further inquiry was loudly called for could not be questioned, both on account of the discrepancy between the statement of fact, and on account of the lapse of time since those returns. Another defect in the Bill before their Lordships, and also in the recommendations of the Commissioners, was, that, the remedy was confined to the husband, and refused to the wife, except in the case of incest, leaving out entirely the great head of desertion, which in many instances was even worse than cruelty. The law of Scotland gave the same remedy to the wife for the desertion of her husband as the husband would have for what was not so likely to happen—desertion of the wife. He would not trouble their Lordships with many cases; but in his capacity of President of the Law Amendment Society, which recently summoned a general meeting to consider the wrongs of married women, he was overwhelmed with evidence of the grievances practically sustained by that class under the law as it at present stood. He would mention only one to their Lordships on the subject of desertion. An unhappy lady, who had been married several years, was deserted by her husband, who chose to go in other company to a distant colony, where he had resided for the last six years. By the English law she could not show her face, either in the Court of Doctors' Commons, which indeed could give her only a separation *à mensâ et thoro*, or in the Court about to be established under the present Bill for a larger remedy. She might, indeed, as the Lord Chancellor had stated, apply in the circumstances of the case to their Lordships' House; but she would have to pay £500 or £600 for the expense of proceeding with a Bill, while every rule which guided their proceedings would prevent her having the shadow of a shade of a chance of getting the Bill passed into a law. The husband had gone to a country where gold was thought to be easily collected. If he succeeded in his speculation and came back with a fortune, not one halfpenny would go to the wife; but if he failed, and, becoming tired of the society in which he was at present living, returned and found that his wife had honestly and nobly exerted herself for her own support by the exercise of her industry and talents, he had the right, as the law now stood—disgracefully to our jurisprudence—to sweep away all the earnings of the unhappy woman whom he had so basely deserted. It would not only be superfluous but impertinent, after the statement of his noble and learned Friend, to dwell longer upon those gross cases of the injustice, cruelty, and inhumanity practised upon married women under the present law; but he must say that unless something be done to change it—unless some redress be afforded—we must be content to continue held up to the rest of mankind as pretending to be a civilized country, while in reality living under a system more barbarous and more inconsistent with itself than existed in any other part of the world. There were other grievances; thus it was impossible not to condemn the system by which a woman's reputation might in her absence be for ever sacrificed in a court of law. He could cite a case in which in an action for *crim. con.* the defendant's family compounded with the plaintiff by paying him £50, and a verdict was taken in the absence of the wife, by which she was condemned unheard. Further proceedings, however, took place in the Ecclesiastical Court, where it was shown, not only that the adultery had not happened, but that it was impossible it could have happened, as there never had been consummation either by the husband or any other man. In the meanwhile the poor woman had lain under the imputation for eighteen months. This might be an extreme case, but it was not an extreme case to suppose that the peace and reputation of women might be destroyed in those actions where they were neither heard nor represented. One case he wished to point out, which, though applicable to the law of marriage, and not to that of divorce, was nevertheless worthy of their Lordships' consideration and showed how much the law required amendment. Suppose an English duke of the age of fourteen went to Scotland and fell into the hands of a prostitute, aged perhaps twenty-four, who wheedled him into love-making and then into a marriage according to the Scotch law, simply by acknowledging before witnesses that she was his wife—all the estates and honours of that unhappy young duke would be affected by that marriage, without the possibility of a remedy. But that was not of course touched by the present Bill, which was confined to divorce. He believed that it would leave the case of the wife worse than it was under the present law, because the new Court could not exercise discretion as their Lordships' House now did; and therefore he agreed with his noble and learned Friend, that before the Bill made further progress it should, with the whole question, be sent to a Select Committee.

Lord REDESDALE observed, that it had been truly stated by the Lord Chancellor, that, at present, the divorce *à vinculo* was not known to the law of England, and could only be obtained by a special Act of Parliament; it was, therefore, confined practically to the higher class in society. It should be remembered, that ever since the first introduction of Christianity into England the remedy of a divorce *à vinculo* had been unrecognised by our law. The change which it was now proposed to make was, therefore, a very momentous one. Although the privilege of obtaining such a divorce by a special Act of Parliament was necessarily confined to the rich, and therefore only the very few could avail themselves of it, the people in general had never made any demand to have the same privilege extended to them, and he could not, therefore, conceive that there was any need for this Bill. It had been thought, by some of the highest authorities, that the happiness of the married state was secured by its indissolubility; and that if facilities of dissolving it were given, that happiness would be impaired; and, that, if the principle of divorce *à vinculo* were introduced as a thing to be granted by the ordinary law, the sanctity of marriage would be less regarded, as it had happened in some continental countries. In that opinion he agreed. The alteration in the habits and morals of the people at first might not be felt, but it would insensibly extend to the most serious consequences. This question had engaged much interest in Parliament, because its Members knew that the privilege of divorce was practically granted to the class to which they belonged, and they felt that it ought to be equally open to all. But if they looked at the manner in which the divorce *à vinculo* was granted, they would see that it was nothing but a job in favour of the higher classes. The first time a great Peer had attempted to get such a special Act in his own favour it was opposed, and only passed by a narrow majority, and then, Parliament having once admitted the precedent, other cases followed. But there had never, to the present time, been any popular demand for a general law on the subject; and it was only in order to support the consistency of that and the other House of Parliament, and because Parliament had actually been accustomed to perpetrate these jobbing special Acts in the cases of particular individuals, that it was now proposed to make so momentous a change, and to introduce into the law of this country a principle hitherto quite unknown to it. Such a matter was not to be so hastily dealt with. The utmost that could be gathered from the Bible was a separation for adultery, and it did not sanction a divorce *à vinculo*. He thought, however, the remedy of the divorce *à mensa et thoro* ought to be more easily obtained than it now was, not only for adultery, but for different other injuries. It was a very expensive proceeding at present, and out of the reach of the larger part of the community. The same tribunal, however, should not be competent to grant the divorce *à vinculo matrimonii;* therefore this question was quite distinct from that. There ought to be facilities provided of obtaining a separation, with protection, and of obtaining a remedy for some of those wrongs to which married women were subject; but the larger question of the divorce *à vinculo* was one which needed further inquiry.

The Earl of ABERDEEN said, the only objection he felt to referring the Bill to a Select Committee was, that such a course might involve the danger of continuing that unreasonable and unjust system which had so long existed, for the delay attending an inquiry by a Committee might prevent a remedy from being applied within any reasonable time. He rose, however, mainly for the purpose of saying that, as he had on many occasions stood forward as an humble advocate of the law of Scotland, it had been most satisfactory to him to find that so much justice had been done by noble and learned Lords opposite to the law of divorce as practised in Scotland. He believed that the Scotch law, in that respect, was founded upon wisdom and justice, and he thought it might induce his noble and learned Friends to look with a little more complacency upon the law of marriage in Scotland. His noble and learned Friend opposite had imagined an absurd case, and supposed that a young Duke might be entrapped into a marriage by an artful and designing woman. He (the Earl of Aberdeen) did not deny that such a case was possible; but, he would ask, how many young Dukes had entrapped innocent young women in comparison with the number of young Dukes entrapped by the artful persons to whom the noble and learned Lord referred? He thought nothing more just could be conceived than that a promise of marriage, followed by cohabitation, ought to constitute a valid marriage, and that was the case in Scotland. He believed, generally speaking, that women were infinitely more virtuous than men. He believed, that for one woman who had entrapped a thoughtless young man into marriage hundreds of innocent women had been entrapped by artful and designing men. He, therefore, thought that the possibility of such an absurd case as his noble and learned Friend had suggested was no argument at all against the justice of the marriage law of Scotland.

THE LORD CHANCELLOR said, he should not object to the Bill being referred to a Select Committee; indeed he could not resist it. But he would not admit that it was his duty, in introducing a measure for the amendment of the law of divorce, to undertake a perfect amendment of the code of laws concerning the relations of husbands and wives. Undoubtedly there might be cases which required amendment, and if his noble and learned Friends would introduce or suggest such improvements they should have his respectful attention; but it was a subject so interwoven with every part of our law, that any attempt to alter it would be beset with difficulties. What he proposed was to meet an admitted grievance by this Bill; and all the arguments used which did not relate to divorce were beyond the object to which his attention was at present directed. There was one argument now used which did relate to that object. It had been said that the wife ought to have the same right as the husband, and that under this Bill she would have no remedy. That was a mistake; she would have the same remedy which she now possessed. She would not have the extended remedy which this Bill proposed to give to the husband, but she would have the right of applying for a divorce *à mensa et thoro*, just as she had now; and the husband would have the right of coming to the new court, instead of coming to their Lordships' bar.

LORD LYNDHURST: But how unjust that is!

THE LORD CHANCELLOR said, he could not quite understand what it was that his noble and learned Friend proposed. He could understand a proposal that the law should be as it was in Scotland, where a wife, as well as a husband, might obtain a divorce for adultery, though he saw great difficulties in that. But the eloquent speech of his noble and learned Friend had not been confined to that, but contained strong pictures of the wife suffering ill-treatment of other kinds from the husband, being deserted by him or beaten by him. Now, he should expect his noble and learned Friend, in the Committee, to tell him what the cases were to which he would propose to apply this remedy of divorce; because he (the Lord Chancellor) must say fairly that he was not prepared with anything of the sort. It was easy to point out such grave cases, which were incident to human nature and to the relations between man and woman, and to show the great oppression which they involved, but it was not so easy to propose a remedy. He (the Lord Chancellor) could not anticipate much good from the Select Committee, but he would not resist its appointment, after the second reading of the Bill. It was due to the House, however, that he should state that he had no measures to propose for the extension of the remedy of divorce to anything except adultery, and adultery committed by the wife—a remedy given to the husband by the practice of the last century and a half: at the same time he should be very ready to hear the reasons on the other side of the question.

Amendment, by leave of the House, *withdrawn*. Then the original Motion was *agreed to*. Bill read $2^a$; and the Bill and the Law and Practice of Divorce *referred* to a Select Committee, with directions to inquire whether any and what alterations it will be proper and just to make in the said Bill; and to report thereon to the House.

House adjourned to Thursday next.

## HOUSE OF COMMONS,

*Tuesday, May* 20, 1856.

MINUTE.] NEW MEMBER SWORN —For Longford County, Hervey George Hughes, esq.

### OFFICERS' CHARGERS IN THE EAST—QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the hon. Under Secretary for War whether it was the intention of Her Majesty's Government, on the return of the British army from the Crimea, to bring home, at the public cost, the regulation number of chargers belonging to officers; or, if all the horses were not brought home, whether they intended to make up to all officers the amount of allowance to which they would have been entitled if the horses had been lost in Her Majesty's service? He intended his question to cover the case of cavalry, infantry, staff officers, and, indeed, the case of any officers who were bound to have chargers with the army in the field.

MR. FREDERICK PEEL said, he had stated on a previous occasion that General Codrington had not sent home any despatch explaining the reasons which induced him to issue the General Order upon this subject, and the right hon. Gentleman would probably agree with him that it was right that the Commander of the Forces should have a large discretion left to him in this as in other matters. Lord Panmure had, however, sent a telegraphic message to General Codrington, instructing him that where officers were desirous of having their chargers brought home to this country they should be allowed to do so at the public expense; and, he might add, that it was the desire of the War Office to act in a liberal spirit with regard to the claims of the officers in this respect.

COLONEL KNOX: Did I understand the hon. Gentleman to say that this order emanated from the Commander in Chief?

MR. FREDERICK PEEL: Yes; and a similar arrangement will be made with respect to the chargers of English officers attached to the Turkish Contingent.

### THE GERMAN LEGION—QUESTION.

MR. MURROUGH said, he begged to ask whether any, and what, measures were being taken for the disbandment and return to their own country of the German mercenary legion embodied for the purposes of the late war?

MR. FREDERICK PEEL replied, that the German Legion was only one of several corps embodied during the late war which would have to be disbanded now that the war was over. More than one-half the German Legion was in the East, and of course the regiments there would have to wait their turn, in common with the other portions of the British army, before they could be brought home. The troops composing those Foreign Legions were entitled to be sent to their homes on the Continent, or to the Colonies, according as they might elect, and orders had been sent that the men should state where they wished to go.

MR. MURROUGH: Am I to understand that the men belonging to these legions are entitled to be sent to our Colonies?

MR. FREDERICK PEEL: Yes; not as soldiers, but as emigrants.

### THE CASE OF CELESTINA SOMNER—QUESTION.

MR. WARREN said, he would beg to ask the Secretary of State for the Home Department whether the advisers of the Crown, in recommending a commutation of the sentence of death lately passed on Celestina Somner, at the Central Criminal Court, for the murder of her child, had obtained the Report and taken the opinion of the Judge by whom she had been tried; and, if so, whether there was any objection to laying them before the House?

SIR GEORGE GREY said, the Secretary of State was solely responsible for the advice given to Her Majesty on these matters, and it would be contrary to all precedent, unless very sufficient grounds could be shown to the contrary, that the opinions of Judges, confidentially communicated to the Secretary of State, should be laid before Parliament. No doubt it was usual, when petitions were presented stating facts which had not appeared on the trial, to refer those petitions to the Judge who tried the case. That course was taken in the present instance, but he did not feel himself justified in laying the opinion of the Judge before Parliament.

## SCOTCH MILITIA—QUESTION.

Mr. W. LOCKHART said, he wished to ask the hon. Under Secretary for War if it was intended to retain the services of any of the Scotch militia regiments; and, if so, whether the selection of them will depend on the reports which have been made with respect to their comparative strength, efficiency, and discipline, or on what other principle the selection would be made?

Mr. FREDERICK PEEL said, that it was not intended to maintain in an embodied state any of the Scotch militia regiments, and that, therefore, it was not necessary to make any selection.

## SECRET TREATIES—QUESTION.

The Marquess of GRANBY said, he would beg to ask the noble Lord at the head of the Government a question, of which he had not been able to give him notice. He wished to know if it was true that a secret treaty had been entered into between England, France, and Austria, with respect to the territorial arrangement of Europe?

Viscount PALMERSTON: Sir, if there were really a secret treaty, the noble Lord would excuse me from giving him the secret. I recollect my late Friend the Member for Montrose (Mr. Hume) making a Motion for a Return of the way in which the secret service money was expended. There had been no concealed treaty, nor any besides the one laid upon the table.

## THE EXPLOSION AT WOOLWICH—QUESTION.

Mr. MONTAGU CHAMBERS said, he would beg to ask the hon. Under Secretary for War, in the absence of the Clerk of the Ordnance, a question on a subject of very melancholy importance. A dreadful accident had occurred on Saturday, at Woolwich Arsenal, by which six men had lost their lives. Two different statements had been published, the one stating that the men were employed in making percussion powder for percussion caps; and the other, that they were employed in preparing fireworks. It was desirable that an official investigation should take place into the circumstances. He wished, therefore, to know whether the men were employed in the manufacture of percussion powder, or of the ingredients for fireworks?

Mr. FREDERICK PEEL said, he was unable to say whether the late explosion at Woolwich, which was attended with such melancholy consequences, was caused by the manufacture of percussion caps or of fireworks.

## THE BALLOT.

Mr. HENRY BERKELEY: Sir, Pursuant to the notice I have given, I rise to renew my entreaties to this House to be allowed to bring in a Bill to relieve the Parliamentary electors of Great Britain and Ireland from the deplorable and humiliating condition to which they are reduced, entirely through the instrumentality of open voting. It is, indeed, a hard and unwelcome task to press this great question on the House, year after year, and I deeply feel the kindness which has been extended to me. I almost fear, nevertheless, that many hon. Members to whom this question is obnoxious may apply to me the words of the poet, and say, "that I cleave the general ear with horrid speech." The task I have imposed on myself is almost a Sisyphean labour; but I know that the stone I roll ought to reach the summit of the hill, and that knowledge makes me contented with placing it half-way—confident in the belief that, if I fail to carry it further, that I am yet assisting the labours of those who, at no distant period, aided by the progress of education, the diffusion of knowledge, and a more just appreciation of the value of the franchise, will be enabled to demand that, as a right, which I entreat as a boon. Before I proceed to deal more directly with this great question, I will venture to point out the position it at present holds. When I last had the honour to address the House on this subject, I quoted the names of a vast number of distinguished gentlemen, both in and out of Parliament, who had supported the ballot at various times, and whose arguments and evidence must remain, though they might secede from the support of the measure. A great majority of these still maintain their conviction, unshaken. A few have deserted their former opinions; but this fact deserves notice, that those who have changed their opinions will be found, for the most part, to have changed their politics, and those who have recanted their opinions, and who have not deserted their politics, will, for the most part, be found to have changed their constituencies, and instead of being returned for large boroughs, they will have been returned for counties where protection to the voter is reckoned an heresy to the landowner, or they will be returned for those rotten boroughs which were allowed to blur the fair face of the Reform Bill to please the Whig nobility, and from a participation in which they were unable to exclude the Tory nobility, and which are just as much their property as their houses in Belgrave, Berkeley, Grosvenor, or Portman Squares. The ballot ought not to be made a party question. I cannot argue it as such; but it is made so by the Tory party. The opposition which I meet with from the Tories I in no way complain of; to say the truth, it is manly, open, and decided. I cannot say so much for the Whig opposition to the measure. The leading Members of Whig Governments are just as bitterly opposed to the question as the Tory party; but they make it an open question, not for love of the ballot, but for love of their places, which they could not retain if they were to make it a close question, so marked and decided is the majority of their supporters in favour of the ballot. This must be to the select body of recusant Whig Ministers an exceedingly disagreeable question to cope with. When they attempt to reply to our arguments they are rewarded by Tory cheers, and they march into the lobby deserted by their friends, over whom they obtain a victory by pinning themselves to the tail of their foes. There are other circumstances which must be unpleasant to a Government calling itself Liberal. A careful analysis of the voters on this question shows that a vast majority of the great city constituencies, which have a will of their own, return Members who support the ballot, while the opposition to the measure is composed of Members representing counties, and nomination boroughs, where the electors have no will of their own. Now, while the majority of the Members of this House who are opposed to the ballot is considerable, the number of electors by whom they are returned is ridiculously small in proportion to their majority. Add to this, that the non-electors of the country are decidedly in favour of the ballot, and actually deprecate an extension of the suffrage without it; then, the fact stares you in the face, that if you were to ballot for the ballot throughout the length and breadth of the land, the majority in its favour would be enormous. I refer to these facts to show that no dismay need attend the position in which this great question stands. There is in this House a phalanx of 224 hon. Members, having at their back the flower of the electoral strength of this country, determined to win this boon for the people, and when we look back to antecedents, are we not encouraged to hope for success? How few years have elapsed since the attempt to abolish the corn laws was termed by the then first Minister of the Crown madness? And when, year after year, we followed Charles Pelham Villiers into the lobby, were we not viewed as a select body of hopeless lunatics, much pitied by sensible Whigs and sagacious Tories? Why, the country Gentlemen who counted us at the lobby doors used to look as if they feared we should bite them. All this passed away like a dissolving view, and then we were fated to see that celebrated race run by Lord John Russell and Sir Robert Peel, to try who could first be in at the death of the corn laws. Would they ever have run that race if the people, booted, spurred, whip in hand, had not mounted on their backs and urged them to their speed? Then, I say of this question, *nil desperandum*. The same paucity of argument, and the same amplitude of votes, attended the question of the corn laws, as now attend the ballot. So completely one-sided is the argument of our present question, that there is not a puny editor of any petty paper, whether published in some village situated in some Irish bog, on a Scotch moor, on a Welsh mountain, or on an English plain, who, on this question, is not able to master the mighty weapon of *The Times*, with its Briarean power, and its host of talent. What new argument can I urge upon your attention? I can but refer to those arguments which I inherit from Mr. Grote, and which stand in the pages of *Hansard* unanswered, and unanswerable. I know what we must expect to be told—that the ballot is cowardly and un-English. The right hon. Baronet the Member for Carlisle is fond of saying so. Then I tell you that such assertions are a mockery to common sense, since it is plain that the army, the navy, the nobility, and commonalty of this country, being in the constant use of the ballot-box, according to your opinion, must be a pack of cowards. Before you deal again in this bold and bald assertion, be pleased to point out why it is cowardly and un-English to elect Members of Parliament by the ballot, and brave and British to elect every other possible functionary, to every other possible office in that way? The Duke of Somerset, who returns a Member for Totness, is violently opposed to the ballot. The noble Lord, who is returned for that family borough, is, of course, in the family way on the subject of the ballot, and tells us, from the hustings, that it is cowardly and un-English. The speech of the noble candidate (Lord Gifford), was so remarkable, that I hope that the noble Member will, if present, favour us with an appendix to it. The noble Lord, it appears, is an advocate for open voting, it is so manly—it reminded him of a boxing-match between a couple of his constituents in a twenty-four foot ring. Now, I think the noble Lord has hit upon a most unlucky simile when he compares a manly, fair, stand-up fight in a twenty-four foot ring to a contested election, carried on by open voting. No doubt the noble Lord is a manly Englishman, and would like to see fair play, a fair stand-up fight, not between a heavy man and a light man, not between a weak man and a strong man, but between equally matched combatants. Then I tell the noble Lord that anything redolent of fair play is no type of open voting; but let me invite the House to take a look at the ring of open voting. What equally matched combatants have we there? There you have the thirteen stone landlord squaring away at the eight stone tenant at will. There you have the six foot high customer giving it left and right to the five feet high tradesman. There you have the strong creditor getting the weak debtor's head into chancery, and there you find the employers of all sorts fearfully outmatching the employed. And this is the ring in which the noble Member for Totness aspires to carry the lemon and sponge. In this ring my noble Friend the Member for Tiverton is a judicious bottle-holder; my noble Friend the Member for London, the great umpire, holding the watch and calling time; and at Totness may be found the Duke of Somerset throwing up his hat and challenging all comers, well knowing in his valorous discretion that no one will approach that ring but tenants at will and puny tradesmen. I wish the whole bevy of these noble Lords joy of their brave pursuit. It is English, I blush to confess. It is aristocratic and primogenitural, I acknowledge; but equally certain am I that it is cowardly, tyrannical, and unconstitutional. The noble Lord has missed the only true point of comparison between the boxing ring and open voting, and that is the tendency of both to brutality and demoralisation. There is another topic equally contrary to common sense and sound argument upon which the noble Lord the Member for Tiverton continues to dilate, and the noble Lord the Member for London to rejoice in. It is that the electors hold the franchise as a trust for the non-electors—ergo, you must have open voting, in order that the non-electors may ascertain for whom the electors vote, and so become aware whether their trutees have discharged their trusts properly, or have been guilty of a breach of trust. Now, Mr. Grote dealt with this argument successfully. Two years ago I endeavoured to demonstrate its insufficiency, and I got no reply. Sir William Molesworth, in that luminous speech which he made in support of this question, shortly before his lamented death, put an extinguisher upon it—not a bit. Last Session it was up again, fresh as ever. Now, I invite you to meet the question as I put it. I will take your own position, and fight you on your own grounds. In the first place, I accept your interpretation, and will admit the elective franchise to be a trust delegated to the electors, to be used for the benefit of the non-electors. Here it is necessary that we should bear in mind the definition of the electoral trust. On this, I presume, we cannot differ. We agree, then, that if an elector vote freely and indifferently for any candidate or candidates, unbiassed by intimidation and uninfluenced by reward, that he faithfully discharges his electoral trust. Now, you say, that in order that you may know whether the elector be guilty of a breach of this electoral trust, you must have open voting. I put it to your common sense, that open voting can furnish you with no information of the sort. Open voting can inform you whether an elector vote for A, B, or C, but not the motive which impels him to vote. The mere voting for A, B, or C, constitutes no breach of trust,—the motive which impels an elector to vote may form a breach of trust, but that fact you cannot arrive at by open voting; consequently open voting cannot do that which you pretend it can do, discover to the non-elector whether the elector have or have not discharged his trust faithfully, and therefore open voting renders no service to and confers no benefit upon the non-elector. Here, then, I have shown that the advantages of open voting are negative. Now, permit me to reverse the picture, and show you that the evils of open voting are positive—instead of conserving the electoral trust, it leads to a direct breach of it. Bribery is facilitated by open voting. If you have the courage to wade deep into those foul annals of election profligacy, of which we have so unwholesome a collection, you will find that the purchaser of votes stands by the polling-booth and sees the vote delivered before he pays the price of it. The suborner will not trust the suborned. Take away the knowledge of how the elector votes — let there be no better security for the vote than the elector's honour—you upset the confidence of the dealer and destroy the very spirit of the market. So much for the breach of the electoral trust by reward. Now mark the breach of trust caused by intimidation. Intimidation lives by open voting; open voting is the breath of its nostrils, its vitality, its atmosphere; remove it out of that atmosphere, and it collapses and dies. The knowlenge of how the elector votes enables punishment to follow the threat; take away that knowledge, and the threats of the intimidator become a bag of wind. I have now argued this point of the question on your own grounds, and I submit most respectfully that I have proved that, so far from open voting being a check upon a breach of electoral trust, that it is the direct means of that breach of trust taking place. I now venture to call the attention of the House to the existing state of the Ballot in America. I have the honour to belong to an association called the Ballot Society, which is in direct communication with gentlemen of high worth and respectability in America, Members of the Legislature, and others; and on their authority I have, in a former debate, shown the true state of the Ballot in America, yet the most vague, crude, and untrue statements continue to be thrown out. In the speech made by the noble Member for Tiverton, only last Session, the noble Lord asserted that—

> "It was a great mistake to suppose that the Ballot was adopted in the United States to ensure secrecy,—it was only used as a convenient mode of taking votes for a good many officers at once."

Where the mistake rests, it is my duty to prove. It may be a startling assertion to many, yet I assure the House that the circumstances attending the Game Laws and the circumstances attending the Ballot in America, are extremely similar. In some States, Game Laws existed as early as the institution of the Republic; but in the early days of that Republic, the population was sparse, the aboriginal wilderness was slightly encroached upon. Cultivation was not general, and consequently the protection of game was unnecessary; but as the country became more densely populated, and cultivation more general, it became necessary to pass laws for the protection of game, and the American Game Laws, in several States, are more stringent than the English Game Laws. Now, so it was with the Ballot. When the Republic was first instituted, the Ballot was the general mode of election; open voting in some States, indeed, existed, but this is worthy of attention, that where the Ballot originally existed, it has been adhered to invariably, whereas, the States which originally had open voting have, with very few exceptions, adopted the ballot. But, like the game laws, in the early days of the republic the ballot was not needed—no malversation of the franchise was attempted; but as America increased in wealth and importance, as she became not only a growing but a manufacturing country, as mighty cities arose, as great corporate bodies came into play—as her monied interests became varied, the franchise began to be regarded, and intimidation quickly took its stand by those voting urns where the ballot was loosely observed, and brought with it its concomitants, tyranny, suffering, and undue return of candidates; while in those States, such as Michigan, where the ballot was used in its integrity, the exact reverse was to be found. I will now call my witnesses, and then leave the House to judge who is mistaken, my noble Friend or myself. The first testimony I shall cite is that of Mr. Pierce, a gentleman of consideration residing in Massachusetts, with whom I have had the honour to correspond on the subject of protected voting. Mr. Pierce thus writes in a paper called the *Dedham Gazette*:—

> "In Massachusetts and the manufacturing States intimidation is constantly practised; the manufacturers are more interested in the financial policy of the General Government, than the landlords of England were interested in the maintenance of her Corn Laws. A high tariff adds several per cent to their dividends, and the votes of their operatives may elect or defeat the advocates of a tariff. Many of them boldly avow their right to discharge those who vote against their peculiar interests; such operatives are sometimes retained, but they soon find that their wages are diminished by their political opinions. Recusant operatives are the first to be docked, and the first to be cut short or discharged when there is not work enough for all."

He then gives particular instances of this general practice—

"In the autumn of 1850, the Chairman of the Whig State Central Committee of Massachusetts, sent a circular to prominent Whigs in the contested towns, to use all the influence in their power over the men in their employ, or in any way under their control. The superintendent of the Boott Mills, Lowell, when called upon by two gentlemen, candidates for the Legislature, and asked whether he intended to discharge the operatives who voted the ten hour coalition ticket, replied, 'that the Corporation would discharge every man who voted that ticket.' A statement of the interview was published by these gentlemen, under their signatures, and its truth has never been denied or questioned."

Mr. Pierce adds the following paragraph taken from *The New Bedford Mercury*, a Whig paper in Massachusetts—

"Inspectors, be sure and attend early and late at the polls, so as to obtain each and every name of those Locofocos who vote the Locofoco free-trade wages' ticket for the selectmen and other town officers. It is of the greatest importance that a true and faithful list should be preserved and published, in order that the public may know them. It is not proper or right, that any one who is a friend to this town's prosperity, should aid, trade with, or employ men who will vote at once against its best interest, its only interest, the whaling business."

"At the time when the intimidation at elections, of which the above are instances, was practised, the system of voting in force in Massachusett's was this—'All votes were given by written or printed tickets containing only the names of the candidates voted for. These tickets were, by special enactment, required to be presented for deposit in the ballot-box open and unfolded. By standing at the polling place, any one wishing to know for whom the electors were voting, might ascertain the fact with the greatest ease.'"

The next document I propose to quote, is a letter from the Hon. Amasa Walker, ex-Secretary of State, who moved for a committee in the Legislature of Massachusetts, to consider of the malversation of the franchise. This committee was granted, and upon its report an Act passed the Legislature to cause the votes to be taken by a strictly secret ballot. Let Mr. Walker speak for himself; his letter is addressed to the Secretary of the Ballot Society in England, who had been instructed to obtain information from so high a source. Mr. Walker thus writes:—

"In Massachusetts corporations, formed for various industrial and financial purposes, give a peculiar character to the State. Individuals die; the corporation never dies. Individuals are, by the force of public sentiment, held morally responsible for their acts; corporations have no moral responsibility. They have no souls. Whatever the extent of their wealth, often amounting to many millions of dollars, and having the power of controlling the destinies of multitudes who hold their places, and even their very dwellings, as tenants at will, these corporations are always placed under the management of a small board of directors, who, in turn, transfer their power to the hands of a single agent, or superintendent, for the time being vested with all the attributes of sovereignty which such corporations can confer. These companies, so organised and managed, scattered all over the commonwealth, united in sympathy and interest, form a sort of moneyed feudalism, and sway a mighty influence whenever they choose, as they often do, to enter the political arena. Many thousands of voters are in the service of these bodies, and up to the year 1851 were constantly exposed to their dictation at the ballot-box. In that year the law for 'the better security of the ballot' was enacted. Its history is as follows—

"The great struggle against the slave power, which first manifested itself in 1848, excited a strong interest, and caused the friends of freedom to feel how much their efforts were paralysed by the controlling influence which the Conservative Pro-slavery party was able to exert upon the masses by their power of intimidation at the polls. Hence they began to look with new and increased anxiety for some means of relief. Having the honour of a seat in the Massachusetts Senate in the year 1850, my mind was particularly directed to the subject, and I earnestly sought to devise some means by which the desired independence of the voter might be secured. While thus thinking upon the subject, it suddenly occurred to me (for I had never heard it suggested) that the true method was to enclose the ballot in an envelope, and then, having sealed the same, place it in the ballot-box. As soon as the idea presented itself to my mind, I felt assured that it was the true one, and accordingly, without an hour's delay, offered an order in the Senate, 'to inquire what measures could be taken for the better security of the ballot. In compliance with the Motion, a joint Committee of two from the State and five from the House of Representatives was appointed. Notwithstanding a majority of this Committee belonged to that party in the Senate which has always manifested the greatest hostility to a free ballot, the plan proposed commended itself so much by its simplicity and efficiency, and the evidence presented before the Committee of the great pvactical evils of the old system was so conclusive, that a majority of the Committee agreed upon a Report and Bill, a copy of which I send you herewith. I believe, Sir, I have now answered, however imperfectly, the various inquiries proposed to me, and, in conclusion, have only to add that I feel a dee interest in the object for which your society is organised. I earnestly hope you will succeed, and that speedily. The ballot will be an inestimable boon to the people of Great Britain. It will infuse new force and vitality into the Government—it will aid in every popular reform—it will tend to elevate and improve the condition of the people, and when once established, will be regared with favour by all who feel an interest in the welfare and happiness of the country. That you will have the sealed ballot whenever you have a ballot at all, I have no doubt. You will, I am sure, insist upon it, and not be put off with any half-way measure. Our whole experience leads us to feel that the sealed ballot is what the people are entitled to, and what they must have if they would secure their greatest good. Such a ballot has bitter enemies —here, as I suppose it has with you. All who wish for exclusive privileges, for class legislation, for the rule of the aristocratic few, are, without exception, opposed to it, while all who wish that the people should govern, that all should have equal privileges and rights, that legislation should be general, instead of special, and for the benefit of the whole, instead of a part, are the active friends of the new mode of voting. It is the surest test of political character we have ever had in this country, and I presume it will be found so in yours. Should any further information be needed, I shall be happy to furnish all in my power, and any additional documents that may be wanted. Hoping to hear of the continued progress of your excellent society, and of its final and triumphant success, I have the hour to be, your obedient Servant,

"AMASA WALKER."

I now trouble the House with the report of the committee obtained by Mr. Walker, which is to the following effect:—

"The ballot in this Commonwealth, in its true character, is but a name. Yet your committee are confident that this is not, and never was, the wish of the present or any past Legislature of Massachusetts. They feel assured that it is, and ever has been, an object of sincere desire, to secure to each citizen the free and unbiassed exercise of his elective franchise, and that the present system was adopted, only because no other at the time seemed feasible. The progress of events, however, has at length brought to our minds a mode by which the rights of the citizen may be fully secured, and yet the most effectual guarantees against fraudulent voting obtained. The use of letter envelopes, which has within a few years been introduced into this country, has, it is believed, suggested a very simple, cheap, and efficacious remedy, for all the evils which have heretofore been complained of. If each voter be required to place his ballot in a sealed envelope, and in that manner deposit the same in the ballot-box, no one can know, unless he chooses to announce his vote, as he has an undoubted right to do, the character of the ticket or the persons for whom he has voted. No man acts irrespective of surrounding influences. Some are more independent of circumstances than others, but there are none, whatever their condition, who do not sometimes act under more or less constraint, in giving an open and easily recognised ballot. This will, we think, appear probable if we take into view the following considerations:—In the first place, almost every individual is attached to some political party. He feels that, on the whole, his party is nearer right than any other party, and wishes to act with it. But if he be a true man, he will never give up his conscience to the dictation of others. He will always reserve to himself the right of deciding upon men and measures, and if either are presented which he cannot approve, he will wish, silently, at least, to refuse his concurrence. But this he cannot now do. Nothing can be more imperious, more absolute, than the dictation of party spirit. It knows no mercy; it permits no disobedience to its behests; it is satisfied only with the most entire submission to its mandates. This is the character of all parties; there is no difference. If a candidate be presented, no matter how obnoxious, how unsuitable, every man of the party must give him his vote under the pains and penalties of excommunication.

If party feelings run high, the polls are narrowly watched, and the unfortunate individual, who would fain obey the dictates of his own breast, must deposit his vote,—for it can scarce be called a ballot,—under the espionage of party leaders, whose eagle-eyed vigilance he can hardly hope to escape, and whose angry frowns he may feel quite unwilling to encounter. Is it not so? And, if so, shall we hesitate to provide, if we can, an easy and effectual remedy,—a remedy by which the peaceable and retiring citizen may be allowed to express his sincere convictions at the ballot-box, without incurring a merciless storm of party denunciation? Is it any reflection on such a man, to suppose that he would gladly avoid, if he could, so unpleasant an alternative? And ought he not to have the privilege of doing so? Shall a man, in the exercise of his elective franchise, be obliged to meet obstacles of this nature, if there is no necessity for it? Again, in a community like ours, no inconsiderable portion stand to each other in the relation of employer and employed. We need not suppose that the employer utters any threats; we need not suppose that there are any overt acts of intimidation, but will not an influence, greater or less, be exerted over the minds of persons thus situated? Is it unreasonable to suppose that some, at least, under such circumstances, choose to forego the right of suffrage, rather than exercise it contrary to their own convictions, or the well-known wishes of their employers? Again, many persons are placed in the relation of tenants, tenants at will often, others that of debtors. Will neither of these clauses ever be likely to feel embarrassment in the expression of their political preferences at the polls? In addition to all these influences, there are others of a general nature, from which no one, whether high or low, rich or poor, are wholly exempt, the influence of social life. No man ordinarily wishes to offend a neighbour or make an enemy, and rather than incur the hazard of doing either, how many will be induced to forego, in some degree, their real preferences and opinions? The right of suffrage is the most sacred of all political rights, and should be most carefully guarded. If the juryman, in the exercise of his functions, be required to be free from all bias, and to act without fear, favour, affection, or hope of reward, how much more ought the citizen, in the discharge of his highest duty, that of electing his rulers, to be equally free from all bias whatever? If we are bound to guard the jury-box, are we not still more bound to guard the ballot-box, that fountain and source of all political power, and surest safeguard of public liberty? In view of these considerations and facts, your committee, regarding the subject as worthy the attention of the Legislature of this Commonwealth, respectfully report the accompanying Bill.

"AMASA WALKER,
WILLIAM KIMBALL,
JOHN M. BLISS,
GEORGE COWDREY,
CHARLES F. BATES."

Now, then, I submit to the House, that in this plain unvarnished tale we have reflected back to us a picture of intimidation perfectly English. The intimidation of the aristocracy in England is rivalled by the intimidation of a pro-slavery feudalism in America. The intimidation of the landocracy in England is rivalled by the intimidation of a mercantile confederacy in America. Corrupt corporate bodies in England may shake hands with corrupt corporate bodies in America, and a monied oligarchy is the electoral bane of both countries. The Americans put their shoulders to the wheel to drag themselves out of this moral mire; you, on the contrary, prefer to stick in the mud, and to wallow in corruption, rather than part with the power of intimidation. You cannot deny the scandalous state into which England is plunged at every general election; and when these evils come before you, then, indeed, you produce some miserable abortion in the shape of an Act of Parliament, and pretend that it is a remedy. Take, for instance, your Corrupt Practices Prevention Act. It has done just that which you intended it should do—nothing! Look to the accounts of contested elections since that Act has been in force. Bribery rampant, intimidation roaring through the land. I invite the House to listen to a few light details of our amended electoral system. Take the following description of the scenes discovered at the last Boston election, from a London paper of March 6th of this present year:—

> "Will it be believed, after all our Acts upon bribery and corruption, and the pains and penalties held *in terrorum* over the heads of the free and independent, that in the borough of Boston there exists, at the present moment, a confederacy of freemen and electors, known as the 'Rock Club,' who march through the town with a green banner and a fife and drum, making known to the rival candidates that there they are, ready to be purchased, and to sell their votes to the highest bidder? No later than Tuesday morning last, a deputation from this body, numbering some twenty voters, waited upon the agent of Colonel Sleigh, and requested to be informed how much per head that gentleman was willing to pay for their votes. Disgusted at such corrupt and abominable proceedings, with a spirit which is deserving of all praise, Colonel Sleigh spurned the aid of such myrmidons, and withdrew from a contest in which honour was not to be achieved even by a candidate who goes in first at the head of a Boston poll. When it was announced that the Independent candidate would withdraw, his committee marched into his rooms, and each formally presented bills thus worded—'To attendance upon Colonel Sleigh, in committee and canvass, £1 10*s*.' And these are 'free and independent voters,' who have a voice in returning to Parliament one of the representatives of the country. The more we see of the present electoral system the more we are satisfied that no Act now in force has the power to check bribery and corruption."

I now take Bath, and give you the evidence of both candidates as to intimidation:—

> "Mr. Tite said: He would come now to another screw, and connected with it was the ballot. He was a man who could always hold up his hand and vote as he pleased, caring for no man; but it was a very different thing with many amongst the constituency of Bath, where the screw was put on. His learned friend had suggested that he knew of one case in which a supporter of his was the victim; he could name five or six distinct cases where the screw had been put on his friends. Mr. WHATELEY: And I know of ten or twelve cases since I have been here. Mr. TITE: If that were so, the greater was the necessity for the ballot on both sides. I have learnt a lesson at Barnstaple, where exclusive dealing is carried on so far that the names of all who voted for the Whig candidate were entered in the blue-book; and 'so they are here.' A poor man yesterday said, when I asked for his vote, and told him it was a mere question of voting—'No, sir, it is not only my vote, which I would willingly give, if I dare; but the bread of my family is dependent upon it.'"

Before I quit the west of England, pray let me present you with the chaste and immaculate borough of Wells; it sets an edifying example. It has been said that when Greek meets Greek then is the tug of war. But I say, when Whig meets Whig, then is the tug of war; and depend upon it that when that happens, the constituency is sure to be well double-thonged between them. I give you an account of the proceedings of the Government whipper-in from the London *Standard*, and of the Opposition whipper-in from the *Globe*. The *Standard* says—

> "About a fortnight before Mr. Tudway's death, when all hope of his recovery was at an end, this little city was visited by its other representative, the right hon. W. G. Hayter, the patronage secretary of the Treasury. For ten days successively the right hon. gentleman drove punctually into the city from the friend's house where he was staying, three miles distant, and remained until late in the evening, perambulating the streets, calling upon various electors, accosting them, and making the most affectionate inquiries into their welfare. Singularly enough, while he was here, a rumour got into circulation that still more patronage was to be placed at the disposal of the Wells electors, notwithstanding the astounding published list of seventy places already bestowed, and, by way of an earnest, an odd berth or two was given to deserving applicants. The mayor has issued a notice containing various clauses of the 'Corrupt Practices Prevention Act, 1854,' to warn the electors against the consequences of bribery and treating. The clause having reference to the promises of place, office, and employment, to procure votes, has an especial bearing upon the recent visit of Mr. Hayter."

The *Globe*, a Government paper, of the 26th November, 1855, has selected the following article from the *Bath Journal*, and thus describes the Tory doings:—

"There remained, in the evening of the day of nomination, some twenty undecided voters. The majority of these, it was believed, would vote for the Liberal candidate. During the night it oozed out that two important personages, well known at a notorious club in London, were doing an extensive business at the 'Swan,' and when the morning came, by some mysterious process of persuasion, these 'independent electors' all went to the poll for the Tory candidate. The disgraceful scenes which occurred during the poll are almost beyond description. The 'dab-in-the-hand men,' as they are termed, were marched to poll guarded by an escort, like deserters to the guard-room—or felons to their cells. The Tory landlord might be seen dragging up his refractory tenant, and the patroniser of some small tradesman in close attendance upon his helpless and unfortunate victim. We saw one 'hanging-back' freeman pulled, pushed, and carried to the hall by four independent voters of the immaculate order, and, of course, having had so much kindness and attention bestowed upon him, he had no alternative but to vote for the Crimean hero—or rather absentee. The clerical influence, strange as it may seem, was used to a great extent. Men who were pledged to the Serjeant were almost pestered to death by their impertinent annoyances; and threatened with the loss of their favours if they did not regard their promise as a joke, and vote for their 'darling Captain.' 'The Corrupt Practices Prevention Act' of 1854, is a mere farce, and of no more value than so much waste paper."

Well, Sir, at Leominster there has been an election, and of so little use has been the corrupt practices prevention Act, that the electors petition for the ballot. There has been an election for Rochester, and the hon. Member just returned stated on the hustings, that the proceedings he had witnessed had made him an advocate for the ballot. There has been an election, too, for the borough of Midhurst. Now this borough is an appurtenance to the Cowderay property. An auctioneer in describing the advantages of that estate, might say, with truth, the woods abound with game, the rivers with fish, and at the disposal of the proprietor are wild rabbits and tame electors. The present owner of the borough, Lord Egmont, has evinced great judgment and good taste in the selection of his Members. He has replaced his own nephew, one of the most popular Members who ever sat in this House, now the worthy representative of the University of Cambridge, by another hon. and learned Member whose literary talents are known to fame. It is not with these hon. Members that I am at war, but I am at war to the knife, with the system which they uphold and the abominations thereof which they conceal. Take, for instance, the speech of the late candidate for Midhurst, Mr. Warren, made upon his election and reported in the papers.

"I never read such playful irony. The hon. and learned Gentleman actually told the electors of Midhurst that he canvassed them for eleven successive days in an easterly wind. The result was, that after enduring more than Crimean hardships, he had arrived at the conclusion that all their votes were unfettered. He then threw up his hat—I mean Lord Egmont's hat—and challenged all and sundry to do battle with him; and when nobody came, he told the electors that he was a proud man, and their affectionate brother. I really cannot account for this speech, otherwise than by supposing that the hon. and learned Gentleman had been studying his own pleasant novel, called "Ten Thousand-a-Year," and was giving the electors a strong touch of his favourite character, 'Oily Gammon.'"

Sir, I know not how my Motion may be met, but as my opponents seldom attack the vanguard of the argument, assailing its flanks and looking out for unguarded points, let me inspect my defences. Perhaps I may be accused of making an onslaught on the aristocracy. To that I reply, that I cannot in one speech embrace the wide field of argument and instances which the ballot presents. As certain aristocrats have thrust themselves lately into the *melée*, I have repelled their attacks. It may be said then, you would exclude the Members of noble families from the House of Commons. I would do no such thing. I would merely take from the heads of noble Houses, the unconstitutional power of commanding seats in this House for their nominees. Now, I utterly disbelieve that the scions of the aristocracy would be excluded from Parliament. I believe that the names of Villiers, Stanley, Walpole, or Duncan, represented as they are, would find their way into the Roll of the Commons House, ballot or no ballot; but, I would take from Clarendon, Derby, Egmont, or Camperdown, the power of forcing them there. In former speeches, I have placed before the House the tyranny of the democracy and their unconstitutional interference with the franchise. In short, Sir, I have attacked the malversation of the franchise wherever I have found it, without reference to party, rank, or station. One word in conclusion to administrative reformers. You had a Committee, I warned you how it would end. It resulted in the complete exculpation and glorification of Mr. Russell, the *Times* correspondent; any other result was impracticable in a House of Commons which carries the peoples' purse, but is compulsorily elected by the House of Lords. I call upon all administrative reformers, then, to vote for this question. By giving protection to the elector, you admit the genial sun of the people to shine into the Commons House, and thus, and thus only, can you prevent salutary measures of reform from being blighted by the cold shade of aristocracy.

SIR DE LACY EVANS seconded the Motion.

MR. PEACOCKE said, he thought that there was a great discrepancy between the general terms in which the hon. Gentleman had addressed the House and the terms of his Motion. The hon. Gentleman had brought forward not one single individual case in support of his general statement. In spite of the connection of the hon. Gentleman with the Ballot Society, in spite of his sympathy with the grievances of oppressed voters, he had not been able apparently to furnish the House with a single instance of intimidation. It was not enough for the hon. Member to come down to that House and say intimidation is carried on which should not be carried on, and therefore give us the Ballot; for no conclusion could be more illogical. The hon. Gentleman ought to prove that the Ballot would be a protection to conscientious voters, and to prove that, he apprehended would be rather difficult. Suppose an election had taken place, and afterwards the landlord went to his tenant, or the wealthy manufacturer to his tradesman, and asked him what way he had voted—if the tenant or tradesman had voted for the friend of his patron the Ballot would be superfluous; if he had not, and confessed the fact, the Ballot would be no protection, nor would it be if he refused to answer, so that, in point of fact, it would only be a protection to the man who having voted against the friend of his patron denied that he had done so, that was to say, it would be a protection only to the liar, the hypocrite, and the knave. Was that portion of the community so deserving of protection that for their interests alone the House ought to consent to introduce a system of secret suffrage? Did the hon. Gentleman suppose that those persons who fancied they had a right to influence the conduct of voters would allow themselves to be defeated by the Ballot-box or by sealed envelopes? No. They would seek to exercise the influence in spite of all enactments, and they would be the more excited to do so by a gauntlet of defiance being thrown down to them by the Legislature. Gentlemen who at present would reject the idea of *espionage* as discreditable would, in that case, hardly hesitate to stoop to any means within their reach in order to baffle and defeat the attempts of a Legislature which sought to deprive them—vainly as he believed would be the case—of that influence to which, as they imagined, their position legitimately entitled them. A tenant would then be whispered out of his holding, and while, at present, he only ran the risk of losing his farm if he voted against the wishes of his party, he would, under the uncertainty engendered by the proposed measure, be equally opposed to that risk if he voted with them. Harassed by the spy and maligned by the informer, he would then sigh for the time when every vote was recorded in open day, and when he could point to the vote-book in his favour. He (Mr. Peacocke) would appeal to the real friends of purity of election—and he was doubtful if he could class hon. Gentlemen opposite among them—to say whether they could regard the passing of the Ballot with any other feelings than those of alarm. You might then be certain that there existed in any particular locality a perfectly organised system of corruption, and yet you would be powerless to defeat it. You would then have electors disposed of, he supposed, according to the most approved principles of political economy—bought in the cheapest and sold in the dearest market. The hon. Member (Mr. H. Berkeley) had declared that there would be no corruption, because, if vote by ballot prevailed, the candidate could not trust to the promise of the elector, and because no one man could put trust in the promise of another. He would pass over this optimist view of human nature taken by the hon. Member for Bristol, but he would appeal to experience to say whether, in practice, that had been found to have been the case. Why, the first instance of organised corruption discovered was at Shoreham, in 1771, which place was bought and sold by the Christian Club, a club conducted on such strictly Evangelical principles that they would have been dear to the heart of even the noble Lord the Member for Middlesex (Lord R. Grosvenor). Later on they learnt that the highest sense of honour pervaded the electors of Sudbury, and that at St. Albans the electors adhered to their plighted word with a chivalry which would have done honour to a Talbot or a Peterborough. But the hon. Gentleman had alluded to the United States. Now, he would take leave to read an extract from the *New York Herald*, written immediately after the election of 1852, to show the hon. Member for Bristol that, at all events, an organised system of corruption was consistent with a system of secret voting:—

> "Look at the proceedings on Thursday last in the Nineteenth Ward—voters carried to the ballot-box in scores of waggons from various lacalities, and in other wards hundreds of Democrats voting for Scott or for Fillmore—men ignorant and steeped in crime—picked up in all the purlieus of the city, and purchased at a dollar a head, and some, it is said, as low as fifty cents, to deposit in the ballot-box a vote they had never seen. This demoralising process is playing fearful havoc with our institutions, rendering them, to a vast extent, not only a nullity, but perverting them to mischief, to a bad and corrupt legislation, and to the maladministration of public justice. The judicious grieve at these results, but what can they do to arrest the progress of the evil?"

And he was told that the friends of purity of election in the United States so far differed in opinion from the hon. Gentleman that they believed the only system which would remedy the evil would be the introduction of open voting. If secret voting were established in this country his belief was, that our electoral system would be exposed, not only to the danger of an organised corruption, but to an organised system of fraud. How could you insure that the number of votes would rightfully correspond with the number of voters? He was told the other day of a case in which the members of a Horticultural Society in the north of England were called upon to vote, and when the ballot-box was opened forty-nine votes were found recorded, though only thirty-seven persons were entitled to vote. Now, if a system of fraud such as he had described prevailed in so small a matter as this, to what an extent might it not be expected in the exciting case of an electoral struggle and under the maddening influences of party conflict? But he would go further than this and would ask—*Quis custodiet ipsos custodes?* How was it proposed to prevent fraud on the part of those who received the votes, guarded the ballot-boxes, and declared the result of the election? How were they to guard against the corruption of the returning officers and their deputies? The ballot, however, would in one way check corruption among the constituencies, because it would then be cheaper and far more certain to bribe the officials and returning officers. But even in the most improbable contingency that you would have a pure election under a system of secret voting—would the losing side ever be brought to think so, much more to acknowledge it? When the Emperor of the French was elected by an immense majority, was it not everywhere proclaimed and believed that that election was the result of unfair means? Did the House suppose that it would be otherwise here? Would not the losing side always say that the victory had been gained by fraud or achieved by corruption, and did they think public opinion would be uninfluenced by such clamour? Would the public be disposed to place confidence in hon. gentlemen as being the real exponents of the opinions of their constituents? Would the public even place confidence in that House itself, when composed of members elected under such a system? He did not believe any system could be devised which was so calculated to bring Representative Government into general odium and contempt. He had heard of invectives hurled against the Emperor of Austria because His Majesty had denied Representative Government to his subjects, and the Emperor of the French had also been exposed to an immense amount of vituperation on the same grounds, but neither the bayonets of the Austrian nor the artillery of the French Emperor would, he believed, more entirely subvert Parliamentary Government, and destroy its reputation and authority, than the measure which the hon. Gentleman the Member for Bristol now proposed in the pseudo-interest of popular government. When, too, the hon. Member did not purpose to extend his proposal to voting in that House, he (Mr. Peacock) could not help regarding it as a measure inconsistent upon the very face of it. That House was placed, with reference to its constituencies, precisely in the same position as the constituencies were placed with reference to the nation at large. Perhaps he should be told that Members of that House were not subject to the influence of corruption and intimidation. Now, he did not mean to say that hon. gentlemen were open to the vulgar influences of a bribe in the shape of a £5 note; but he would appeal to the experience of the right hon. Gentleman the Member for Wells (Mr. Hayter) to know if hon. gentlemen were indifferent to all the social influences which could be brought to bear upon them, and whether votes in that House were always given under the influence of the purest patriotism? Moreover, was not the intimidation practised by constituencies palpable and undenied? Were the votes of that House always a fair reflex of the opinions of its Members? He could give many instances in which one language was used in the lobby, while the vote was given in an opposite direction. But it would, perhaps, be said that, whereas the influence exerted by landlords over their tenants was an illegal one, that exerted by constituents over their representatives was in harmony with the spirit of our constitution. Now, he thought that any one who used such an argument had much to learn—had to learn that they were not sent to that House as delegates to reflect the passing opinions of their constituents, and to vary like a barometer with the state of the weather; but that they were here to legislate according to what they believed to be for the welfare of the whole community; and if, therefore, secret voting ought to be conferred upon the electoral body, they also had a right to claim the same immunity from intimidation and the same security from pressure from without. If the Ballot were conferred on the electoral body, and not on that House, they would establish an oligarchy of £10 or £8 householders, as the case might be, who, wielding an irresponsible authority by exercising a secret suffrage, would be enabled to fashion legislation in a form favourable to their own class interests, and in course of time doubtless shift the national burdens from their own shoulders. Against the possibility of such a danger it was the duty of the Legislature to guard. Those with whom he acted did not oppose the Ballot upon anti-liberal principles. They opposed it in the name and interest of the unrepresented and unenfranchised classes, who were entitled to know in what way the suffrage was exercised by those to whom that sacred trust had been delegated. They opposed it because they were unwilling to sow the seeds of a general feeling of suspicion and distrust, which would render the constitutional form of Government a curse instead of a blessing. They opposed it because they were unwilling to expose the national representation to a system of universal lying and organised hypocrisy.

MR. H. BERKELEY, in reply, said, the cause of the riot in New York, which had been referred to, was open and not secret voting.

Motion made and Question put, "That leave be given to bring in a Bill to protect the electors of Great Britain and Ireland by taking the votes by way of Ballot."

The House *divided*:—Ayes 111; Noes 151: Majority 40.

*List of the* AYES.

Adair, H. E.
Adair, Col.
Alcock, T.
Atherton, W.
Ball, J.
Baxter, W. E.
Berkeley, F. W. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.
Black, A.
Blake, M. J.
Bonham-Carter, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Butler, C. S.
Byng, hon. G. H. C.
Challis, Mr. Alderman.
Chambers, M.
Chaplin, W. J.
Coffin, W.
Collier, R. P.
Crossley, F.
Currie, R.
Davie, Sir H. R. F.
De Vere, S. E.
Dillwyn, L. L.
Duncan, Visct.
Duncan, G.
Esmonde, J.
Ewart, W.
Ewart, J. C.
Ferguson, Col.
Ferguson, J.
FitzGerald, J. D.
Forster, C.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goderich, Visct.
Gower, hon. F. L.
Greene, J.
Grenfell, C. W.
Hadfield, G.
Hall, rt. hon. Sir B.
Hankey, T.
Hastie, Alex.
Hastie, Arch.
Headlam, T. E.
Heywood, J.
Holland, E.
Horsman, rt. hon. E.
Hughes, H. G.
Hutt, W.
Ingham, R.
Ingram, H.
Johnstone, J.
Keating, H. S.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Langston, J. H.
Langton, H. G.
Laslett, W.
Lee, W.
M'Cann, J.
M'Mahon, P.
Magan, W. H.
Mangles, R. D.
Martin, J.
Martin, P. W.
Massey, W. N.
Meagher, T.
Miall, E.
Moffatt, G.
Muntz, G. F.
Murrough, J. P.
Norreys, Sir D. J.
North, F.
O'Brien, J.
O'Connell, Capt. D.
Oliveira, B.
Otway, A. J.
Pechell, Sir G. B.
Pellatt, A.
Phillimore, J. G.
Pilkington, J.
Ricardo, S.
Rice, E. R.
Roebuck, J. A.
Scobell, Capt.
Seymour, W. D.
Smith, J. B.
Somerville, rt. hn. Sir W.
Stanley, hon. W. O.
Strickland, Sir G.
Strutt, rt. hon. E.
Sullivan, M.
Tancred, H. W.
Thornely, T.
Tite, W.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walmsley, Sir J.
Warner, E.
Watson, W. H.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M'G.

TELLERS.

Berkeley, F. H. F.
Evans, Sir De L.

*List of the* NOES.

Agnew, Sir A.
Annesley, Earl of
Arbuthnott, hon. Gen.
Bagge, W.
Baillie, H. J.
Baines, rt. hon. M. T.
Baring, rt. hon Sir F. T.
Barrington, Visct.
Barrow, W. H.
Beckett, W.

Bennet, P.
Bentinck, G. W. P.
Bernard, Visct.
Bignold, Sir S.
Blackburn, P.
Blandford, Marquess of
Bramley-Moore, J.
Buck, Col.
Burrell, Sir C. M.
Burrowes, R.
Cabbell, B. B.
Cavendish, hon. C. C.
Cayley, E. S.
Chelsea, Visct.
Christy, S.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Conolly, T.
Coote, Sir C. H.
Cowper, rt. hon. W. F.
Davies, D. A. S.
Davies, J. L.
Deedes, W.
Disraeli, rt. hon. B.
Drax, J. S. W. S. E.
Duncombe, hon. A.
Dundas, G.
Dungarvan, Visct.
Dunne, Col.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Euston, Earl of
Farnham, E. B.
Ferguson, Sir J.
Filmer, Sir E.
Forester, rt. hon. Col.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Gladstone, rt. hon. W.
Gladstone, Capt.
Gooch, Sir E. S.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Grosvenor, Earl.
Gurney, J. H.
Gwyn, H.
Halford, Sir H.
Hall, Gen.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, rt. hn. R.C.N.
Handcock, hon. Capt. H.
Harcourt, Col.
Hardynge, hon. C. S.
Hardy, G.
Hayes, Sir E.
Hayter, rt. hon. W. G.
Heard, J. I.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Holford, R. S.
Horsfall, T. B.
Hotham, Lord
Howard, hon. C. W. G.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Jones, Adm.
Kelly, Sir F.
King, J. K.
Labouchere, rt. hon. H.
Langton, W. Gore
Lennox, Lord A. F.
Leslie, C. P.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lindsay, hon. Col.
Lowther, Capt.
Lushington, C. M.
Macartney, G.
Mackinnon, W. A.
Malins, R.
Manners, Lord G.
Masterman, J.
Maunsell, T. P.
Miles, W.
Michell, W.
Monck, Visct.
Moncreiff, J.
Mowbray, J. R.
Mulgrave, Earl of
Naas, Lord
Newdegate, C. N.
Newport, Visct.
Nisbet, R. P.
Oakes, J. H. P.
Ossulston, Lord
Palmer, Roundell
Palmerston, Visct.
Patten, Col. W.
Peel, Gen.
Percy, hon. J. W.
Phillimore, R. J.
Portal, M.
Pritchard, J.
Pugh, D.
Repton, G. W. J.
Robertson, P. F.
Russell, Lord J.
Russell, F. C. H.
Rust, J.
Scott, hon. F.
Shirley, E. P.
Smith, rt. hon. R. V.
Smith, W. M.
Smollett, A.
Stafford, A.
Stirling, W.
Stracey, Sir H. J.
Stewart, Sir M. R. S.
Stuart, Capt.
Sutton, J. H. M.
Thesiger, Sir F.
Tyrell, Sir J. T.
Vance, J.
Vane, Lord H.
Verner, Sir W.
Walcott, Adm.
Walsh, Sir J. B.
Walter, J.
Warren, S.
Welby, Sir G. E.
Whitbread, S.
Whitmore, H.
Wilson, J.
Wrightson, W. B.
Wyndham, Gen.
Wyndham, W.
Wynne, W. W. E.
Wynne, rt. hon. J.
Yorke, hon. E. T.

TELLERS.

Peacocke, G. M. W.
Vyse, Col.

## JUDGES AND CHANCELLORS.

Mr. J. G. PHILLIMORE said, he rose to ask leave to introduce a Bill "to take away from all Archbishops, Bishops, and Ecclesiastical Persons in England and Wales, all power of appointing Judges and Chancellors, and vesting such powers in the Lord Chancellor." The abuse which the Bill was intended to remedy had been repeatedly admitted as leading to the mal-administration of justice. Indeed, many instances of persons being completely ruined through the ignorance of those before whom they had to plead in the Ecclesiastical Courts had occurred. At present, if anything were to happen to one of the Ecclesiastical Judges, the person upon whom the appointment of his successor would devolve was the Archbishop of Canterbury, who, however estimable for his attainments, could scarcely be held a fit judge of purely secular qualifications. Had he thought there was a chance of a comprehensive measure of ecclesiastical reform being carried, he never would have brought forward a Bill dealing only with a small detail of the question; but as the Session was likely to pass away, owing to the collision of interests, without the Government being able to carry such a measure, he felt bound not to let the opportunity pass without attempting to overthrow an abuse so universally recognised.

Mr. HADFIELD, in seconding the Motion said, there were several Bills relating to the Ecclesiastical Courts now before Parliament, and he could wish to be informed in what position they stood. They appeared to be all at a deadlock. He should like to know the cause which obstructed their progress. There was at present an absolute failure of justice in the Ecclesiastical Courts. He trusted the noble Lord at the head of the Government would give some explanation on the subject.

The SOLICITOR GENERAL said, that with respect to the Motion of his hon. and learned Friend, he did not believe it was the intention of the Government, any more than it was, he apprehended, the wish of the House, to offer any opposition to it. To himself it was a matter of deep regret, that a crying evil which existed in this particular department of justice had remained as yet ineffectually remedied; as, indeed, it would have been, if the Bill introduced into the House of Lords had not met with an opposition that proved fatal to it there. He thought that the evidence collected upon the subject had proved in the most conclusive manner that the appointments hitherto made of Chancellors and other judicial persons, selected and nominated by the Archbishops and Bishops had been in many instances most unsatisfactory. The Government had, therefore, hoped that a measure framed in accordance with the opinions of a great number of gentlemen on both sides of the House would have been successful and passed into a law. However, for the moment that measure had been delayed. The Government, therefore, would be the last persons to oppose the introduction of a measure which went at all events to settle a branch of the question; and the more particularly as it would come under consideration simultaneously with the Testamentary Jurisdiction Bill and the Divorce Bill. Besides, it was really absolutely necessary that something should be done to regulate such appointments for the future; because, by the passing of those measures, the source of revenue of those judicial officers would be altogether taken away. He should, therefore, not recommend any opposition being given to the introduction of the Bill of his hon. and learned Friend. With respect to the subject alluded to by the hon. Member for Sheffield (Mr. Hadfield), he certainly thought that if the hon. Member would turn over the record of their proceedings, he would find abundant reasons why the Testamentary Jurisdiction Bill had not been proceeded with. He could undoubtedly testify that his noble Friend at the head of the Government had been always most anxious to facilitate the discussion of that measure. But the House would recollect how it had been occupied—let him hope it was in a manner unexampled—for the last two Sessions. It was, indeed, to be desired, that the House would now at length apply itself to useful legislation, instead of spending so much of its time in what he would venture to designate, unprofitable talk and discussion. It therefore lay with the House itself to determine whether, at the close of this Session, it would present to the country the same wretched catalogue of measures, only introduced to be abandoned, or whether it would address itself seriously to the work of legislation. At the same time he could assure his hon. Friend (Mr. Hadfield) that their time had not altogether been unemployed, for he was happy to say his hon. and learned Friend the Member for East Suffolk (Sir F. Kelly), who had charge of another Bill—he could not call it a rival Bill, as it only differed from his own in one or two particulars—had held repeated discussions with him, which resulted in their coming to an understanding with regard to a measure, and that with a perfect unanimity of opinion, save in one or two particulars, as to which the House would have to determine. He believed, therefore, that the moment had come when they were about to consolidate those institutions, and remove the great abuses of the Ecclesiastical Courts—a measure that had been desired for now upwards of thirty years. He hoped to carry a Bill to that effect during the course of the present Session.

MR. GLADSTONE: Sir, I must confess that I have listened with some regret and some surprise to the speech of my hon. and learned Friend the Solicitor General. My hon. and learned Friend has lectured the House upon its habit of permitting its time to be wasted in idle talk upon matters of no general public interest, and the *gravamen* of the offence of the House is, that it has not received with sufficient favour the Bills introduced by my hon. and learned Friend, or, what is really more to the purpose, that my hon. and learned Friend's conduct of those measures has not been received with sufficient favour to give an opportunity of bringing them under discussion. If this House will waste its time in idle talk and neglect the public business, I certainly do not know what right any one Member has to take upon himself to be the corrector of its faults and follies. In that respect it rather becomes us to recognise ourselves as joint sharers in the offence, and by no means to assume a position of such marked superiority, such exemption from common failings, and such distinction from the ordinary feelings of mankind, as is implied in the speech which has just been delivered by the hon. and learned Gentleman. He has laid the blame upon the House because the House has not passed his Bills with reference to Ecclesiastical Courts and Testamentary Jurisdiction, but I venture to put it to my hon. and learned Friend that the duty of the Government to this House and the country is not discharged by the simple introduction of Bills into this House, and that there is nothing by which a Government does more damage to the public service than when it consents to the introduction of Bills without any rational chance of their passing. Now, Sir, if there really be any one subject more than another upon which this observation is applicable it is the subject of these Ecclesiastical Courts, for the proceedings in one year after another have taken a form so nearly identical that one can almost stereotype the speeches delivered there. Some hon. Gentleman gets up in the early part of the Session and declares that the Ecclesiastical Courts are no better than an Augean stable, and, in answer to him, either the leader of the House or one of the Law Officers of the Crown rises and, amid the most enthusiastic cheers, says they are no better than an Augean stable, and that it is time the Augean stable was swept. And certainly if any stable, Augean or otherwise, could be effectually swept by means of a torrent of abuse the Ecclesiastical Courts would have been swept long ago. But when the Bills come to be discussed, the Gentlemen who are so fond of introducing them immediately fall foul of one another. My hon. and learned Friend the Solicitor General says the jurisdiction ought to become a Chancery jurisdiction. [The SOLICITOR GENERAL: No!] Well, the hon. and learned Gentleman is understood to say so. The hon. and learned Member for Plymouth (Mr. Collier) says it ought to become a Common Law jurisdiction. Others say it ought to become a County Court jurisdiction. Others want a separate Court of Probate; in point of fact, *quot homines tot sententiæ*, there are about as many remedies as there are legal Members in the House, and that number is, it must be admitted, not a small one. What I really would point out is, that the case of the Ecclesiastical Courts for legislation is a very strong one. It is a case urgently calling for the attention of this House, but no good whatever can result from the annual introduction of Bills, some by private Members and some by the Government, until some Administration shall have applied its mind seriously to the subject, and, having determined that the question is a question to be dealt with seriously, and as a matter of urgency, shall endeavour to use the power it possesses in this House to carry some measure into effect. I do not think the present Administration—I am bound to say I am not aware the last Administration, or the Administration before the last, or the Administration before that, or any Administration before those, within my recollection—has ever seriously set its shoulder to the wheel in this matter; and really it is passing off delusion upon the country when you allow these speeches to be made, and make these speeches, and talk of an "Augean stable," and the determination to sweep it, when in point of fact there is no such determination, and the whole view of the Law Officers of the Crown, or at any rate of those who direct the business of this House, is to earn some popularity by throwing Bills upon the table, to be pitilessly hustled and jostled amid the crowd and cram which we know our votes present as soon as the Session is at all advanced, without any rational hope of their being passed. Sir, I do sincerely hope that a serious resolution will be taken upon the subject of these Bills—that either the Government, if it cannot press them to an issue, will say so, or else take up the questions, present them in a form which contains the result of their mature deliberation, and obtain the judgment of the House. I certainly cannot avoid saying that my hon. and learned Friend has shown courage, though unfortunate courage, in referring to a Bill which I hoped had passed to its last repose—I mean a Bill which was introduced into another place for the purpose of amending Church Discipline. I do not think my hon. and learned Friend has acted with his usual judgment in passing a eulogium upon that Bill. At any rate the *primâ facie* appearance of the facts is not favourable to the measure. Now, how stand the facts? It was introduced and recommended by the authority of the Government. Upon the other hand, it was not made the subject of any party opposition. The opposition to that Bill was conducted in part by the Bishops, who form a very insignificant fraction of the House of Lords, and as to all the rest of that opposition it represented the opinions of Independent Members. The Bill received the organised support of the Government, but, notwithstanding the strength of the support and the weakness of the means of resistance, it was summarily rejected upon the second reading. I think it was a courageous act, therefore, for the Solicitor General, under those circumstances, voluntarily and gratuitously to pass a eulogy upon that Bill. I am afraid he would not accept my congratulations, or otherwise I should offer them to the hon. and learned Gentleman upon his having fortunately escaped, through that early destruction of the Bill, from the task which might have fallen to him of defending it if ever the fates should have decreed it to come down for discussion in this House. I must say, if I can at all estimate the state of opinion as to the views which would be taken in this House with regard to the creation of four Chancellors, each to dispose of a cause and a half, at a moderate annual salary of £3,000, with a train of registrars, clerks, secretaries, and other officials, to aid in the discharge of that onerous business, the hon. and learned Gentleman has reason to thank his stars, because it is ordained that he shall not have an opportunity of proposing such a measure to the British House of Commons. One word upon this measure. The hon. and learned Member for Leominster has told us that there are three Bills already before us, none of which have got to a second reading, and that seems with him the main reason for introducing a fourth. I do not like making predictions, but as the three Bills already introduced have not got to their second readings, in all probability the Bill of the hon. and learned Gentleman (Mr. J. G. Phillimore) will never get to its second reading. If it is the view of Her Majesty's Government that the Bill of the hon. and learned Gentleman should be introduced, I do not feel it my duty to resist the introduction of it. At the same time I am bound to say it is a Bill to the principle of which I hope this House will object entirely to give its concurrence. The hon. and learned Gentleman founds his Bill upon the fact—that temporal causes and matters are adjudicated in ecclesiastical courts, and adjudicated by persons appointed by bishops. Surely, the natural remedy is to take temporal matters out of ecclesiastical courts. In that way you pass from confusion to order. But the hon. and learned Gentleman proposes no such thing. He proposes, by way of mending matters, to thrust temporal judges into ecclesiastical courts, and thereby make confusion worse confounded. I believe the practice of this House is to give leave for the introduction of Bills, and the hon. and learned Member for Leamington delights in their multiplicity, as each supplies him with a separate grievance. I should be very sorry to stand between my hon. and learned Friend and his enjoyment. Therefore, by all means, let the Bill be introduced. But though I have been a long time coming to the point, the main reason for my rising was, that I did not gather from my hon. and learned Friend the Solicitor General—although I studied hard all that fell from him—what view Her Majesty's Government take of the principle of the Bill of the hon. and learned Member for Leominster. My hon. and learned Friend the Solicitor General said he should be very sorry to offer any opposition to the introduction of the measure. Now, I want to know whether he assents to the introduction, from that courtesy which is often extended to professional men of allowing them to present their thoughts to the House in the form of a Bill, or whether he thinks the principle really sound and proper, that the cure for the evils of the ecclesiastical courts is to put temporal judges into them. [MR. J. G. PHILLIMORE: They are in them already.] I do not want to raise a technical question with the hon. and learned Gentleman. The question we have to consider is, whether we will put in as judges persons appointed by spiritual authorities, or by the Lord Chancellor, the chief political law adviser of the Crown. I hope we are not to infer that Her Majesty's Government are prepared to adopt this left-handed manner of initiating ecclesiastical reforms. If we are able to get a serious issue taken, and a serious judgment upon these Bills, by all means let us proceed; but, if we cannot take that issue, let us be content to wait until we have the opportunity of doing so. At all events, I hope something will be done to prevent this incessant introduction of Bills without any adequate sense of their importance, which, whatever may be our intentions, has the effect of deluding the country, and, with regard to the ecclesiastical courts, raising hopes which are doomed to be disappointed.

VISCOUNT PALMERSTON: I do not think my hon. and learned Friend the Solicitor General has deserved the animadversions of my right hon. Friend the Member for the University of Oxford. My hon. and learned Friend did not rise in his place to lecture and admonish the House upon its proceedings, but to defend himself against the accusation brought against himself by my hon. Friend the Member for Sheffield (Mr. Hadfield), who desired an explanation why my hon. and learned Friend, having brought in certain Bills, had not made further progress with them. My hon. Friend the Member for Sheffield seemed to intimate some doubt of the earnestness of my hon. and learned Friend the Solicitor General and of the Government in the cause of legal reform. My right hon. Friend (Mr. Gladstone) has however, put words in the mouth of my hon. and learned Friend which he did not use. Now in the first place my hon. and learned Friend did not say that the House passed a great deal of time in idle talk. But he did say that the House passed much time in unprofitable talk, in which opinion I certainly beg leave to concur. If any one will recollect the number of hours passed in conversation which leads to no result, there is, I think, nothing offensive to the House or unduly severe with regard to its proceedings in the statement of my hon. and learned Friend that a great deal of time is passed unprofitably in the discussions of this House. It is not the fault of my hon. and learned Friend the Solicitor General that these measures have not passed, and one observation made by my right hon. Friend accounted entirely for the want of success with regard to the measures that have been produced. My right hon. Friend says that when hon. Members got up and complained of the abuses of the Ecclesiastical Courts, and while those Courts are spoken of on all hands as "Augean stables" which ought to be purified, yet, that when measures are brought in, there is such diversity of opinion in the remedy to be applied that no progress is made in the correction of universally admitted evils. Why, Sir, that is precisely the state of the case, and that diversity of opinion is a sufficient reason why the measures to correct these evils have not been carried to a successful result. Now, I can assure my right hon. Friend that it is the earnest wish of Her Majesty's Government that these evils should be corrected. My right hon. Friend says, with great candour, that not only the present Government, but the Government to which he belonged and former Governments laboured under the same difficulty of finding measures of correction which should meet with the concurrence of all parties, and that was the cause why no practical amendment of the law has been carried. But it must also be recollected that the time of this House is occupied with a diversity of subjects, and that it is difficult for the Government, however anxious they may be to put forward a particular class of measures, to find an opportunity of urging on those measures. With regard to the measure of my hon. and learned Friend (Mr. J. G. Phillimore) I am prepared to concur in voting for the introduction of the Bill, but in so doing I reserve the free discretion of the Government to judge of the provisions of the measure at a future stage. We do not pledge ourselves to anything further. But, with regard to the objection of my right hon. Friend (Mr. Gladstone) that this Bill tends to reverse the evil, and not to correct it, and that, while you have at present the appointment of Judges with temporal functions, but with ecclesiastical authority, the measure of my hon. and learned friend provides for the appointment of Judges of ecclesiastical functions with temporal authority, it must be borne in mind that the Judges of these Courts at present are not ecclesiastics, but are persons selected from the profession of the law. It is not unfair, therefore, to state as a *primâ facie* conclusion that the selection of persons to be taken from the legal profession should be vested in those who are conversant with the legal profession, rather than with those who cannot be supposed to be acquainted with the talents of the Members of that profession. There is nothing in that proposition which at the first blush seems unreasonable, and therefore I acquisced in the introduction of the Bill of my hon. and learned Friend.

MR. GLADSTONE said, he should be very sorry to misrepresent the hon. and learned Solicitor General, but he thought he had used his exact words. He had, perhaps, said too much. He had no doubt his hon. and learned friend had exerted himself with great zeal, but the subject seemed to have been played with for a considerable series of years.

MR. MALINS said, he was very glad to hear the observations which had fallen from the right hon. Gentleman the Member for the University of Oxford, and would have heard them with the more pleasure if he had followed them up by objecting altogether to the introduction of the Bill. Now, his hon. and learned friend the Solicitor General had complained most gravely that the several measures which he had introduced for the reform of our ecclesiastical jurisdiction had not met with the attention which they merited at the hands of the House; and that, although he had introduced a Bill in 1854, and another in 1855, and now a totally different one in 1856, he had never got to a second reading with any one of them.

THE SOLICITOR GENERAL: I never introduced such a measure until this Session.

MR. MALINS: His hon. and learned Friend said he had never, until the present Session, introduced such a measure. He, however, spoke of him as a Member of the Government, and he did not care whether it was to the hands of his hon. and learned Friend that the Bills he had alluded to had been actully entrusted. Could he deny, then, that the Government of which he was a member in

1854, introduced a measure of reform, in reference to which he (Mr. Malins) gave notice that upon its second reading being brought on, he should move as an Amendment, that the Bill "be read a second time that day six months." That Bill, however, was never put to the test of a second reading. He thought, too, that the hon. and learned Gentleman would not deny that in 1855 a Bill was introduced of a totally different character, and upon that occasion also he (Mr. Malins) gave notice of a similar Amendment, and that Bill likewise never came to a second reading, The plan of 1855 was to engraft everything upon the Court of Chancery. But what did the hon. and learned Gentleman propose this year? Not to engraft the jurisdiction upon the existing Court of Chancery, but to create a minor Court of Chancery for the transaction of the business of the Ecclesiastical Courts. Well, he rose now for the purpose of pointing out the gross inconsistency of his hon. and learned Friend in giving even the semblance of his sanction to the Bill of the hon. and learned Member for Leominster. The Government had now before the House a Bill which it was proposed to read a second time to-morrow. That Bill proposed to abolish all the Ecclesiastical Courts of a testamentary nature. In addition to that there were two other measures now before Parliament, altering the law as at present administered by the Ecclesaistical Courts, the main object of all being wholly to abolish those Courts. A Bill had been introduced into the other House upon Church Discipline, and another Bill was to be brought in to-night in the other House, relative to matrimonial causes. If the Government had confidence in their own measures, what did they mean by giving their sanction to the introduction of a Bill which took away from the Archbishops and Bishops the power of appointing Judges and Chancellors in their own courts, and vesting it in the Lord Chancellor? Had his hon. and learned Friend (the Solicitor General) no confidence in being able to pass his own Bills? He believed that the difficulties which had always attended this question arose from the fact that, although measures had been introduced by a Member of the Government, they were not Government measures. The noble Lord (Viscount Palmerston) had spoken as if the Bill before the House was a Government measure, and he should be glad to hear from him an assurance to that effect. He believed that this important subject had never been properly deliberated upon by the Government, but that it had been left to the Lord Chancellor and the Law Officers of the Crown to deal with, and each had taken different views of it. The hon. and learned Gentleman the Solicitor General had, with very little candour, endeavoured to trip him up by impugning the accuracy of his statement that the hon. and learned Gentleman had brought in the Bill of 1854. He admitted that that statement was not quite correct, but the hon. and learned Gentleman might have remembered that that Bill was introduced by the Lord Chancellor of the Government to which he himself belonged. The fact he believed was, that the hon. and learned Gentleman disapproved the Bill of the Lord Chancellor in 1854, while the Lord Chancellor disapproved the Bill of the hon. and learned Gentleman in 1855, and, for all he knew to the contrary, it was possible that both the Lord Chancellor and the hon. and learned Gentleman disapproved the present measure. No satisfactory adjustment of this important question could be arrived at until it was taken into the deliberate consideration of a Cabinet, and that it had not been thus treated at present was shown by the course adopted by the hon. and learned Gentleman. The hon. and learned Gentleman, although he sanctioned the introduction of the Bill of the hon. and learned Member for Leominster, could not be very confident of its success, for it was most inconsistent to give to any one the power of appointing Judges to Courts which were about to be abolished.

LORD JOHN RUSSELL: I wish, Sir, to remind the House of the very great difficulty in which we are placed with regard to Bills of this nature. It is all very well for the hon. and learned Gentleman the Solicitor General to complain of unprofitable talk, for we are told that he did not say idle talk, but there are various subjects introduced into this House which must take up more less time, and, according to the feeling of hon. Gentlemen, one Member will regard the discussion of a subject as interesting while another may consider it to be idle. In the first place we have the Estimates for the year. It is the duty of the Government to bring forward those Estimates, and they naturally take up a great deal of time, and this year the Civil Service Estimates especially occupied many nights in discussion. Then, again, it is the natural and constitutional part of the Opposition to consider whether the Government have shown themselves in any way unworthy of confidence, and if they see any ground for so doing it is their constitutional duty to bring forward some Motion inculpating the conduct of the Executive. These undoubted functions of this House must and will be performed, and they naturally take up a great portion of our time, so that at the end of May or the beginning of June we come to the consideration of questions of great importance, of questions involving vast changes, and when we attempt to deal with all the details of those measures we find, in the House of Lords, as we naturally expect to find, some diversity of opinion existing with regard to details, and the result is that we come to the end of the summer and find that the only solution of the difficulty is, either to pass an incomplete measure which will have to be amended, or perhaps repealed at the commencement of the next Session, or else to give up the measure altogether. Now, Sir, I must say that this is a very unsatisfactory state of business. I do not mean to say that the time of the House is uselessly taken up by discussing matters like the present, but I think some alteration might be made in our mode of transacting business. The only serious proposition of that nature which I remember was made by Lord Derby, who, a few years ago, proposed a measure by which a Bill when it had arrived at a certain stage in this House, at the expiration of the Session should be permitted to advance from that stage in the following Session. That plan was opposed by Sir Robert Peel and Mr. Goulburn, and was generally unpopular, for I remember that I was almost the only supporter of it. I am quite sure, however, that there are other plans which we might adopt to avoid the difficulty of taking up important measures at the end of the Session, and endeavouring to settle intricate details between this and the other House of Parliament, at a time, too, when we are deprived of the assistance on legal questions of hon. and learned Gentlemen of the long robe, who are absent on circuit, and when the general attendance of Members is thin. As I have before said, we were at present driven to pass an important measure in an imperfect form, or throw it over altogether. I do not make these observations with a view of deprecating discussion upon the subject now before the House, but because I am convinced that we must come to some other mode of conducting business. I do not see any objection to the introduction of this Bill, but I do not think that it will afford a complete remedy, for when Judges are appointed, the question will arise what functions are they to perform, nor do I think that it will make much progress. I trust that my noble Friend at the head of the Government will seriously consider the difficulties under which we discharge our legislative functions, with the view of preventing the introduction of measures of importance at a time when it is almost useless to attempt to consider them.

Mr. WATSON said, he concurred with the noble Lord as to the disadvantage of introducing important measures late in the Session when so many of the Members of that House were engaged on circuit. He regretted to hear the speeches of the right hon. Gentleman the Member for the University of Oxford, and of the hon. and learned Member for Wallingford (Mr. Malins) upon a question of such importance as the Bill now under consideration. They ought to know that the combination of all reformers was required to do away with what was truly described to be the "Augean stable" of the Ecclesiastical Courts. They were not Courts of justice but Courts of injustice. The hon. and learned Member for Wallingford had, however, the obstructive power of stopping the progress of a good measure, as he had done last Session. Now he (Mr. Watson) believed the Government to be sincere in wishing to reform those Courts. All the lawyers in that House, with the exception perhaps of the hon. and learned Member for Wallingford, were of opinion that those Courts were the greatest nuisance in the country, and should be abolished. They were a portion of a wretched worn-out system which ought to be swept away. He would cordially support the Bill, and join heart and hand in devising an efficient remedy for the existing evil.

Mr. MALINS said, he must deny that he had ever been an advocate of the Ecclesiastical Courts. On the contrary, he said let them be abolished by a Government Bill, founded upon the report of the Chancery Commission.

Mr. WIGRAM said, he was sure that but one wish existed on all sides with reference to this subject; and the reason why such delay had arisen in the correction of the evil was, that the Government of the day had, as it seemed to him, most unwisely and unnecessarily thrown over the excellent Report made by the Commission which had been appointed to inquire into the matter. In the members of that Commission the profession reposed the greatest confidence, and if their Report had been accepted the improvement of the Ecclesiastical Courts would not have met with opposition from any branch of the profession, and he believed that by the present time a measure on the subject would have passed. Next Session he hoped that a Bill founded on their Report would be brought in, and, if so, he believed it would be carried without any serious opposition.

Mr. J. G. PHILLIMORE, in reply, said that in the absence of any larger and more comprehensive measure, the Bill he wished to introduce would remove the great anomaly now existing by which spiritual persons could appoint temporal Judges. He did not mean to say that this was all he wished to effect, but the removal of such a gross and flagrant anomaly would be a great step in advance. The nepotism of the Bishops was at the root of most of the evils complained of. To that system of nepotism he did not believe the right hon. Gentleman (Mr. Gladstone) was hostile; and he believed the right hon. Gentleman, with all the sophistry of which he was master, was endeavouring to deceive and mislead the House on the subject.

Leave *given*.

Bill *ordered* to be brought in by Mr. John George Phillimore, Mr. Watson, and Colonel Freestun.

## PUBLIC HEALTH.

Mr. COWPER, in moving for leave to introduce a Bill to amend the Public Health Act, said that seven years' experience had proved that there were certain deficiencies under the existing law which required to be supplied, some Amendments to be made, and some ambiguities to be removed. At present local Boards of Health had no power to remove accumulations of filth and refuse from the back yards of houses, but in the Bill which he asked leave to introduce that omission would be supplied. A most important duty of the local boards was to establish such a system of drainage and sewerage as would remove the sewage to a distance from the towns; but difficulties had been experienced in making arrangements for its final disposition. Great advantages had been derived in some districts from the application of the sewage to grass lands, and it was desirable to allow it to be similarly used whenever practicable, but it had been found that local boards had no power to construct reservoirs for the sewage beyond the limits of their own jurisdiction. He proposed to supply that defect by a clause enabling local boards, under certain restrictions, to secure an outfall for their sewage even beyond their own boundaries. There were other points in the existing Act which required amendment, and which the Bill proposed to rectify, and also doubts which it would clear up. He also proposed to alter the existing law, which prescribed the same machinery to towns possessing municipal corporations as to towns not enjoying that privilege. The Bill contained the practical portion of a Bill which had been introduced by the right hon. Baronet (Sir B. Hall), and which had been referred to a Select Committee. He believed it would meet almost every objection that had been raised to the existing Health of Towns Act, except the main objection of the expense it entailed, and of that he would only observe, that if the good it had done was compared with the money it had cost, the Act, even upon the lowest ground of economy, had been a most beneficial one, by preventing disease, and consequent pressure upon the poor rates.

Leave *given*.

Bill *ordered* to be brought in by Mr. Cowper and Sir George Grey.

The House adjourned at a quarter after Eight o'clock.

---

# HOUSE OF COMMONS,

### *Wednesday, May* 21, 1856.

Minutes.] Public Bills.—1° Judges and Chancellors; Poor Law Amendment (Scotland). 2° Advowsons.

## ADVOWSONS.

Mr. CHILD moved the second reading of this Bill. He said the Bill applied to advowsons of which the properties are now vested in several persons. It was merely an enabling, and not a compulsory measure, and consisted of two distinct provisions—one to enable patrons to dispose of advowsons, and the other to enable them, when there was no parsonage house, to borrow money for that purpose from Queen Anne's bounty. At present, though it was competent for individuals to sell advowsons, it was not competent when the living was held by several patrons. The proposed Bill established no new principle; it had been already sanctioned by the House in more than one instance. Parliament had in this way passed a Bill authorising the sale of the advowson of Painswick in the county of Gloucester; and another measure was passed for the same purpose in 1839, for the parish of Tilbury, in the same county. Such a power was also given to municipalities under the Municipal Corporations Act. The Bill provided that when it was expedient to offer for sale advowsons held by a numerous class of persons, deriving themselves no pecuniary benefit from such advowson, such sale should be permitted, and power given to apply the money, first, to the building of a parsonage house upon the advowson if no parsonage house existed previously; secondly, to the augmentation of small livings under £150 a year; thirdly, to the repairing and maintenance of the church and chancel; and lastly, if all other wants were supplied, to aid in the poor rates, or improvement of the town.

**Mr. KENDALL** seconded the Motion. He considered that the Bill was calculated to put an end to very flagrant scandals. Frequently the persons appointed to these churches by these joint patrons were most unfit persons; without birth or education, not in any way proper for their office. The patrons sometimes got hold of mere adventurers to present to these churches.

Bill read 2°.

## CHURCH RATES (No. 2) BILL.

**Mr. PACKE**, in moving the second reading of this Bill, said that the principle of church rates had been recognised by that House, had been affirmed by a Commission which sat some years ago to inquire into the subject, and had not been impugned by a Committee of that House which contained Nonconformist Members, including two members of the Society of Friends, a sect which of all others was most, perhaps, opposed to church rates. Successive Bills, however, for the abolition of church rates had been introduced into that House, and there was at present one before the House, introduced by the hon. Member for the Tower Hamlets (Sir W. Clay), to which it was understood the Government were prepared to give their consent, on the condition of certain clauses being introduced into it. Those clauses, however, would, in his opinion, give an entirely different character to the Bill. One of the proposed clauses enacted that, after church rates had ceased to be collected for the space of five years in any parish, they should cease for ever in such parish, thus leaving open for that time fertile ground for agitation. Another clause provided that any man who should declare himself not to be a member of the Church of England should not be called upon for the payment of church rates. Now, he entirely approved of the principle of allowing any man to worship God in the place he thought most fitting, but he could no more understand giving a man the power of freeing himself from the obligation of contributing to the repair of the established church than he could understand giving him the power of declaring himself not a subject of the State in which he was born. The right hon. Gentleman opposite (Sir G. Grey) had, on a previous occasion, assumed that there had been a decision against the legality of church rates, but he (Mr. Packe) was prepared to join issue with him upon that point. The question upon which the decision to which the right hon. Gentleman had referred was as to the legality of rates levied by the churchwardens or by a minority of the parishioners. As to the legal question of levying church rates, causes had been decided as to whether it were competent for the churchwardens or for the minority of the parishioners to levy a rate. In 1837, the celebrated Braintree case of Burden *v.* Veley was tried in the Consistorial Court of London in which a rate had been levied by the churchwardens alone, and Dr. Lushington pronounced in favour of the rate, but the Courts of Queen's Bench and the Exchequer Chamber, to which the case was ultimately carried, decided against a rate thus levied. The opinion of Chief Justice Tindal was decisive upon the point of the necessity of a rate being levied for the repair of the Established Church, and he said that the only question to be considered was the best means by which it could be levied among the parishioners. The question of whether the minority could make a rate was then submitted for the consideration of the Courts. In the Consistorial Court, Dr. Lushington pronounced against the rate; the Court of Arches reversed his decision; the Court of Queen's Bench agreed with the judgment of the Arches Court, and judgment was given in favour of the rate. The case was then carried before the Exchequer Chamber, where the decision of the Court of Queen's Bench was affirmed by four judges to three, Baron Rolfe, the present Lord Chancellor, being in the majority. After that the case went before the House of Lords who, before giving their decision, took the opinions of ten of the judges, who were equally divided on the subject referred to them. The House of Lords then gave a decision against the rate. It was the opinion of Baron Rolfe that if a majority chose to stand out, and say that there should be no rate, selections might be made from the recusants, who might be proceeded against and punished; and Lord Truro said it was his conviction that the people of this country were much too right-minded and estimated too correctly the benefits derived from allegiance to the law to run counter to its spirit. Lord Truro, however, in pronouncing that judgment, could hardly have imagined that the Government, in introducing their clauses into the Bill of the hon. Member opposite, would have taken precisely the course which his Lordship said right-minded people throughout the country would not be inclined to follow. He would now make some comments on a book published by the hon. Baronet opposite (Sir W. Clay), and which was founded on a speech delivered by him in April last, and after that speech he was astonished that the hon. Gentleman should have concurred in the clause introduced by the Government. The book began by stating that church rates were in some places legally abolished, a state of things which he (Mr. Packe) had shown not to be the case; on the contrary, the persons opposing the rate were under existing circumstances guilty of opposing the law. But one part of the hon. Baronet's speech referred to the alteration proposed to be made by the Government in the Bill. The speech which was interpreted in the book, referred to the unseemly discussion which often took place in the vestry under the present system. It said that the victories obtained were productive of no advantage to the Church, they were dearly bought, and were productive of none but mere pecuniary benefit. That was a much better answer than he (Mr. Packe) could give to the clauses introduced by the Government. Alluding to the proposal of the hon. and learned Member for Tavistock (Mr. R. Phillimore), the book said that it compelled a Dissenter before he could take advantage of it to declare himself a Dissenter, and had never found much favour with either the Church or the Nonconformist. It was opposed by the hon. Member for Sheffield (Mr. Hadfield), who at least had the merit of consistency, and who described it as a measure open to fraud and hypocrisy. That was the judgment passed on one of the clauses introduced by the Government. The book went on to advert to the inconvenience of setting large minorities against small majorities, which was an answer to the Government plan of acting solely by majorities, it said that terrible dissension would ensue, and yet the hon. Member for the Tower Hamlets acquiesced in the clauses which comprised all these mischiefs. When one parish refused a rate the adjoining parish would be kept in continual hot water till it got rid of the rate, according to the plan proposed by the Government. Then there was another point to which he must advert. Although the Nonconformist member so disclaimed paying church rates, the members of the Church of England were compelled to pay for the Dissenters' chapel without appeal. Under the Burial Act there were nonconformist chapels to, the expenses of which Churchmen were compelled to subscribe, yet Churchmen made no complaints or objections, as were made by the Nonconformists in the parallel case. In the hon. Baronet's Bill it was provided that a third of the pews should be left as free sittings for the poor of the parish. Now, there were very few rural districts divided into the rich, who would pay the rate, and the poor who could not in that proportion. In most cases, at least two-thirds were not in a position to pay the rates, and the provision would therefore be productive of great inconveniences. Many churches had been built on the principle that all the sittings should be free, and unappropriated for ever. It would be the highest injustice therefore, to do away with these free sittings, and to override the charitable intentions of the founders of those churches. As to the proposed provision on the subject of rent-charges, he believed it would open the door to endless litigation. Rent-charges were to be given to defray expenses now chargeable on church rates, "provided always that the amount of such rent-charge or of all such rent-charges (if more than one, given to any one church) shall not exceed the yearly sum of £100." Now, perhaps one man dying might leave £70 in this way, another might leave £20, another £30, and so on, until the total sums amounted to considerably more than £100; and then no end of disputes would arise as to what portion of these different charges was to form the £100 specified. There would also be this difficulty:—In the course of time the lands liable to these rent-charges might fall into the hands of Dissenters, who would perhaps say, "We are not members of the Church of England, and we object to paying these charges." There would then be the same agitation as now, and in his view Dissenters so placed would have as much right to object to these payments as any other occupier whom they now proposed to absolve from payment. So much then for Bill of the hon. Member opposite, and the clauses proposed to be introduced into it by the Government. He would now come to his own Bill. He went further than the Government, inasmuch as he absolved all Dissenters at once from paying towards the services of the Church. That he considered was taking the bull by the horns as to cases of conscience. But he could not see his way, if church rates were all abolished, towards preventing the churches of this country tumbling into dust. That was going on at the present moment—an application was made, not to the parishes who were unable to provide for their reparation, but to the bishop of the diocess. It was a very serious tax on the bishops of the several dioceses, a tax which would be increased under the proposed system of the Government. People wrote all over the country for assistance to persons who had a few pounds to spare, and to his own certain knowledge within the last ten years these applications to people unconnected with the Church had most seriously increased. One of the finest structures he knew was the old parish church at Nottingham. Money could not be got for the purpose of repairing it in the town, the church was going into dilapidation in consequence of their not being able to obtain a rate. He wished to meet fairly the conscientious scruples of Dissenters, who were entirely to be relieved from payment to church services to which they objected; but he did not think that the noble buildings created by our ancestors, as well as our own, would be allowed to fall to ruin by any right-minded Dissenters on account of the very small payment of the church rate. This Bill followed the recommendation of a Commission which sat some years ago, composed of the First Law Officers of the Crown, the heads of the Church and other persons of talent, which Commission recommended the same principle he now proposed. The same plan received last year the sanction of the Members of Convocation, who followed the plan recommended by the Commission. The plan followed the principle of the poor rate; it enforced the same law of taxing all for what was for the benefit of the whole community; it was on that principle he had framed the Bill which he now begged leave to move should be read a second time.

Motion made and Question proposed "That the Bill be now read a second time."

Sir WILLIAM CLAY said, the old proverb says—two of a trade can never agree, and it would certainly appear that he and the hon. Member for South Leicestershire (Mr. Packe) were not destined to form an exception to the rule. Both professed to be church-rate reformers, but their views as to the reform required, were wide as the poles asunder. The hon. Member for South Leicestershire in his speech had scarcely touched upon the details of his own measure, but had commented with some severity upon his (Sir W. Clay's) adoption of the Government Amendments to his Bill. The present was not the fitting opportunity for discussing those Amendments, he would merely now therefore observe, that as those Amendments were not alien in principle to his Bill and would presently afford a great relief to a large portion of the community, he had felt it his duty to accept them. If they did not comprise all he could desire, yet they were a step in the right direction, and would lead beyond doubt, at no distant period, to the full accomplishment of the object he contemplated. With respect to the measure now offered to the House, he must express his surprise that such a Bill could be proposed seriously to the Legislature. From what quarter or from what party could the hon. Gentleman expect support to enable him to pass it? It was directly opposed to a principle which the House had sanctioned by a large majority. His (Sir W. Clay's) Bill, which was read a second time in March, distinctly affirmed the principle of the abolition of church rates, while the present Bill actually proposed to revive them in some cases and prolong their existence in others. The friends of the Church could scarcely be expected to support the Bill, inasmuch as it was opposed to a measure originated by the Primate of England, which fully recognised the principle of cessation of church rates, although limiting unfortunately, as he (Sir W. Clay) thought, its practical application. The hon. Member proposed to relieve the Dissenters from contributing towards the charges for the performance of Divine service, but to continue their liability for the maintenance of the fabrics and the fittings of the church—the latter being defined by the 13th clause to comprise the pews, the pulpit, the bells, &c. But did the hon. Gentleman really believe that he should conciliate one single Dissenter by this concession. The objection to the impost—was to its injustice—not to its amount. The Nonconformists would, indeed, show but little of the spirit of their Puritan forefathers, if their opposition to the rate could thus be disarmed. Another feature of the Bill was the summary mode it proposed for the collection of church rates, totally abolishing appeal to the Ecclesiastical Court, and substituting a mode of collection similar to that adopted for poor rates. At the will of an officer of the church, without any kind of popular assent, rates might be levied and enforced by summary process. In many large parishes and towns church rates had ceased to be collected for the space of twenty-five years, but the Bill now proposed would revive them in all those places, for it was scarcely possible that one person would not be found who would petition the archdeacon, and then such places as Manchester or Birmingham might be subjected to a church rate, and the goods of the ratepayers seized and sold to pay them. Can the hon. Gentleman really believe such a proceeding possible? He (Sir W. Clay) doubted whether a magistrate would be found to sign the warrant under such a state of circumstances, or a constable to execute that warrant. He did not think it necessary to detain the House longer, for the Bill of the hon. Gentleman was so entirely at variance with the recent decision of that House, that he could not for an instant suppose they would stultify themselves by adopting it. The House, he was satisfied, would feel that they could scarcely follow a more dangerous or unwise course than by giving the Bill their sanction. He should move that the Bill be read a second time that day six months.

MR. PIGOTT seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. HADFIELD said, he was amused at the anxiety displayed by some hon. Gentlemen on the other side of the House to relieve Nonconformists from the payment of church rates. Now, those hon. Gentlemen did not understand the Dissenters at all, whose objection was of a higher nature. They had resisted those rates for 300 years—they had endured the thumb-screw and the boot, which had gone to the tomb of the Capulets "long ago." Those rates were meant to maintain ascendancy; for he could not believe that so rich a Church would do, as he well knew they did, in one instance, for sake of money—sell the Bible of a dying man for these rates. The Bill was a caricature, and professed to do that which it did not do—a hypocritical measure, which would impose a church rate where it did not now exist. In Sheffield there were twenty churches which had not had a church rate for fifty years, but, if this Bill passed, it would have a church rate next year. Were the religious feelings of the country to be trifled with in this manner? Was the time never to come when all classes of the Queen's subjects would stand upon the same footing? The Bill, he must repeat, was a mockery, and was meant to effect an escape, and to evade the decision of the highest legal tribunal in the land. If the church rate continued, they were shaking the very foundations of the Church of England. It was of more importance to the members of the Church of England to abolish them than even to Dissenters. They had no chance of imposing church rates in the large towns, and no prescription could be set up in favour of their being levied where the ratepayers were opposed to it. The richest denomination in the kingdon could surely muster enough of money to maintain their own Church—a Church which composed nearly all the titled aristocracy, and possessed an annual income of £6,000,000. The English Dissenters never asked for a farthing to build or maintain their chapels, and not one English Dissenter ever thought of making such an application to either House of Parliament. All the Baptists, Independents, Wesleyans, and Catholics — all maintained their own establishments but the wealthy Church of England. Could such a state of things be permitted to exist? Could they allow such a disgrace to attach to their institutions? He did not believe that the Bill would pass, and he could not bring his mind to the conclusion that the noble Lord the Member for Woodstock (Marquess of Blandford) and others who agree with him, would seek to tax the whole community for the maintenance of their Church. The time was now come when all classes should be placed upon perfect equality. The Protestants, if taken alone, dwindled into a very small minority, and the Roman Catholics alone in the United Kingdom outnumbered them.

Sir GEORGE GREY said, that having very recently stated the opinions he entertained as to the best course to be pursued upon the subject of church rates, he could hardly be expected to assent to the second reading of a Bill which was so opposed to those opinions. The hon. Gentleman who introduced the Bill appeared to think it would be wrong for the Legislature to abolish the legal obligation of church rates, but practically he did so by his own measure. As far as the charge for the performance of Divine Service was concerned, the legal obligation was to be abolished, and thus, so far, the hon. Gentleman had adopted a principle to which, in the course of his speech, he had declared himself hostile. By the second and subsequent clauses of the Bill, the obligation was to be enforced in a much more stringent manner than could be done at present. A very great alteration in the law was proposed. The archdeacon of the district in which a particular church was situated was made the sole judge, without appeal, as to whether the church required repairs, or whether the fittings were sufficient and becoming; he had the power to call upon the churchwardens to summon a vestry to make a rate to provide for any repairs he might deem necessary. In the event of the churchwardens refusing to call a vestry, or the vestry refusing to make a rate, the incumbent of the parish could apply to the Court of Queen's Bench for a *mandamus*, and that court could either command the churchwardens to summon a vestry, or could order the enforcement of a rate, the amount of which the archdeacon alone had power to determine. Considering the lengthened period during which church rates had been practically abolished in many places, he could not but regard as inexpedient any attempt to enforce a more stringent law upon the subject than now existed, and, therefore, he could not bring himself to vote for the second reading of the Bill now before the House.

Sir JOHN PAKINGTON said, he doubted very much whether the hon. Member for South Leicestershire was doing justice to his own views by pressing forward this measure at the present moment, when the whole subject must soon be seriously discussed upon the Bill of the

hon. Baronet the Member for the Tower Hamlets, and the Amendments proposed by the Government. If hereafter, as he (Sir J. Pakington) hoped, it should happen that neither the Bill of the hon. Baronet (Sir W. Clay) nor the Amendments of the Government should be accepted by Parliament, then the country would be deeply indebted to the hon. Member for South Leicestershire or any other hon. Member who should devote his attention to the subject, in order to bring the matter to a fair, calm, and moderate settlement. Without entering upon the particular merits of the plan now submitted to the House, he would only observe that, while there were several points in the Bill to which he was prepared to assent, there were also some details with which he could not agree. If the hon. Member went to a division he (Sir J. Pakington) should support him, but, at the same time, would suggest to him whether it would not be more desirable to postpone a discussion upon this measure for the present.

Mr. PACKE said, he would pledge himself that if, as he believed, neither the Bill of the hon. Member for the Tower Hamlets nor the propositions of the Government should be adopted by the House, he would introduce the present or some similar measure, but at present he would act upon the suggestion of the right hon. Baronet (Sir J. Pakington), and ask leave to withdraw the Bill.

Amendment and Motion, by leave, *withdrawn;* Bill *withdrawn.*

## JUSTICES OF THE PEACE QUALIFICATION BILL.

Order for Committee read.

House in Committee.

Clauses 1 to 6, inclusive, *agreed to.*

Clause 7.

Mr. BUTLER said, he objected to the personal description of qualification proposed, which was £100 a year derived from land held on lease for twenty-one years. In such a case a person might let a farm to a tenant who improved it and paid £100 a year rent on lease, and yet he would claim to be fully qualified to discharge the office of a justice of the peace. He should beg to move the omission of the first paragraph of the clause.

Mr. BAINES said, the clause was merely a re-enactment of the existing law.

Amendment *negatived;* Clause *agreed to.*

Lord HARRY VANE said, he should move that the Chairman report progress, and ask leave to sit again. He objected to the mode of personal qualification proposed to be given by the Bill.

Mr. BUTLER said, that, if the Bill were passed, a Government clerk, with a salary of £300 a year, would be qualified for the office of a justice of the peace.

Mr. BAINES said, he thought that as the seventh clause was that with which hon. Gentlemen appeared to be most dissatisfied, and that as the Committee could not now go back and discuss that clause, the best course would be to go on, and afterwards move to strike out the clause.

Mr. BUTLER said, he was not aware that the Chairman had put the clause; he hoped the Committee would not assent to a proposition which, if passed into law, would go far to lower the tone and respectability of the county magistracy throughout the country.

Sir JOHN TROLLOPE said, that the Chairman had put the clause with such haste that it was impossible for hon. Gentlemen to state their views.

The CHAIRMAN said, he had put the clause, and that as no hon. Gentleman had moved an Amendment, he was bound to declare it agreed to.

Lord HARRY VANE said, that without imputing any blame to the Chairman the Committee was clearly taken by surprise, and that under those circumstances he considered that he was justified in moving that the Chairman report progress. He would not, however, persist in the Motion if a future opportunity were given for fairly raising the question.

Mr. COLVILE said, that the whole essence of the Bill was the question whether justices of the peace should be allowed a personal qualification, and that he was quite ready to have that question fully discussed on bringing up the Report.

The Motion for reporting progress, by leave, *withdrawn.*

Clause *agreed to;* as were also Clauses 8 to 10.

Clause 11.

Mr. BUTLER said, he must press upon the Committee the strong objections there were to the creation of a distinct set of magistrates, and particularly if they were to be clerks in Government offices. The effect of the clause appeared to him to be that, as these proposed magistrates were not likely to have any stake in the soil, they were prohibited from acting in matters pertaining to taxation and the application of the county funds. In every county there would be two sets of justices with different powers, and to this he had the strongest objection.

Mr. NEWDEGATE said, he was of opinion that the clause, if passed, would be the first step towards a paid magistracy and financial county boards.

Mr. MILNER GIBSON said, he would remind the Committee that so highly did the Government think of his proposition to establish financial county boards that they had taken the matter out of his hands, under a solemn assurance that they would bring it forward themselves.

Sir JOHN PAKINGTON said, he must ask the Committee not to pass a clause which would establish two classes of magistrates—the one responsible and the other not. Let both classes be responsible, or do not interfere with the existing state of things.

Sir GEORGE GREY said, he quite approved of the observations of the right hon. Baronet who spoke last, and hoped that the Committee would not sanction the principle of a responsible and an irresponsible magistracy.

Sir CHARLES BURRELL said, he believed he was the oldest magistrate in the kingdom, and that as he had many means of knowing how well the law was now administered by the existing class of magistrates, he was opposed to the introduction of a new and different class. He therefore hoped the Committee would not agree to the clause.

Mr. COLVILE said, the object of the clause was to allow a class of Gentlemen to come in and have a voice in the disbursement of the funds which they had no authority to raise. He had introduced the clause to meet the views of hon. Gentlemen around him, and if they were not satisfied with it he would not press it.

Mr. ROBERT PALMER said, he knew that great jealousy existed among the ratepayers when they saw magistrates who had very little property in the county voting away the county rates. He had been originally in favour of such a clause, but he would advise his hon. Friend to withdraw it.

Mr. EVELYN said, the clause would not fulfil the object which it contemplated, for it would not prevent the new class of magistrates from voting on questions which, if not directly financial, yet affected materially the county rate. He was also of opinion that no man should be appointed a county magistrate who was not a person in the enjoyment of an easy fortune, and with sufficient time to attend to his official duties.

Mr. LLOYD DAVIES said, there was a great prejudice in counties against magistrates voting on financial questions when they had no property in the county, and, consequently, no responsibility. He thought this clause would do away with that prejudice, although it was open to the objection that it would establish two classes of magistrates.

Mr. CHILD said, he thought the objection to two classes of magistrates was insuperable.

Mr. ROEBUCK said, he thought the objections to this Bill on the part of hon. Gentlemen opposite opened a very wide question. The argument seemed to be that those who had something to do with the funds of the county ought to have something to do with the management, which appeared to be the view taken by his right hon. Friend (Mr. M. Gibson) in advocating the establishment of county financial boards.

Captain SCOBELL said, he thought the clause would have the effect of lowering the standard of county magistrates in the opinion of their fellow-ratepayers.

Mr. BARROW said, he was of opinion that taxation and representation ought to go together. He thought it very desirable that the administrative duties of the magistracy should be separated from the financial, and he was at a loss to know how a measure making such an alteration could be termed one creating two sets of magistrates and considered worthy of opposition. He should support the clause, because it would get rid of the anomaly stated by the Secretary of State for the Home Department—namely, that of a gentleman having a qualification in Northumberland, but residing in Durham, taking part in the disposal of the county rate for the former county.

Clause *negatived.*

Clause 12 *agreed to.*

Clause 13 (Penalty for persons acting as magistrates without the necessary qualifications to be recovered in the County Courts).

Mr. MILES said, he objected to the clause. By the present law persons so acting were liable to a penalty of £100, and had to be removed by *quo warranto*, and he was at a loss to know why the *ultimatum* had been proposed, except it was to deteriorate the position of country magistrates. He should move that the clause be struck out.

Mr. COLVILE said, that under the old law the difficulty of suing a person so acting, was so great, that many continued on the list of magistrates who had not the necessary qualification, and it was thought desirable to remove that difficulty by reducing the penalty to £50, and making it recoverable in the County Court.

Mr. MASSEY said, the object would not be gained by enacting the clause, because if a question of title arose, the County Court could not decide it.

Clause *negatived.*

Clause 14 (The person objected to for want of qualification, shall prove the same).

Mr. WATSON said, he objected to the clause, which would have the effect of producing endless litigation. It was not right to put a person to the proof under such circumstances.

Mr. BUTLER said, that a magistrate must, under the present law, deposit with the clerk of the peace particulars of his qualification; these particulars are incorporated in the oath, and should the magistrate act without being duly qualified, he would be liable to a forfeiture of £100.

Mr. PIGOTT moved that the Chairman report progress and ask leave to sit again.

Mr. COLVILE said, the clause in question was but the re-enactment of a clause that had been in existence 120 years, and from which no incovenience had arisen.

Lord LOVAINE said, that the Bill had been read, printed, committed, reprinted, and recommitted; a great number of the clauses had been struck out of the present Bill, and many were to be considered on the bringing up of the Report. A Bill requiring such treatment must be a bad one, and must throw ridicule on the proceedings of the House in connection with it.

Question put.

The Committee *divided*:—Ayes 97; Noes 99: Majority 2.

Mr. STANHOPE then moved that the Chairman leave the Chair.

Sir GEORGE GREY said, that the practical effect of the Bill rested on the qualification clause, which he understood the Committee had not assented to, but had reserved to itself the right of entering on it when the Report was brought up; he would therefore appeal to the hon. Member (Mr. Colvile) whether it was desirable to go on with the re-enacting clauses of the Bill, which to a certain extent must depend on the adoption of the qualification clause.

Mr. COLVILE said, he wished the Committee to go on till they came to Clause 23, which enacted that any attorney, solicitor, or proctor might be appointed a justice of the peace for any county, city, or borough, but without liberty to practise in those Courts of which he was a justice. The clause alluded to by the right hon. Baronet (Clause 7) had been already agreed to; but as it was passed under some misapprehension on the part of some hon. Members, it could be discussed on bringing up the Report.

Motion made, and Question put, "That the Chairman do now leave the chair."

The Committee *divided*:—Ayes 135; Noes 73: Majority 62.

The House resumed. *No Report.*

The House adjourned at Four o'clock.

# HOUSE OF LORDS,

## *Thursday, May* 22, 1856.

Minute.] *Sat First in Parliament.*—The Duke of Norfolk, after the Death of his Father; and took the Oath prescribed by the Act 10 *Geo.* IV., to be taken by Peers professing the Roman Catholic religion.

Public Bills.—$2^a$ Oxford University.

$3^a$ Bankers' Compositions.

## INTERNATIONAL MARITIME LAW—THE TREATY OF PARIS.

Lord COLCHESTER, in rising to move the Resolutions of which he had given notice, in reference to the declaration respecting Maritime Law signed by the Plenipotentiaries recently assembled in Congress at Paris, said, he regretted that a subject the importance of which could hardly be overrated, had not fallen into abler hands, and felt that he must claim the indulgence of their Lordships while he stated the reasons which had induced him to bring it forward. In so doing, it would be his duty to impugn the decision of persons of the highest station and the greatest abilities, who had been chosen by their respective Sovereigns to negotiate a treaty of peace and deal with other important questions; but he was sure that the noble Earl opposite (the Earl of Clarendon), the principal Plenipotentiary of England in the Conferences at Paris, as well as the representatives of the other Powers, would not attribute to him any want of personal courtesy in venturing to call attention to what he could not but regard as a surrender of important rights and privileges hitherto enjoyed by this country. He had been surprised to hear it stated that in bringing forward this question, he was calling upon their Lordships to discuss again the treaty of peace. That certainly was not his intention. The treaty of peace had already been fully discussed in that House, and their Lordships had expressed a favourable opinion of it. He certainly should not attempt to renew that discussion; but those who examined the declaration respecting maritime law would observe that the subject did not come before the Plenipotentiaries until some days after the treaty of peace had been signed. The two questions were perfectly distinct; and, indeed, the introduction by Count Walewski of the subject of maritime law was so little expected by the other Plenipotentiaries, that two of them—Count Orloff and Count Buol—stated that they could not enter into the consideration of it at all until they had received fresh instructions from their respective Sovereigns. The treaty of peace was signed on the 30th of March, but the maritime law declaration was not mentioned in the Conferences till the 8th of April, when it was introduced by Count Walewski, the French Plenipotentiary, who stated to his colleagues, that having concluded a treaty which provided for the pacification of Europe, he wished them to conclude their work by a declaration which would constitute a great advance in international law, and as at the Congress of Westphalia, liberty of conscience was asserted, and at the Congress of Vienna the slave-trade was abolished, and the freedom of rivers established, so at the Congress of Paris the basis of an uniform maritime law in time of war, as regards neutrals, should be laid down. He (Lord Colchester) cordially acknowledged the excellence of the objects the French Plenipotentiary had in view; but the question he wished to submit to their Lordships was, whether the principles laid down in the declaration respecting maritime law were really such as would render war less inconvenient to neutrals, while maintaining the belligerent rights of those unhappily engaged in hostilities. The declaration contained four separate principles or maxims. It was to the second of these that he chiefly desired to call the attention of their Lordships; but, at the outset, he might make one general observation—namely, that the whole of the new maxims were expressed in language so concise, that they could hardly fail to lead to different constructions when practically applied in courts of law. The first stood thus in the English version, "Privateering is, and remains abolished." In the original French the words were, "*La course est et demeure abolie.*" Whether the English version was a correct translation or not he would not presume to say; but in a published work on maritime law, in which the same principle was expressed in the same words, the phrase, "*La course est et demeure abolie,*" was translated in English, "Cruising is, and remains abolished." The first point to which he would refer was privateering—the first article laid down. There could be no objection to this article; but it was important to know whether other nations would agree to it, and it might be doubted whether the words were sufficiently clear. On this point his noble Friend (the Earl of Ellenborough) appeared to have doubts, which he would, no doubt, explain to the House. With regard to the fourth Article—that relating to blockades. The principle laid down in that Article was only a confirmation of the existing law. As to the third Article—that relating to articles contraband of war, and declaring that neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag, it laid down a maxim which, taken by itself, was very proper, and was consistent with the decision of British Courts; but it must here be considered in connection with Article II., and the term "contraband" should have been defined, being now so differently held by different treaties and general maritime law. The second maxim, that "the neutral flag covers the enemy's goods," was a principle contrary to the existing law of nations as laid down by American as well as English lawyers, and never admitted by England except in treaties where the principle of seizing neutral goods in enemy's ships was also inserted. This was maintained successfully in argument against the Prussian Memorial, in 1752, and by arms against the Northern Confederacy, in 1801. Coming down to later times, and to the writers of other countries, he found, in the United States, Chancellor Kent laying it down as the law of nations, that two distinct propositions had been recognised—namely, that the enemy's goods found on board neutral ships might be lawfully seized as prize of war, and that the goods of neutrals which were found on board of enemy's ships were to be restored. These principles had been incorporated into the jurisprudence of the United States, and laid down by the Supreme Court as the law of nations. The question was, in fact, first raised in 1752, on the cession of Silesia by Austria to Prussia. One of the points then raised was the payment by Prussia of a certain sum of money due by Austria to England. To this payment Prussia demurred, and put in a counter claim, on the ground that England had confiscated her vessels contrary to the law of nations. The proposition of Prussia was, that by the law of nations the goods of an enemy could not be taken on board the ship of a friend. The answer of the English law officers was, that the contrary of this was a rule that could not be disputed, and that it could not be more strongly proved than by the fact that exceptions had been made in particular cases. This reply to the Prussian Memorial was declared by Montesquieu to be a *reponse sans replique*, and was practically admitted to be so by Prussia, who paid the monies which had raised the question. The next occasion on which this question had been maintained by the English Government was in 1780, during the war of American independence. At that time the Empress Catherine of Russia, along with Prussia and other Northern Powers, resisted this right on the part of England; but England exercised the right most efficiently. He found in the papers of Lord Malmesbury, afterwards published, the following statement, which would show how rigorously it had been maintained.

> "The Empress, Catherine II. herself, in speaking to Sir James Harris, called her 'armed neutrality,' an 'armed nullity;' and Prince Potemkin, as the friend of Harris, said to him, 'Content yourself with destroying its effects; the resolution itself is immovable. As it was conceived in mistake and perfected by vanity, so it is maintained by pride and stubbornness. You well know the hold of these passions on a female mind, and if you attempt to loosen you will only tighten the knot."—*Mahon's History*, vol. vii. p. 16.

In 1793, the English Government continuing its old system, Russia and Prussia, and he thought Spain, all abandoned their policy of 1780, and came round to that of England. In 1800, Russia again put forward her claims of 1780, and George III., in opening the Session of the first

United Parliament of Great Britain and Ireland, in 1801, said:—

> "Under these circumstances, a Convention has been concluded by that Court (Russia) with those of Copenhagen and Stockholm, the object of which, as avowed by one of the contracting parties, is to renew their former engagements for establishing by force a new code of maritime law, inconsistent with the rights and hostile to the interests of this country. In this situation, I could not hesitate as to the conduct which it became me to pursue. I have taken the earliest measures to repel the aggressions of this hostile confederacy, and to support those principles which are essential to the maintenance of our naval strength, and which are grounded on the system of public law, so long established and recognised in Europe."

The events which occurred soon after that date — the victory of Copenhagen and the death of the Emperor Paul—were well known to their Lordships. Russia ultimately gave way; it was agreed that her flag should not cover enemies' goods or contraband of war; and that principle was acted upon until the end of the war in 1815. After 1815 the law was maintained down to 1854, when Her Majesty's Government thought fit, by an Order in Council, to waive a portion of her belligerent rights. He thought, therefore, he had established some ground for that clause of his Resolution which declared that Great Britain, although occasionally waving the exercise of this right by special treaties, had invariably refused to recognise the abandonment of a principle which successive Governments had concurred in considering identified with her national greatness. In some cases, indeed, there had been a waiver of the right; but it had been admitted by all writers on international law that they were a departure from that law; and the statesmen of this country had avowed that the sanction of Parliament ought to be obtained before taking such a step. When in 1787 a treaty of commerce was concluded with France by Mr. Pitt, and Lord Lansdowne, who had been Prime Minister as Lord Shelbourne, in supporting the commercial articles on the part relating to the neutral code, said:—

> "The neutral code struck at the distinguishing forte of England—that power which more particularly belonged to her. Heartily concerned, therefore, as he was, that the article appeared in the treaty, he hoped that no mention would dare to be made of it in another, without the advice and sanction of Parliament."—*Hansard, Parl. Hist.*, xxvi. 564.]

In fact, the grievances complained of by neutrals, in former wars, had arisen more from disregard of the established maritime law than from its proper exercise. The Berlin and Milan Decrees were issued in violation of the ordinary law of blockade; and the British Orders in Council of 1807 were only justifiable on the ground of retaliation, and were measures adopted, not in pursuance, but in disregard, of the established law of nations. The Berlin Decree, dated November, 1806, declared the British Isles to be in a state of blockade. The British Order in Council of January, 1807, prohibited the trade of neutrals between ports from which the British flag was excluded; and the Order of November, 1807, imposed a total blockade of those ports. These orders professed to be retaliatory against France, and without reference to that character they could not be defended. The Milan Decree, dated the 26th of December, 1807, imposed still stronger pressure upon British commerce and British maritime warfare. The establishment of the British Orders in Council of 1807-9 was, doubtless, a great and signal departure from the ordinary administration of justice in the ordinary state of the exercise of public hostility; but was justified by that extraordinary deviation from the common exercise of hostility in the conduct of the enemy. But, after all, what was the great grievance of which neutrals complained? Why, that they were liable to detention and search. To that grievance they would still be subjected. Contraband of war was expressly excepted from the arrangement, and how could belligerents know whether a neutral vessel had contraband of war on board without stopping and searching her? If the Plenipotentiaries had condescended to so small a matter, and had endeavoured to regulate the mode of exercising the right of search, they might have been able to mitigate the evil; but as it was, the matter was left just where it was before. He thought the system proposed by the recent treaty was objectionable in principle, as tending to prolong wars by depriving the stronger belligerent of the power of reducing his enemy to sue for peace in consequence of exhaustion; as under that system the weaker Power might carry on his commerce, notwithstanding the destruction of his own marine, through the means of neutral vessels, and for the same reason he would also be able to employ all his seamen in ships of war without crippling his commerce. Was it likely that the stronger

Power would submit quietly to such interference on the part of neutrals, and might not other nations besides the original belligerents be thus involved in quarrels? Many circumstances concurred to render it a matter of extreme regret that a question of such great importance should have been decided without any previous reference to Parliament. Plenipotentiaries assembled in Paris, for totally different purposes, had undertaken the settlement of a subject which had no legitimate connexion with the duties assigned to them. This appeared a very anomalous proceeding, and what made it still more objectionable was, that there was reason to apprehend that the question had not been discussed with the deliberation due to its importance, but that, on the contrary, it had been hurried over with unbecoming expedition. The whole matter was arranged between the 8th and the 16th of April, and, when allowance was made for the delay of sending home for instructions, it would be seen that the question could scarcely have occupied the attention of the Conference for more than two days. Moreover, the power of the Crown to assent to changes introduced under such circumstances might hereafter be called in question. It was not quite so clear that such a declaration as that to which the Plenipotentiaries had subscribed their signatures would be binding in a court of law. The maritime law, which was a portion of the law of nations, had frequently been asserted to be also part of the law of the land, and it remained to be seen whether British Plenipotentiaries could sign away the law of the land without the consent of Parliament. He would not take upon him to say that they had not such a power; but assuredly the question was one of great national importance, and eminently worthy of the attentive consideration of their Lordships. The noble Lord concluded by *moving* to resolve—

"That the most eminent Jurists of all Ages have accepted as a Principle of International Law, that the Right of capturing an Enemy's Goods on board of neutral Vessels is inherent in all belligerent Powers; that the Maintenance of this Right is of essential Importance, and its Abandonment of serious Injury to a Power whose main Reliance is on her Naval Superiority:

"That Great Britain consequently, although occasionally waiving the Exercise of the Right by specific Treaties, has invariably refused to recognise the Abandonment of a Principle which successive Governments have concurred in considering identified with her national Greatness:

"That this House deeply regrets that a Principle so long and so strenuously maintained should, in the recent Conferences at Paris, have been suddenly abandoned, without the previous Sanction or Knowledge of Parliament, by Plenipotentiaries assembled for the Purpose of discussing the Terms on which Peace with Russia might be concluded, and the Affairs of the East satisfactorily adjusted."

THE EARL OF CLARENDON: The noble Lord (Lord Colchester) having done me the honour to make particular allusion to me in the commencement of his speech, I beg to acknowledge the tone of good temper in which he has brought this question under your Lordships' consideration. A vote of censure was never proposed with greater courtesy. I shall endeavour, on my part, to imitate the example of the noble Lord by carefully avoiding the introduction of irritating topics, which, indeed, can nowhere be more out of place than in discussing a question of great national importance. I trust, however, that I shall be able to convince your Lordships that the Resolutions of the noble Lord contain statements which are inconsistent with facts, and that you would not be consulting either the honour or the interest of this country in pledging yourselves to the principles he advocates.

The noble Lord lays it down as a principle that the right to seize enemy's goods on board of neutral vessels is so closely interwoven with the law of Europe, and so necessary for our safety as a great maritime power, that it would not conduce either to the dignity or the welfare of England to surrender it. But if you affirm this doctrine, you must do so in an absolute and unconditional sense — you must give it no limitation either as to place or time—you must accept it everywhere and for ever; and this I cannot but think would be a most unwise and injudicious proceeding where change is the visible law of society, and where everything is rapidly undergoing variation around us; more particularly would it be unwise and injudicious to take such a course with respect to a matter which the noble Lord himself admits has been repeatedly altered to meet the exigencies of the times, and against which all the great maritime powers of the world have constantly and consistently protested. It is true, as the noble Lord observes, that the principle that enemy's goods under a neutral flag are a lawful prize of war has been laid down in treatises so long ago as the 11th or 12th century, and that a declaration to that effect is to be found in the *Consolato del Mare*, a treatise written in the Provençal tongue in the 13th century; it is quite true also that Grotius defends that principle. I think, however, that we should always bear in mind that jurists are apt to state the law as it is, without making reference to the law as it ought to be; and, consequently, we find jurists defending the right of belligerents to put women to death, to kill prisoners after surrender; and to torture captives before a besieged town in order to induce it to submit. We can, however, no more rely on jurists in their defence of such practices than on the opinions of eminent lawyers in this country who formerly supported by argument and by the weight of their authority some of the worst parts of our ancient penal code. The noble Lord has also quoted the judgments of eminent men in this country, more particularly on international law; but I think we have no more right to presume that their opinions would now be the same on international law, which is founded on reason, justice, and the common consent of civilised nations, than we have to suppose that the judges who formerly supported some of the worst parts of our penal code would now maintain such opinions. Upon this subject the eminent men of former days would probably, if they lived in the present day, take into consideration the great changes, social, political, and moral, which are constantly taking place, and would have given due weight to the natural results which flow from an increased intercourse with other civilised states. Nor can I altogether admit the proposition laid down by the noble Lord that we are justified in resorting to extreme measures in order to hasten the termination of war; for I consider all such generalities dangerous, and by a rule of that kind we might be justified in resorting to some of the most barbarous usages of uncivilised tribes. Neither can I admit that in war we are to be governed by other principles than those which regulate our conduct in the ordinary transactions of life. War may be mitigated by the duties of humanity, and a heavy responsibility weighs on those who having the power to mitigate it, yet refuse to do so. The noble Lord, in his Resolutions, says that the jurists of all ages have been favourable to the principle he lays down; but, since the Resolutions have been laid on the table, I have looked into the writings of men of eminent authority —such as Hübner, Rayneval, Martens, Chitty, Pardessus, and Wheaton—and all those writers contend that the principle laid down by the noble Lord is a relic of barbarous times, that the old maritime law should be relaxed and replaced by the principle that free ships make free goods. It has been, and still is, the great object of modern civilisation to mitigate the miseries of war, and to define and extend the rights of neutrals. This has been done with respect to war by land, but not with respect to war by sea. By land we should think it disgraceful to seize the property of neutral and peaceful persons—even subjects of the enemy;—but that is not the case by sea; and we even give licences to bucaniers to seize the property of peaceful merchants on the ocean. There is no assignable reason for this difference, except, perhaps, that the acts committed by sea are less under observation than those committed on land, and the force of opinion is, consequently, less brought to bear on the former. The present state of the maritime war shows, indeed, but little improvement upon the customs of the most barbarous ages. The earlier nations copied it from the Roman law; and the Roman law, it must be remembered, was not the law of nations, but the municipal law of Rome. The Romans might have been perfectly justified in applying it to their own people. Those jurists, however, who copied the Roman law and applied it to international rights did that which they were not justified in doing. A belligerent power has an unquestionable right to blockade the ports of an enemy, and to prevent the enemy being supplied with munitions of war; and the neutral who attempts to break that blockade, or supply the enemy with munitions of war, may lawfully be interfered with, because by so doing the neutral, in point of fact, abandons his neutrality, and departs from the impartial character the circumstances impose upon him. If, however, the neutral fulfils the obligation of neutrality we have no claim to interfere with him. Were it otherwise, in the late war we should have been justified in sending an English fleet to Memel to demand all Russian property that might happen to have been there; or the French in marching an army into Belgium to seize all Russian property at Antwerp. By the present law of Europe, however, we cannot deny that neutrals have a right to go to the ports of the enemy which are not strictly blockaded, or of the blockade of which a public and sufficient notice has not been given; and we cannot deny that they have a right to go thither to trade except with contraband of war. It is only when neutrals are conveying enemy's property from one port to another that we claim the right to interfere; and we not only do this by authorising the commanders of our ships of war, who are men of honour and are responsible, to stop neutrals, and bring them into port in order that it may be determined whether their cargoes are enemy's property or not; but we claim the right to delegate the power to privateers whose only object is plunder, and who only differ from pirates, the common enemies of mankind, in the fact that they are protected by a Royal licence. It is against this violation of the neutral flag that neutrals have always protested, and against which they will always continue to protest, and they must ultimately succeed—for they have reason and justice on their side.

The noble Lord in his Resolutions admits that the right to seize enemy's goods in neutral vessels has been occasionally waived, but he says there are but three treaties in which the right has been waived. Now, what are the treaty engagements of this country in this respect? The first English treaty on record which contains the principle "free ships, free goods" is that of Westminster in 1654, between John IV. of Portugal and Oliver Cromwell. In the 23rd Article of that treaty it was declared,—

> "That all the goods and merchandise of the said republic or king found on board the ships of either or their people or subjects shall remain untouched."

This treaty was confirmed by the treaty of Whitehall of 1661—it was reconfirmed in 1703, and remained in force until 1810, when it was annulled by the treaty of Rio Janeiro. For 156 years, then, the invariable rule of our intercourse with Portugal was, "free ships, free goods." With France, in the year 1677, we concluded the treaty of St. Germain-en-Laye, the eighth article of which treaty declares that—

> "Merchandise of the enemies of the Most Christian King shall not be taken or confiscated if they are found on board the ships appertaining to the subjects of Great Britain, though the said merchandise make up the best part or the whole lading of the said ships, but still with an exception to contraband of war."

And similarly with regard to the merchandise of the enemies of Great Britain on board the ships of the Most Christian King. These stipulations were the rule of our amicable relations with France, as established by treaty for the next 116 years. From 1677 to 1793 we concluded with France five treaties of peace and three treaties of commerce, and in every one of them (except that of Ryswick, which makes no mention of the matter, and only lasted five years) there is an article which either expressly contains the provision that the flags of England and France should protect the goods of their respective enemies, or which renews the Treaty of Utrecht, in 1713, which lays down that provision in the fullest manner. The Treaty of Utrecht is to this day the basis of the commercial relations between England and France. With Spain our first treaty which recognised the rule of "free ships, free goods" was in 1665. From that time to 1796 we concluded thirteen treaties with Spain, in every one of which there is an article to that effect, or one renewing a treaty which contains it; therefore, for the 131 years ending with 1796 the rule of our intercourse with Spain, as established by treaty, was "free ships, free goods." The Treaty of Madrid, in 1814, ratified and confirmed all treaties of commerce which subsisted between England and Spain in 1796 referring especially to the Treaty of Utrecht; so that if we had seized any Spanish ship during the late war, it must have been restored. It is declared by the seventeenth article of the Commercial Treaty of Utrecht between England and France, that—

> "It shall be lawful for all the subjects of the Queen of Great Britain, and of the Most Christian King, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from the places, ports, and havens of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy; whether they be under the jurisdiction of the same prince, or under several. And it is now stipulated, concerning ships and goods, that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading, or any part thereof, should appertain to the enemies of either of their Majesties, contraband goods being always excepted."

The seventeenth article of the Treaty of Commerce of Utrecht is repeated *verbatim* in the twentieth article of the

Treaty of Commerce of Versailles of 1786. This treaty terminated with the war of 1793. Therefore, from 1677 to 1793, the all but invariable rule of our friendly intercourse with France—the rule for at least seventy-five years out of eighty years of peace—was that free ships should give freedom to goods. It is worthy of remark that by the Commercial Treaty of Utrecht of 1713, which continued in force, except during periods of war, for the subsequent eighty years, the subjects of one party were entitled by treaty to carry on the coasting and colonial trade of the enemies of the other party. With Holland we concluded various treaties, beginning with the Treaty of Buda in 1667, all of which contained the rule, and these were continued down to 1780. In the interval between 1654 and 1793 we were six times at war with France, seven times with Spain, and three times with the United Provinces of Holland, and we terminated those wars by six treaties with France, seven with Spain, and three with Holland, all of which recognised the rule. During the same time we concluded with those Powers and with Portugal eighteen treaties of commerce—in all thirty-four international engagements—in all of which, with the exception of the treaty with France in 1667 and the treaty with Holland in 1784, the principle was recognised that the ships of one party being neutral should make the goods carried by them neutral also. I therefore do not think that there can be anything inconsistent with the honour and interests of this country in recognising at the end of this war a rule which we have so frequently recognised during the last 125 years in conjunction with all the great maritime Powers of Europe. It is perfectly true that these engagements have been frequently violated, and by none more flagrantly than by ourselves. In 1793, in conjunction with the Dutch, we declared all the French ports blockaded, though we never sent a single ship to enforce the blockade. We declared, by our decrees, that there should be no trade between France and her colonies, and we entered into a league with Russia, Prussia, and the Emperor of Germany to prevent any such trade being carried on. The noble Lord himself said most truly that the French and English Governments—after the French Revolution, which in reality led to all these infractions of international engagements, and without which all the treaties to which I have referred would still be in force—combined together, and vied with each other, by orders in Council and by the Berlin and Milan decrees, in violating to their utmost all the rights of justice and the ties of international obligations. That was a practice which the noble Lord himself has condemned.

Lord COLCHESTER: I condemned paper blockades, except as a retaliatory measure.

The Earl of CLARENDON: The different measures taken by the Northern Powers at various periods have shown their anxiety and determination to resist these violations, as they were considered, of international law. These Powers concluded between themselves forty treaties, in thirty-one of which the principle "free ships, free goods" was recognised. The United States immediately after the Declaration of Independence in 1783 concluded a treaty with Sweden which still exists, and they also concluded a treaty with France, in both of which the principle was recognised. In more recent times the United States have also concluded treaties with the different States of South America, as they severally declared their independence, in all of which the principle was recognised, with this reservation, that it should be adopted by both belligerents. In the course of the last two centuries 130 international engagements have been made between the principal Powers of the world, in all of which, with eleven exceptions, the rule "free ships, free goods," is contained. What I deduce from that is, that in time of war, and in the heat and animosity of war, men lay aside this principle and resort to extreme and violent measures; but that when at peace, and under the influence of reason and judgment, they never hesitate to declare that that should be the rule of civilised nations. And yet the first act which your Lordships are called on to do after the conclusion of this war, is to pronounce a judgment which shall condemn this universally acknowledged principle, and reverse the rule we have almost uniformly observed in concluding treaties.

What was the state of things when the war commenced in 1854? It was indispensable that our co-operation with France should be as complete by sea as by land; but the principles of the maritime law of the two countries were diametrically opposed to each other. The French respect enemy's goods on board neutral vessels, but they confiscate neutral goods on board enemy's vessels; while we, on the contrary, confiscate enemy's goods on board neutral vessels, and respect neutral goods in enemy's vessels. It is needless for me to dilate on the confusion which would have existed, if each Power had continued to hold to its own principle. The difference of practice would have led to the greatest dissensions between the two fleets; all co-operation would have been impossible, and the neutrals would have had the greatest right to complain of the different treatment which they received from the French and English cruisers. The French cruisers would respect all goods on board neutrals, the English cruisers would have refused to do. Between the two, there would have been no loophole of escape for them. It is quite plain, that the only wise and rational course was, for each to abandon its own system, and each to assimilate its practice to the general maritime law of Europe. And now, my Lords, let me ask, having once waived these rights, was it possible, or was it prudent, for us to return to them? This is not a question of law, but of policy. It is not even a question of international law—it is a question only of the law of England. Every other maritime Power in the world has protested against our practice, and at the commencement of the war England was the only Power which upheld the right of seisure. If your Lordships could be aware, as I was, of the strong feeling—of the intense anxiety—of the neutral Powers at the commencement of the war, to know whether we meant to adhere to the rule which we had hitherto maintained, you would then fully comprehend the great importance of the question. Almost daily inquiries were addressed to me by the representatives of the neutral Powers, and though I certainly cannot say that the maintenance of our former rule would have led to another "Armed Neutrality," it was quite plain that we should have stood alone in the world—we should have had every other maritime Power against us, and most properly so—because we should have been maintaining a law which was contrary to the public opinion of the world, which was hostile to commerce, and as unfavourable as possible to a mitigation of the evils of war. We should not only have stood alone in the world—but it was quite clear that we should have been at war not only with Russia, but with every other maritime Power in the world; or, if not actually at war, in a position of a most unpleasant character with other nations, and especially with the United States. Whenever there has been a war between maritime Powers, England has almost invariably been a principal in it, and seldom or never in the position of a neutral. The United States, being rarely engaged in war, and therefore always in the position of a neutral, has been naturally looked up to as the protectors of neutral rights, and your Lordships will recollect the difficulties in which our maintenance of our extreme rights involved us with the United States in 1812. The tonnage of the United States was then somewhere about 1,000,000 tons, but last year it was no less than 5,300,000 tons. I will ask your Lordships, would the Americans have quietly submitted to the imposition of our law and practice? Would any other nation do so? Should we, do your Lordships think, have allowed any nation on earth to inflict serious injury upon us in carrying out a law which we do not recognise? I will read to your Lordships the note of Mr. Marcy, acknowledging the receipt of the Order in Council issued at the commencement of this war:—

"Department of State, Washington,
April 28, 1854.

"The undersigned, Secretary of State of the United States, has had the honour to receive the note of Mr. Crampton, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, of the 21st instant, accompanied by the declaration of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, in regard to the rule which will for the present be observed towards those Powers with whom she is at peace in the existing war with Russia.

"The undersigned has submitted those communications to the President, and received his direction to express to Her Majesty's Government his satisfaction that the principle that 'free ships make free goods,' which the United States have so long and so strenuously contended for as a neutral right, and in which some of the leading Powers of Europe have concurred, is to have a qualified sanction by the practical observance of it in the present war by both Great Britain and France—two of the most powerful nations of Europe.

"Notwithstanding the sincere gratification which Her Majesty's declaration has given to the President, it would have been enhanced if the rule alluded to had been announced as one which would be observed not only in the present, but in every future war in which Great Britain shall be a party. The unconditional sanction of this rule by the British and French Governments, together with the practical observance of it in the present war, would cause it to be henceforth recognised throughout the civilised world as a general principle of international law. This Government, from its very commencement, has laboured for its recognition as a neutral right. It has incorporated it in many of its treaties with foreign

Powers. France, Russia, Prussia, and other nations have, in various ways, fully concurred with the United States in regarding it as a sound and salutary principle, in all respects proper to be incorporated into the law of nations.

"The same consideration which has induced Her Britannic Majesty, in concurrence with the Emperor of the French, to present it as a concession in the present war, the desire 'to preserve the commerce of neutrals from all unnecessary obstruction,' will, it is presumed, have equal weight with the belligerents in any future war, and satisfy them that the claims of the principal maritime Powers, while neutral, to have it recognised as a rule of international law, are well founded, and should be no longer contested.

"To settle the principle that 'free ships make free goods, except articles contraband of war, and to prevent it from being called again in question from any quarter, or under any circumstances, the United States are desirous to unite with other Powers in a declaration that it shall be observed by each hereafter as a rule of international law.

"The exemption of the property of neutrals, not contraband, from seizure and confiscation when laden on board an enemy's vessel is a right now generally recognised by the law of nations. The President is pleased to perceive, from the declaration of Her Britannic Majesty, that the course to be pursued by her cruisers will not bring it into question in the present war.

"The undersigned is directed by the President to state to Her Majesty's Minister to this Government that the United States, while claiming the full enjoyment of their rights as a neutral Power, will observe the strictest neutrality towards each and all the belligerents. The laws of this country impose severe restrictions not only upon its own citizens, but upon all persons who may be resident within any of the territories of the United States, against equipping privateers, receiving commissions, or enlisting men therein, for the purpose of taking a part in any foreign war. It is not apprehended that there will be any attempt to violate the laws; but should the just expectation of the President be disappointed, he will not fail in his duty to use all the power with which he is invested to enforce obedience to them. Considerations of interest and the obligations of duty alike give assurance that the citizens of the United States will in no way compromise the neutrality of their country by participating in the contest in which the principal Powers of Europe are now unhappily engaged.—The undersigned &c. "W. L. MARCY."

I must say that I think that that is a very moderate and a very dignified note.

But if that were the state of things in 1854, I would ask your Lordships whether we have any reason to suppose that there will be any change of public opinion on the subject—that civilisation will retrograde—that humanity will diminish, or that anything is likely to occur to render less stringent or less obligatory the motives which imposed upon us the necessity of passing the Order in Council of 1854? Those who know the mode in which that Order in Council was received by most of the neutral Powers, and how much importance they attached to it, would at once see how dangerous it would be to do anything to check the friendly feeling which was then created by saying that we would adhere to the principle of our old rule. But, as I have stated, we have never been at war as anything but a principal, and we have never yet experienced what the application of our own doctrines to ourselves would be. Suppose that France and the United States were engaged in a war in which we took no part, and that the French cruisers claimed the right to interrupt every commercial vessel sailing between this country and New York—suppose a French cruiser stopped a Liverpool ship in the Channel with a quantity of British merchandise in her, consigned to a house in New York, and the cruiser being too small to take the merchandise on board took the vessel to Havre to unload her—what should we say to this application of our own law to ourselves? Would there not be an outcry from one end of the country to the other against the injustice and injury of such practice. It was evidently impossible that we should revert to our former policy—the great changes which had taken place in our commercial policy forbad that we should ever have recourse to that policy again. The Government therefore thought that it would be wise and politic and expedient that when we were under no compulsion and our motives could not be misunderstood, we should make the declaration we have made, that we will not recede but will abide by what we have done in the hope that we should thereby mitigate the evils of war and produce a friendly feeling among the nations of the earth. The law of nations is founded on two principles, the *jus naturæ*, the principle of reason and justice, and the *communis gentium consensus*, and I say that that law prescribes and justifies the declaration we have made.

Your Lordships are called upon by this Resolution to express your regret that the Plenipotentiaries assembled at the Congress of Paris should have announced the abandonment of this principle without the knowledge and consent of Parliament. But if there be any principle of our constitution which is more accurately defined and more universally admitted than another, it is the right of the Crown to conclude treaties with other countries without the previous knowledge or consent of Parliament; and for this, among other good reasons, that if you had to secure the sanction of Parliament before you made a treaty, you never could make a treaty at all. Do you think if the articles of this treaty, or even the bases upon which it is founded, had been submitted to Parliament, that any such treaty would ever have been signed? I can tell your Lordships that it was not a very easy matter to accomplish, even with a dozen negotiators; but if a thousand more negotiators had been called in, with the addition of the daily newspapers, it would have been quite impossible. There is no doubt about the right and prerogative of the Crown to sanction a declaration of this kind, and that it does not require the ratification of Parliament. I have read to your Lordships a list of the various treaties which have been entered into by this country, renouncing this very principle; and with regard to no one of them was the sanction of Parliament ever asked, or the prerogative of the Crown ever called in question. As to the right of the Crown to conclude such a treaty, I will read to your Lordships what I am sure you will consider a very high authority. Lord Stowell says—

> "The Crown, which declares general hostilities, can limit their operation; and again, it is indubitable that the King may, if he pleases, give an enemy liberty to import—he may, by his prerogative of declaring peace and war, place the country of Holland in a state of amity, or, *a fortiori*—he may exempt any individual from a state of war."—(1 *Acton's Report*, 328.)

Moreover, if the sanction of Parliament were required now, it would have been as much required to state the principle two years ago as it was now to renounce it. But when the Order in Council was passed, the sense of Parliament was taken by an hon. and learned Gentleman, a Member of Doctors' Commons (Mr. R. Phillimore), who asked the other House of Parliament to resolve that to surrender or renounce this right would be inconsistent with the honour and security of this country. After a short debate the House of Commons was upon that occasion counted out, which shows how little the House thought that the sanction of Parliament was required.

Your Lordships are further called upon to express your regret—

> "That a principle so long and so strenuously maintained should, in the recent Conferences at Paris, have been suddenly abandoned, without the previous sanction or knowledge of Parliament, by Plenipotentiaries assembled for the purpose of discussing the terms on which peace with Russia might be concluded, and the affairs of the East satisfactorily adjusted."

Now, of course I am the last person to complain of the censure being made as general as possible, or that all the Plenipotentiaries are included in a Resolution which, I presume, was intended to impute blame to Lord Cowley and myself; but I think that your Lordships will have some difficulty in placing upon record your regret that all the Plenipotentiaries should have renounced a principle to which their Governments objected, without the sanction of the Parliament of Great Britain. In pursuing the course which we have done in Paris, we have adopted precisely the course which was taken in Vienna—to which the noble Lord referred—when all the Plenipotentiaries agreed to that memorable declaration by which they affirmed that the slave-trade scourge which had too long desolated Africa, degraded Europe, and afflicted humanity; and they agreed among themselves, with the sanction of their Governments, that the most strenuous measures should be taken for its repression. If we had confined ourselves within the strict limits of our attributions we should have lost the opportunity, when the representatives of the principal Powers of Europe were met together, of discussing many important subjects, which, although they did not relate to our quarrel with Russia, it was most desirable should be arranged. If we had acted upon that rule not a word would have been said about Italy, from the discussions on which, I believe, important results will ensue. Not a syllable would have been uttered upon the principle of mediation; and yet I believe that by the discussion of that subject we have opposed a new and not insignificant obstacle to war. But Lord Cowley and myself did not hesitate—of course with the consent of Her Majesty's Government—to affix our signatures to a declaration which changed a policy that we believed it would be impossible, as well as against the interests of England, to maintain; France renouncing at the same time a principle to which we had always objected, thus placing our maritime law exactly on the same footing, and giving an additional security for the maintenance of our alliance; coupling it, moreover, with that provision with respect to privateering which will be of the utmost benefit to a commercial nation like England:—for I beg your Lordships to bear in mind that the provisions contained in the declaration must be taken in their entirety, both by the contracting parties and by the Powers which may be invited to accede to them; and I say that the abolition of privateering is more than an equivalent for the abandonment of a claim which I know it would be impossible to sustain. I beg you to remember that the abolition of privateering —which is little less than licensed piracy or bucaniering—the fruitful source of iniquity and misery in their worst form—is of far greater importance now than at any former period. When the merchantman and the privateer both depended upon the wind for their power of motion they were comparatively upon a footing of equality, and, if the former were the faster sailer, she could escape from her enemy. But the greater part of our commerce, being still carried on in sailing vessels, would be absolutely at the mercy of a privateer moved by steam, however small; and I think, therefore, that the abolition of privateering will be of the utmost advantage to a commercial community like that of England. Moreover, when we have given up all our protective duties, and are rapidly increasing our foreign imports—when we have abandoned our monopoly of the colonial trade—in short, when we have renounced all those pretended rights and claims—each of which has been in turn a British palladium and bulwark—I think we may reconcile ourselves to having given up a privilege which we could not maintain, thereby doing much to mitigate the miseries of war, and bring about a cordial feeling among nations.

Without troubling your Lordships with any further observations, I can only say in conclusion that, if I have shown that the most eminent jurists have not been in favour of the principle contended for by the noble Lord opposite, that that principle may safely be renounced because it cannot be maintained without serious injury to England, whereas the attempt to uphold it can only be regarded as an act of hostility to other nations, that England has not only occasionally waived, but even formally, unequivocally, and without the sanction of Parliament, abandoned, and that there was nothing new or irregular in the proceedings of the British Plenipotentiaries at Paris; then I trust your Lordships will concur with me in negativing the Resolution of the noble Lord opposite.

The Earl of CARNARVON said, he trusted their Lordships would not mix up the question relative to privateering with that of the concessions to neutrals. They stood upon an entirely different footing, although it might be easy to confound them, and to represent an opposition to extravagant concessions to neutrals as a defence of privateering. The noble Earl in his speech appeared to avoid an answer to the main question brought forward by his noble Friend, who asked—what value was to be attached to the declaration respecting maritime law, and whether it was to be regarded as a permanent abandonment of the principle? It was not a treaty. Was it a convention or a mere understanding between the Governments represented at Paris? In the event of any future war, would it be necessary to incorporate it into Orders in Council, or to obtain for it the sanction of Parliament? The Plenipotentiaries declared in the preamble that the "uncertainty of the law" gave rise to differences of opinion between neutrals and belligerents. He denied that the law was uncertain, and was surprised that any English Government should have made such a confession; for if there was one fact more clear than another, it was that the whole stream of authority was in favour of the principle hitherto maintained by England. But the noble Earl asked their Lordships to believe that the abolition of privateering was a fair equivalent for our concessions to neutrals. How could that argument be persisted in when, in the very middle of the late war, the President stated in his Message that the Government of the United States would on no condition consent to relinquish its right of privateering? As for paper blockades, there had been no such things for the last 100 years, with the exception of the Berlin and Milan Decrees and our own corresponding Orders in Council; and he could not sufficiently express his sense of the impolicy of making such vast concessions to neutrals for a document which was neither a convention nor a treaty, but something exceedingly vague and shadowy; for a preamble which was not consistent with fact; for an abolition of privateering, which in the present temper of the United States could not be realised; and for the removal of paper blockades, which, practically never existed. He could understand the doctrines of those who argued that the sea should be open to all nations, commerce untrammelled, and merchantmen entitled to the same advantages as ships of war. Such advocates of perfect freedom would probably think that the concessions made at Paris did not go far enough, and would ask us to give up the right of search. Her Majesty's Government held the same principles, but had not the courage to follow them out to their legitimate conclusions; they knew that through these concessions it would not be possible to put any check upon contraband of war in the event of future hostilities; and that in the next war we should inevitably be involved in the greatest difficulties on the subject. The noble Earl seemed to consider the right in the light of an oppression; but the principle involved was exceedingly simple and lay in a nutshell—it was simply the principle of self-preservation and legitimate self-defence—it was that in prosecuting a war we were at liberty to seize the enemy's goods wherever we could find them. On board of an enemy's vessel no one doubted our right, and he maintained that on board of neutrals the same right existed, and so delicate had we been in the exercise of our right, that demurrage had often been paid for detention equal to the whole freight. Was there any oppressive exercise of the right in that? By exercising the right we debarred the neutral only from those advantages that would operate to our own detriment—advantages which he never could have enjoyed but for the existence of the war in which we were engaged; we prevented him only from trading for the benefit of our enemy, and making private speculations out of the quarrels of nations. So long as he dealt with *bonâ fide* neutral property we did not interfere, we only did so when he departed from the line of strict impartiality. The question was not one as to the rights of neutrals, but as to the protection of enemy's property; and when two rights came into contact, the lowest right should give way, instead of sweeping away the greatest right altogether. In the contest of two well-matched antagonists, when a third Power came in and served one of them with what formed the "sinews of war," and enabled him to turn his sailors to account in the contest with his opponent, just in proportion as good service was rendered to the one belligerent injury was inflicted upon the other. The noble Earl opposite had dealt rather hardly with the question of authorities, and relied mainly on those who had written within the last fifty years. He would not be inclined on such a question to defer to the *dictum* of any class of men; but he thought that while they might fairly distrust the opinions of men who had expressed their opinions in the heat of contest, and come to conclusions uniformly favourable either to national or party interests, they must, on the other hand, regard the opinions of men who had written against their own prejudices and with unimpassioned judgment and deliberation, as entitled to the greatest weight. When a man like Grotius, so remarkable for his judgment and candour, and so Dutch in all his sympathies, was found affirming his belief of the justice of seizing the property of enemies, not only on board neutral ships, but in the ships of allies, surely such a belief must be entitled to serious consideration. They knew that Holland, under its great statesman De Witt, sanctioned the principle for which we now contended, and that it was acted on by the Genoese, whose prosperity lay so much in the carrying trade of the world; and it was a remarkable fact that within ten years of the treaty entered into by the Northern Powers in 1780 there was not one of them which had not swerved from the opposite principle they had then laid down. During the Seven Years' War this principle was maintained by Chatham; Mr. Pitt followed the same course, and even Fox gave it his support, observing that it was so important to this country that its abandonment would be the greatest sacrifice we could make. Then, the Duke of Wellington gave his approval to the same principle; and Sir Robert Peel—no narrow-minded, illiberal statesman—was found ranged on the same side. The noble Earl urged that throughout all history there had been a constant protest in the shape of treaties against this system as iniquitous and based upon national selfishness; and he quoted a vast number of treaties to that effect. But what was the real nature of a treaty? It was a contract between two parties for special purposes, and implied in its very nature that it was to do that which the general law of nations could not effect. It was purely exceptional, and the fact of there being exceptions only enforced the rule upon which it depended. The noble Earl said that, independently of the merits of this question, it was perfectly competent for the Crown to take such a step as it had now taken. No doubt it was competent to the Crown to make a treaty. But this was not a treaty; it was no essential part of the treaty with Russia that the rights of England should be waived; and as regarded the competency of the Crown, their Lordships were told some time ago that it was competent to the Crown to turn a whole brigade of Guards into their Lordships' House to swamp it, and it would have been perfectly competent to the noble Lord opposite to cede Malta to Russia and Gibraltar to Spain, or to sacrifice the independence of the Belgian press. Mr. Pitt certainly made a commercial treaty with France, in which the principle that free ships made free goods was recognised; but the question had then been before the country for months, and he considered himself warranted in believing that the country had given its assent. But had there been a shadow of warning on the part of the Government to the country on this occasion? Had we heard a single word beforehand of the great change that was about to take place—a change that had never been demanded except in a spirit of the most bitter hostility to this country? The noble Earl the President of the Board of Trade stated last year that it was impossible for the British Government to insist upon all the rights to which they laid claim; that they were engaged in war with an ally by whom different views respecting maritime law and the right of search were entertained; and that the British Government, therefore, waived their rights. In August of last year a right hon. Gentleman (Mr. Milner Gibson) in another place asked whether a proposition had been made that free ships of the United States should make free goods, and that neutral property on board enemies' should not be confiscated. The right hon. Baronet at the head of the Admiralty (Sir Charles Wood) replied that he was not aware that such a proposition had been made, but that at all events it had not been brought under the general consideration of the Government. Since that time the Government had had ample opportunity afforded them for considering this question, and if they had done so he thought it would have been more consistent with candour, fairness, and straightforward dealing to give Parliament some intimation of the great revolution which they contemplated. If, on the other hand, the subject had never been considered by the Government, but their policy had first flashed upon them at the Congress of Paris, at the suggestion of Count Walewski, he thought they could not be acquitted of a rashness and precipitancy unworthy of those who were intrusted with the destinies of a great country. For his own part, he sincerely regretted the change that had taken place, and the manner in which it had been effected. He believed there was not a Member of that House who would not give his most cordial assent to any practical measure which promised to alleviate the horrors of war; but so long as war was regarded as the *ultima ratio* of nations, it was impossible that it should be unaccompanied by sorrow and desolation. In the words of a great statesman, the co-existence of a military war and a commercial peace were self-contradictory. It had been said that, in consequence of the declaration agreed upon at Paris, this country might expect reciprocal advantages as a neutral Power, and the sympathy of other nations when it might be the object of attack. He was not very sanguine as to any reciprocal advantage which this country might obtain as a neutral Power, for since the Revolution of 1688 there had scarcely been a great war in Europe in which England had not borne a share as principal. He must also observe that the sympathy of other nations was never purchased by concessions or by signs of fear. An unbending policy, earnestness of purpose, vigour of action, and a firm and determined attitude were the best guarantees of success. This country did not desire to impose upon any nations burdens or restrictions to which it would not willingly submit; and he believed that, with two exceptions, Great Britain had never inflicted injury by restrictions upon the commerce of other nations. Lately, however, they had held by mere trifles and had sacrificed great realities, and he could not regard without concern the surrender without any equivalent of a right which had been sustained at so much cost. Many persons must look upon such a step with regret, and even with humiliation; and if these were the auspices under which the peace was to be inaugurated, if the policy of the Government at home was to correspond with their policy abroad, the future was not to be regarded without feelings of apprehension and distrust.

The Earl of HARROWBY said, that all that had been done by the present declaration was in consistency with previous treaties and with the policy which this country had adopted; nor was it correct to say, that this was a right given up by our Government without any compensating advantage. In the first place, there was the abolition of privateering, from which in former wars we had suffered even more than we had inflicted; and, although England had by this declaration waived her right of seizing enemy's goods in neutral vessels, the waiving of a right did not affect the existence of the right; and when the exercise of the right was attended with so much dissatisfaction and distress, it surely was far better to agree to an arrangement for terminating it, than to insist upon carrying it out. This was not so much, as had been represented, a change of policy, as it was embodying in a general document what had been the subject of several special engagements during more than a century past. As regarded the United States, it had been urged that there would be no equivalent for the relinquishment of the right, because the Americans would not agree to the treaty or give up the right of privateering. But the answer to this was clear: that if the United States did not agree to the treaty, they could derive no advantage from it—they could not claim the protection if they did not sacrifice the right. In his judgment it was prudent and wise, on the part of our Government, at a time when we were not subjected to any circumstances of pressure, with no motive but a wish to promote the harmony of nations, to make the arrangement with the world in general, which we had successively made, by separate treaties, with most of the maritime Powers; it was one of a series of those measures which would tend to mitigate the atrocities of war and promote the progressive civilisation of mankind. The noble Earl said, that Parliament ought to have been apprised of the intention of the Government; but in what manner could Parliament have been apprised? Besides, the Government had no reason to doubt that the step would have the sanction of Parliament; because, when treaties had been concluded successively with France, Spain, Holland, and Sweden, stipulating for the abandonment of this right, Parliament had uniformly assented to these treaties. There could be no doubt that abstractedly, England possessed the right of seizing as lawful prize of war the goods of an enemy under a neutral flag; but the misery, the confusion and embarrassment to the operation of commerce consequent on the exercise of that right had forced her from time to time into a succession of particular conventions which amounted to a practical abandonment of it; and could it be said that we were to maintain the exercise of it in this age, when the increasing intercourse between nations had multiplied the inconvenience of it indefinitely? For England to stand alone, insensible to the general current of opinion in Europe and the civilised world would be to place her in a most dangerous position, and to cause her to be considered as a selfish asserter of extreme claims, which she was only enabled to enforce by her widely extended maritime power. The real strength of England consisted not in the exercise of her extreme rights in the face of the disapprobation of the world, but in her reputation for justice as well as for power. Considering, therefore, that the step which had been taken for the Government, was one which deserved commendation as well as censure, he trusted the House would reject the Resolutions.

THE EARL OF HARDWICKE said, he would address himself to the inquiry, what would be the result in the event of any future war, of carrying out the principle which had now been solemnly enunciated by Her Majesty's Government, and made, as he understood it, a part of the public law of Europe. He should be sorry to see this country again involved in a war with France while this law was in existence, as it would necessitate a war with neutral powers in self-defence. His conviction was, that the concession of this principle by the Plenipotentiaries at Paris had struck down the maritime power of England, and had reduced any future contest to a military duel of nations in which the armies and fleets of the belligerents would meet each other and settle the quarrel, ship to ship and man to man, by a direct contest of arms. He should like to know when a war conducted on such principles would ever be terminated, for it would be a direct premium to other nations to feed and foment the quarrel by offering them a gainful carrying trade as long as the war lasted? He would ask, what had been the result of our trying this system in the late war with Russia? The effect of it had been that we had paid into Russian coffers, as nearly as he could calculate, no less than £17,000,000 sterling, during those two years of our being at war. Our merchants, at the commencement of the war, believing that the maritime rights of England would be maintained, had made arrangements for a trade in hemp and other produce from distant countries; but our right of intercepting Russian produce in neutral hands was relinquished, and our merchants suffered in consequence of those arrangements; the trade with Russia flourished during the war; Russia was enabled to get rid of her raw produce to any amount, and we paid her £17,000,000 of our gold. In that instance the principle which was now laid down had not been very successful; and, in the opinion of many persons whose judgment on such a subject was of great authority, the war would have been ended sooner than it was, if we had not thus allowed our enemy to receive supplies. What was contraband of war? Its technical meaning was well understood, but in common sense it was, to all intents and purposes, everything that nourished the strength of the enemy, and enabled him to exert his power and to protract the struggle. If the war had continued, many persons were of opinion that the blockade of the Prussian ports would have had to be declared against neutral bottoms; at all events it was a question which was deeply considered, if not by the Government, at least by the people of this country. If the possibility of a war with France was looked to, the state of that country in the recent war with Russia would have to be looked to likewise. To man her military navy, France was obliged to withdraw her sailors from the merchant navy, and to carry on her trade by means of carriers under neutral flags. Suppose a war with France—which he hoped would be long averted—should occur, the same thing would happen again; and then, what would be the position of this country under this new system? In the event of the present law being adhered to, this country in that case would in self-defence have to declare war upon the neutral nations acting as carriers, to prevent the trade of France being carried on by them, and to prevent the fleets of France from being manned by the merchant navy. So far from softening the evils of war, therefore, the relinquishment of the right in question would be an aggravation and an extension of its miseries and its horrors. Their Lordships would also have to consider what would be its effects upon the British navy. He believed that the seamen of England were not more mercenary than those of other countries; but in all previous wars in which England had been compelled to raise large bodies of men for her defence, we had not been unmindful of the necessity of inciting them to exertion by holding out those rewards to which they might be entitled by their bravery; we had not refused them the attraction of prize money, but had held out to them that legal system of gain, to be procured by their own exertions; but in picturing to himself a future war with France, under the principle now laid down, where was the prospect of prize money? and where, when France herself had no commerce, and all the articles she required from abroad were carried under a neutral flag, was the inducement to our sailors so to exert themselves? Again, consider what would be our position in the event of a war with America. His noble Friend the Secretary for Foreign Affairs, and the noble Earl who last addressed the House (the Earl of Harrowby), had made two distinct statements with reference to the position in which we should be placed with America. His noble Friend said—

> "Do you suppose that America, with 5,000,000 tons of shipping, would permit you for a single moment to maintain laws of that description, and which have a tendency to interfere so much with her rights? Do you suppose that a powerful nation like America would suffer you to interfere with her rights?"

But the other noble Earl (the Earl of Harrowby) said that, if America did not agree to the clause which put down privateering, she would not be allowed to participate in those new laws and regulations—she must take them altogether, or not at all. He understood, then, that in the present state of the case, America, as a carrier nation, was not to be entitled to those rights and that protection which the new laws enunciated; for he was perfectly certain she would never put down privateering—it was the chief portion of her system of defence, for she maintained no large standing navy; and so far from having made America friendly to us, the course we were now taking would give direct offence to one of the greatest commercial countries in the world. The very first step of the Government would cause America to demur *in toto* to their proceedings, and to say that she would resist those laws whenever she had the opportunity. There was another part of the subject of which he felt great difficulty in speaking within the degrees of Parliamentary language. Whatever might be the opinion of others—however plausible the excuses Government might bring forward—he could not help feeling himself that the step which had been taken by a Minister of the Crown, in a foreign country, whilst sitting at a Congress assembled for a special purpose, would be regarded by the people of England, if not at the present moment, at some future period, as wholly unjustifiable, although it might, perhaps, be strictly legal and within the power of the Crown to sanction. He granted that the power of the Crown had not been exceeded; but the sudden subversion of a great national law, upon which the country believed its maritime strength to be founded, by the act of a Minister at a foreign Court, at the suggestion of a foreign President of a Congress, was an act of the most painful kind, and derogatory to the dignity of this country. Whatever arguments of theory or expediency might be put forward in reference to ameliorating the evils of war, and other rubbish of that sort, it was impossible that a proceeding so extraordinary could be passed over without serious comment. For a Minister to deal with this great question in the manner the noble Earl had done, without giving the slightest notice to the Parliament or the people of this country, was one of the strongest uses of the Royal prerogative of which he had any recollection as having occurred in his time. A father of a family might do something which was perfectly legal, but which might be exceedingly offensive to his children, whom he would have done better to consult. Further, he did not think the Minister had in this instance dealt fairly by the Crown. His conviction was, that if the Queen of England had perfectly understood the whole scope and bearing of this question, She was not in her nature of a temper to abandon any of the rights upon which the strength of her kingdom was based. And although the constitution enabled the Minister to act in the manner he might choose to advise, yet, in so doing, he incurred a responsibility which must rest entirely upon his own shoulders. Now, he was not quite satisfied that the First Minister was a man whom they could safely trust to advise the Crown on all occasions; or that he always consulted the Queen in reference to cases of great importance. To use language of that description would be a very serious thing if he (the Earl of Hardwicke) did not feel that he was entitled to use it. He had no confidence, for his own part, that the manner in which this great question had been dealt with was strictly according to the constitution and the laws. He was not one of those who were disposed to treat the Crown as a nullity, or to hold that the Queen and her people were both to be passed over on these occasions; and he should like to have the assurance that in this particular instance the Queen had been dealt with by the First Minister in a manner different from that in which She had been sometimes treated. He remembered the occasion when a certian letter was read in the House of Commons which ran in these terms:—

> "The Queen requires, first, that Lord Palmerston will distinctly state what he proposes to do in a given case, in order that the Queen may know as distinctly to what She is giving her Royal assent. Secondly, that having once given her sanction to a measure it may not be arbitrarily altered or modified by the Minister. Such an act She must consider as failing in sincerity towards the Crown, and justly to be visited by the exercise of her constitutional right in the dismissal of her Minister. She expects to be kept informed as to what passes between him and her Ministers at foreign courts.

He would not read more; but when a step of such vital importance as this was taken by a Congress sitting in France, at the desire of a Frenchman, however worthy, honourable, and respectable he might be, as representing that great country, our great and most honourable Ally, yet, as an Englishman, he (the Earl of Hardwicke) felt that there was something of a character so painful and derogatory to the national honour, that he could not help asking himself the question, whether, under such a Ministry as this, the constitution might not have been abused, and in some degree suspended? With regard to his noble Friend opposite (the Earl of Clarendon), he had always entertained the highest admiration for his honesty of purpose, his earnestness, and his exalted talents; hence he had the more difficulty in reconciling himself to the course that he had taken on this occasion. He was the man of all others in the Government who, he should have thought, would have looked upon this question as one of purely English importance, and he owned he was astonished when he found that his noble Friend, the instant a measure of such extent and importance was suggested in the Congress, should have so readily concurred in abandoning a policy so calculated to maintain our maritime power. As to the noble Marquess (the Marquess of Lansdowne), his great and distinguished services, and the manner in which he had always conducted the public business in this House, forbade him (the Earl of Hardwicke) from referring more particularly to him; but of his noble Friend the President of the Council (Earl Granville) he might say that he was one of those amiable, kind, and soft men, who would be induced to do anything that was kind and courteous, especially at the request of the polite nation with which he had been connected from his early youth, and which he, like himself (the Earl of Hardwicke) admired so much. Then with respect to his noble Friend who had last spoken (the Earl of Harrowby), he was sure he would forgive him when he said that he had no confidence whatever in him. The fact was his noble Friend was a man who had professed such a variety of opinions, and shown himself a cross-bencher, and so useful in nicely balancing opinions on both sides, that although he had the highest admiration of his virtues, and the qualities which belonged to him as a man of ability, he could repose no confidence in him as a statesman stern in the protection of the rights of his country. Again, there was the noble and learned Lord seated on the woolsack, one of the most important officers of the Crown; but the only observation he (the Earl of Hardwicke) would make as to him was, that although he had given a helping hand in bringing about this most objectionable measure, yet he himself, with all his power, ability, and high judicial authority, had failed to carry almost every measure he had introduced into that House. And to the other noble Lords who were members of the Government, he would take them in a heap. They were perfectly well qualified to follow their leader, and this time they had followed into an act which, if it were not felt now, would be felt severely hereafter. Should we have the misfortune to be at war with a powerful neighbour they would recall to mind the present debate, and be able to judge for themselves whether the new principle of maritime law which the Government had saddled upon the independence and strength of the country was a fit and proper one to be maintained.

THE EARL OF ALBEMARLE said, he should not have addressed the House on this occasion had he not wished to correct a misrepresentation of an opinion said to have been given by him last year with regard to the rights of enemy's goods in neutral ships. He had for many years held the doctrine that neutral flags should cover neutral cargoes—indeed, he was quite unable to see any difference between enemy's goods stored in a warehouse in a neutral territory, and enemy's goods carried on board a neutral vessel. To seize enemy's goods on a friendly territory was not merely an act of hostility but of robbery; and in like manner he contended it was an act of downright piracy to seize enemy's goods in a neutral vessel. There were two cases in which the right of search was exercised — the case of enemy's goods in their own ships, and in the ships of neutrals. To take from an enemy's ship neutral goods and to restore them to their right owners was a matter of course, and that was the only right of search which ought to be exercised, always excepting the search for contraband of war in case of blockades properly enforced and duly proclaimed. He entirely concurred in the doctrine of Wheaton, that this right was based on the abuse of force. He could not help thinking, that when the noble and gallant Admiral penned these Resolutions, there must have been running in his head the instructions given by a First Lord of the Admiralty in George the Second's time to a captain in the navy:—"Young man, do no right, and suffer no wrong." That was exactly the history of international law. His noble and gallant Friend had quoted a whole host of writers on international law, from Grotius down to Vattel. But the argument founded on these authorities, was refuted by his noble Friend the Foreign Secretary, who had put the whole question in a nutshell. It is not what the law is, but what it ought to be, that the House has to consider. To take the latest authority quoted by the noble Mover of the Resolutions, Vattel. *Vattel's Law of Nations* was first published in 1758—nearly a hundred years ago. But the noble Lord should remember that since Vattell wrote, there has arisen a community of Anglo Saxons on the other shore of the Atlantic, numbering almost as many millions as their elder brethren on this side of the sea, addicted like them to commerce, consequently possessing the same means of making a powerful military navy, and imparting the same morbid jealousy of interference in their affairs. The existence of this people changed the whole question. At the court-martial, held on Admiral Keppel, in 1779, the prosecutor objected to some question as contrary to law. "Sir," replied one of the Members, "we do not care six-pence for the law, we are here to administer justice, and please God that shall be done." Now a law to be entitled to obedience should bestow reciprocal benefits, but this pretended law of nations was a law of the strong against the weak. Hence the House ought to say with the Member who sat in judgment on his kinsman "we do not care six-pence for the law, we are here to administer justice, not merely to individuals, but to the whole civilised world." This law could only benefit the three great maritime Powers, England, France, and America. But he did not think that his noble Friend who had introduced this Motion had made out his case as to the benefit which even these nations derived from the law as it had hitherto stood. In the cases of all three the very contrary had been proved. In 1739, this country had gone to war with Spain because some Spanish *guarda costas* had exercised the right of search on some English merchantmen; the war was proclaimed amidst the rejoicing of the people and the ringing of bells, which caused the Prime Minister of the day, who was the only sane man upon the subject, to say—"You are ringing your bells now, but you will be wringing your hands by-and-bye," and so it turned out. The disasters of Carthagena and others followed, and our merchants suffered so much that they came to the Prime Minister for redress; when he said to them—"The war is your own; you may take it for your pains." The noble Earl the Foreign Secretary had referred to the war with the United States in 1812. That was a war to which neither the people of this country nor the Americans could look back with satisfaction, and it was a war which arose entirely out of the exercise of the right of search. France also had no reason to refer with congratulation to that system. The Berlin Decrees originated in the right of search; and the consequence was that in 1831 the French nation was compelled to bind itself by a convention to make a pecuniary indemnity of one million sterling for that exercise of the right of search. The Chamber of Deputies refused to acknowledge that indemnity, and threw out the Bill confirming it. The consequence was, that America prepared for immediate war; and there was no question in the world but that with her men-of-war and privateers she would have swept the whole commerce of France from the ocean if we had not mediated in the matter, and given to France the wholesome advice to pay the money, which she did accordingly. He thought that the part which France and England had taken in this matter reflected the greatest possible honour upon both countries, and he regarded it as an important step in the progress of civilisation. Savages originally ate their victims,—torturing them before roasting—that was the lowest step in the grade; a step higher was to put them to death without torture; a higher step still was to keep them as slaves; a little further advance was to sell them for a good round sum; then came the exchange of prisoners, treating them as in the war just ended, well while in prison; and last and highest of all will be the recognition of the principle that neutral flags constitute neutral cargoes. Upon these grounds he should vote against the Resolution of his noble and gallant Friend.

THE DUKE OF ARGYLL said, that the fact of Her Majesty's Opposition having chosen to bring forward this Motion in the House of Lords afforded a pretty fair indication of the feeling which they entertained of the opinions and wishes of the great commercial classes of the country upon this subject. The Opposition knew that a Motion censuring the Government for their conduct in this matter had no chance of success in the other House of Parliament. But the other House contained more especially the representatives of the commercial interests of the country; and were noble Lords opposite prepared to resort to the argument that the commercial classes were alive to nothing but their own peculiar interests, and that they were dead to the national feeling of honour and to the importance of upholding our naval supremacy? Such an idea was utterly preposterous, and such an accusation against the commercial classes would be grossly unjust. The more he looked into the subject the more convinced did he become that practically we had lost nothing and had gained much by abandoning the ancient principle of maritime law which had no doubt been maintained by the most eminent jurists and statesmen for a very long period. He would look at the Resolutions proposed by the noble Lord opposite. The first paragraph in the Resolutions ran thus—

> "That the most eminent jurists of all ages have accepted as a principle of international law that the right of capturing an enemy's goods on board of neutral vessels is inherent in all belligerent powers; that the maintenance of this right is of essential importance, and its abandonment of serious injury to a power whose main reliance is on her naval superiority."

There was some ambiguity in the word "accepted." He admitted that jurists had laid down that this was the law of nations; but if by that the noble Lord meant to assert that the most eminent jurists of all countries had laid down that that ought to be the law of nations, and that the practice of nations in that respect corresponded with the principles of natural law and justice, he (the Duke of Argyll) altogether denied the accuracy of that assertion. The next proposition—that the maintenance of the right was of essential importance—would seem to imply that it was the most stringent and telling form of employing naval force against an enemy. That proposition he ventured to deny. We might quarrel either with a maritime country or with a country not maritime. If we quarrelled with a country not maritime, its commerce, partaking of its geographical character, would probably not be maritime, and that portion which was maritime would be most easily stopped by means of blockade. If we quarrelled with a country which was maritime, but not so powerful at sea as ourselves, it would be most to our interest to interfere with the carrying trade in their own ships, because on that their naval power depended. It must be remembered our naval superiority could be exercised still upon that portion of the enemy's trade, which was carried on in his own ships, and in attacking that portion we should be pinching him in a manner most likely to bring about a conclusion of hostilities. But the Resolutions proceed to affirm that this right is not only very valuable, but valuable in direct proportion to naval superiority. That was another point which he totally denied. No one would contend that the power of blockade was not infinitely more effective than stopping the trade carried on by neutrals. The power of impeding commerce without blockade might be exercised by a very inferior naval Power, supposing, of course, that the mode adopted were according to the admitted law of nations; but exactly in proportion as a country possessed a predominance of naval power would recourse be had to the more effective stoppage of commerce by blockade. The proposition, therefore, of the noble Lord was not only incorrect, but the very reverse of the truth. He would take all the countries of Europe with which we could possibly come into conflict. Beginning in the north, there was that great empire with which we had just concluded peace. Was it not perfectly certain that the manner in which we could best operate against Russia was by the system of blockade to which we had resorted in the late war? He was surprised to hear the observation that the war might have been more effectively waged if we had not waived the principle now in dispute, because the noble Lord must have known that, as early as was consistent with our military operations, an effective blockade of every one of the Russian ports was established, that the neutral trade with Russia, which had been so much complained of, was maintained by Prussia overland, and that in no respect even by the ancient principle of our law, should we have been able to interfere. He would take the various Scandinavian powers. He trusted the time would never arrive when we should be in conflict with them, because of all people they were the most nearly related to ourselves in origin and character; but, in the supposed case of such a war arising, and he was supposing every possible case, surely no one would deny that from their geographical position the most effective, the most natural, and the speediest method of operating against Norway, Sweden, or Denmark was by the same system of blockade, and that the portion of their trade carried on by neutrals would comparatively be of the slightest possible consequence. Coming further south, he came to the country with which we were in intimate alliance. He trusted the two countries would never again enter into contests with one another. He felt we ought to speak with the highest respect of the naval power developed by France during the late war. He believed France was a most formidable naval power, and that, should a contest arise between France and this country, it would be a contest of a most serious kind. But, assuming that this country established the naval superiority which in former times she had established, the commercial marine of France—the foundation of her naval power—would be interfered with very considerably, and if England established her naval superiority in a more triumphant manner, she would naturally further resort to a system of blockade. As to the United States becoming carriers for France, in the supposed case of a war with our great Ally, it seemed to him quite impossible such a system could prevail to any great extent. With regard to Spain and Portugal, we had treaties establishing the principle of which the noble Lord complained, and those treaties were made at a time when Spain and Portugal were more formidable naval Powers than they had since become. He had endeavoured to prove that in the case of all these countries we should give up a principle of very little value, as compared with those other means of warfare to which we should naturally resort. But supposing the right of search to be of much greater value than he believed it to be, he maintained it was precisely that kind of power which was most easily evaded by the various resources of an enemy. A neutral Power was almost always interested in the freight which it carried; by transactions of a commercial kind a neutral carrying Power might very easily acquire a further interest. Then came the question, what degree of ownership in the cargo by the neutral or the belligerent respectively would justify our insisting or not insisting on confiscation? It was, therefore, evident that the doctrine would involve us in disputes most dangerous and difficult to determine. The noble Lord then said, "Great Britain consequently, although occasionally waiving the exercise of the right by specific treaties, had invariably refused to abandon the principle." In one sense that proposition was true, but in the only sense in which it was useful to the noble Lord it was not true. It was not true that only occasionally, and in isolated instances, we had consented to waive and abandon the principle; it was more nearly true to say that, up to the close of the last century, it was rather the rule than the exception that we should consent to the waiving and practical abandonment of this right, because we had abandoned it with respect to Portugal for 156 years, with respect to France for 116 years, with respect to Spain for 311 years, and with respect to the United Provinces, formerly a most important naval and carrying Power, for 113 years. Treaties to this effect had been in force during some of the most important wars in which England had been engaged, and had been concluded with some of the most powerful maritime nations which then existed in the world. He contended that in the face of those facts, the statement to which the noble Lord asked the House to pledge itself was not correct, but gave an untrue view of the case. In his last Resolution the noble Lord asserted that the principle so long and so strenuously maintained by England had been "suddenly" abandoned in the recent conferences at Paris. He did not know what the noble Lord meant by the word "suddenly." It was true that the Government did not ask the previous consent of Parliament to the abandonment of the principle. That was no part of their duty. They acted upon their constitutional right when they entered into the consideration of the subject with the other Powers represented at Paris; but the whole course and tendency of public opinion had been such as to render it apparent that a change was impending, and the ablest speech made in defence of the particular measures adopted during the late war was that delivered by Sir W. Molesworth, who might be taken to represent the views of at least some of his colleagues in the Government, and whose arguments all pointed not to a temporary, but to a permanent abandonment of the principle in question. It could not, therefore, be said with truth that the proceedings of the Plenipotentiaries at Paris had taken the public by surprise; and he thought their Lordships would be of the same opinion with the mercantile classes of the country, that his noble Friend the Secretary for Foreign Affairs took a good opportunity for laying the foundation for future peace amongst the various States of Europe. The advantages would not be all against England. He could conceive cases in which it would be of the utmost importance to us that our mercantile marine should be at liberty to engage in the carrying trade between belligerents without the risk of seizure; and there could be no doubt that a commercial nation like England must derive immense advantages from the abolition of privateering. A great deal had been made of the fact that the President of America had stated that his Government was unwilling to give up the right of privateering. The reply he had to make was, that if the United States should refuse to abandon that right, the present Administration had not bound any future Government to recognise in America the same right with respect to neutrals, which the declaration signed at Paris compelled us to acknowledge in those Powers which had reciprocated the advantage by the abolition of privateering. But the promulgation of the principles adopted by the Plenipotentiaries could not fail to have a powerful effect upon public opinion all over the world, and he lived in the hope that the American Government would join in establishing a system of maritime international law which was well calculated to promote the peace, happiness, and prosperity of mankind.

THE EARL OF DERBY: My Lords, the noble Duke, who generally addresses the House with a considerable degree of confidence in his own opinions, has spoken to-night with more than his usual share of that great Parliamentary virtue, but I think with rather less than his usual success, in attempting to grapple with the arguments advanced by my noble Friends by whom the Motion has been supported. In one respect my task is an easy one, but in another it is difficult. It is easy, because but little ground is left for me to go over which has not been already most ably occupied by my noble Friends, and more especially, if I may venture to make a somewhat invidious reference, by the noble Earl who spoke third in the debate (the Earl of Carnarvon), with a degree of power and ability which must have gratified all your Lordships, whatever your political opinions may be, and who from this night will stand in the foremost rank of speakers in this House. But in another respect my task is not so easy; or, if I may be allowed the expression, it is difficult because it is so easy—

"My wound is great, because it is so small."—

I have no arguments to refute; but I cannot give a vote upon one of the most important questions which has engaged our attention for a long time—a question the consequences and effects of which will be such as you little contemplate at the present moment without recording my protest against a course of proceeding, which I believe to be not only humiliating and derogatory, but absolutely dangerous to the prime interests of England. My objection to the course which the Government have been induced to pursue is twofold. I object, in the first place, to the substance of what they have done, and I object, in the next, to the mode and manner in which they have done it. I will commence with the latter, upon which the noble Duke has not expressed any opinion, but to which the noble Earl, the Secretary for Foreign Affairs, adverted at considerable length. The noble Earl took great pains to assure us that it was clearly within the prerogative of the Crown to negotiate or conclude any treaty without the previous sanction and approval of Parliament. I know not why the noble Earl took that trouble, because, as far as my knowledge extends, no one has asserted or maintained the contrary argument. We have omitted that prerogative of the Crown, and also that such a degree of confidence should be reposed in the Ministers of the Crown as might enable them to negotiate a treaty without the previous sanction, control, or interference of Parliament. I think, moreover, we have given a practical proof of our sense of the value of that maxim by resisting, during the course of the present Session, all the temptations which the temper of the people threw in our way to embarrass the Government in their negotiations for peace. We have given to them the confidence due to their position; we have imposed a studious silence upon ourselves; we have not by word or action hindered their proceedings in the smallest degree. But now I want to know, in the first place, what is this instrument to which they have affixed their signatures? The noble Earl admits that it is not a treaty; it has not, he says, the same solemnity as a treaty; it does not require ratification by the Sovereigns; but it has the same effect as a treaty; nay, it has much more than the effect of a treaty, because it is not a treaty agreeing with certain Powers to act upon certain principles, the action of which is limited by the terms of the treaty, but it is, or affects to be, an authoritative exposition of that which is the law, not of that which shall be the law. Admitting, therefore, that the Government have the perfect uncontrolled right, subject to their responsibility to Parliament, of framing the terms of any treaty by which the country may subsequently be bound, I draw a distinction between a treaty settling what shall be the course of action agreed upon between two countries, and an act or declaration which places the Government in the position of judges and exponents of the international law of Europe. I speak with great hesitation upon this subject, because I am told upon high legal authority that even such an act as this is within the prerogative of the Crown. Admitting, however, that it is an act within the prerogative of the Crown—although I should myself have doubted the soundness of such a doctrine—I must say that it is a gross and flagrant abuse of the prerogative. I say that the Plenipotentiaries went to Paris for a particular purpose, and the Parliament and the country reposed in them a generous confidence, which they have grossly abused. The Plenipotentiaries went to Paris to stipulate for certain terms upon which the peace of the world might be restored, and the interests of the East placed upon a satisfactory foundation. They concluded a treaty on that subject, and it remained for the country, after that treaty had been ratified, to express an opinion upon its terms and conditions. There, however, the duty of the Plenipotentiaries, or, at all events, the confidence reposed in them by Parliament and the country, was at an end, and what they did beyond that was, I will not say a betrayal of the confidence reposed in them, but an underhand proceeding of which the country had no notice and no knowledge. The declaration, as it was called, had taken the country completely by surprise. The noble Duke (the Duke of Argyll) tells us that though the Government, in the course of the war, came to no very definite conclusion on this subject, we might have gained some indication of the course they were likely to pursue, inasmuch as we knew from authentic records what were the views and opinions of the late Sir William Molesworth. I wish to speak with the utmost respect of a man of very great ability, especially as he is now no more; but I confess that I heard with astonishment from the noble Duke, who at one time professed himself to be a follower of the late Sir R. Peel, or at all events a Conservative Liberal, that the acts of a Government of which he was a member—and of course a most conspicuous member—were to be inferred from the language and opinions of Sir W. Molesworth. I confess I listened with astonishment to the statement that because Sir W. Molesworth held and expressed certain opinions upon political subjects the country were to infer that he declared the principles upon which the Government would subsequently act. I thank the noble Duke for the light he has thrown upon the interior of the Cabinet, and upon the degree of union which exists among its members. The noble Duke says it is quite true that the Government made no declaration of their intention to abandon the right we are now considering. No; they made a declaration to the contrary effect; for, in the Order in Council of 1854, they spoke of that right as one which indisputably belonged to this country, but which considerations of State policy, and the peculiar circumstances of the war in which we were engaged, induced them to waive, although they denied their intention to abandon it. I admit there were grave and weighty reasons for waiving this right of war under such circumstances. We were engaged in war along with an ally by whom a different interpretation was placed upon the law of nations to that which we gave it ourselves. Nothing could have been more embarrassing or unjust to neutrals than that they should be subject to the double interpretation placed upon the code of international law by this country and by France, the one declaring them good prizes in one case, and the other declaring them good prizes in opposite circumstances. This was clearly stated at the commencement of the war, and I made no objection to the course pursued by the Government, thinking that it was justified by the circumstances. The noble Earl the Secretary of State for Foreign Affairs said that, although the settlement of this question of international law was no portion of the business which the Plenipotentiaries assembled at Paris to discuss, yet great disappointment would have been felt if the Plenipotentiaries had not taken the opportunity of considering and settling many questions of importance relating to the general affairs of Europe. For aught I know the Plenipotentiaries may have discussed several questions of the utmost importance; but of this I am quite sure—that they have settled none. Of those questions which they have discussed every one is left as open at this moment as it was at the period at which they commenced their discussion —ay, even including that article to which I am astonished to find that a British Minister placed his signature, and which implies the necessity of interfering for the regulation of the press of Belgium. That question was left unsettled, and after faint and feeble remonstrances, the Plenipotentiary of England, to my great astonishment, placed his hand to a protocol which recognised the necesssity of interfering to check the licentiousness of the Belgian press.—[The Earl of CLARENDON interposed a remark.]—This is the protocol to which the noble Earl has attached his signature:—

> "That all the Plenipotentiaries, and even those who considered themselves bound to reserve the principle of the liberty of the press, have not hesitated loudly to condemn the excesses in which the Belgian newspapers indulge with impunity, by recognising the necessity of remedying the real inconveniences which result from the uncontrolled licence which is so so greatly abused in Belgium."

I had not intended to touch upon this subject, but I was astonished to find that to such an article the British Plenipotentiary has placed his name. The noble Secretary for Foreign Affairs vindicates his dealings with the question of international law, inasmuch as it was one of those great questions which affected generally the nations of Europe, and he gave as his precedents for that interference the proceedings at the Congresses of Westphalia and Vienna. He said, with great truth, that at the Congress of Vienna the slave trade formed no part of the business of the Congress, but that no one blamed the Congress for the discussion which took place and the declaration which was made. That declaration repudiated the slave trade on the part of every State which was a party to it, but it left to every country the right of carrying into effect the principle of the declaration in its own manner and according to its own laws. Is that, however, a precedent for this case? The Plenipotentiaries at Vienna well knew that in putting their names to the declaration against the slave trade, they were acting in accordance with the highest and strongest feelings of their countrymen, and that no principle was more warmly cherished by the people of this country than the condemnation of the slave trade. Has the noble Earl (the Earl of Clarendon) the same confidence with regard to the protocol to which I have referred? I ask him does he think that, if his intention to assent to such a declaration had been announced beforehand to the people of England, he would have dared to refer the question to their decision. I firmly believe that the spirit and feeling of my countrymen have not so sunk, and that they have not abandoned themselves so entirely to mere considerations of gain and of pelf as to sacrifice those rights and interests of this country which they hold in as high esteem as did their ancestors. The noble Duke opposite has expressed an opinion that the commercial community of this country are so wrapt up in the idea of the acquisition of wealth that they are indifferent on the subject, and that for this reason the question has not been brought forward in the other House. I make no such charge; I hold no such opinion; I do not believe the fact; but I do believe that if, at the commencement of these negotiations, it had been announced that you were about to conclude the war on conditions, one of which was the abandonment of the naval superiority of this country, an universal feeling of indignation would have been excited. I am of opinion that the course which has been pursued amounts to an abandonment of the naval superiority of this country, and before I sit down I shall endeavour to show that that opinion is well founded. I believe the country coincides in that opinion; and I believe, also, that if the country had known the terms you were about to conclude, and the declaration you were about to sign, an indignant protest would have been made against the betrayal of the national interests. I am not enough of a lawyer to take upon me to assert positively that this declaration of the Plenipotentiaries is actually illegal, but certainly it does appear to me to be anything rather than constitutional. And, indeed, I have observed, not without satisfaction that there appears to be some doubt, even among the members of Her Majesty's Government, if not of the validity at least of the perpetuity of this engagement. My noble Friend the Lord Privy Seal has told us that although by this act we have waived our right, yet that we by no means abandon the principle, that it is a portion of the law of nations that belligerents shall have the right of seizing as lawful prize of war the goods of an enemy under a neutral flag. I heard this statement with gratification because it seemed to me to afford some ground of hope that circumstances may hereafter arise under the influence of which it may be found convenient to abandon this very declaration the moment that we have experience of the stern exigencies of war. Allow me to call your attention to the terms in which this declaration is couched. If it had been nothing more than a stipulation for not carrying into effect certain articles of international law, I—though probably I might be disposed to call in question the expediency of such a proceeding—should certainly not have discussed it politically. But it is worthy of remark that this declaration is general, not particular, and that in its terms it is absolute and unconditional. It proceeds to say that privateering is and remains abolished, that the neutral flag covers enemy's goods except contraband of war, and that neutral goods, except contraband of war, are not liable to capture even under an enemy's flag. This is a declaration unqualified and unequivocal, not of what the law was, or shall be, or ought to be, under peculiar circumstance, but of what it is. "Privateering is, and remains, abolished. The neutral flag covers enemy's goods." Can anything be more dogmatic or more dictatorial? Nevertheless, there is a strange inconsistency in the manifesto, for the

Plenipotentiaries then go on to say that that which they have solemnly propounded to be a part of the international law shall not be so in fact and effect, except with regard to those nations which accept the whole of it. Here is a latitude and a laxity which, bearing in mind the positive and authoritative tone observable throughout the earlier portions of the document, we had little reasons to expect. The noble Earl the Secretary for Foreign Affairs talks contemptuously of the laws of "barbarous ages," and cannot suppress his scorn for usages sanctioned by the authority of such jurists as Grotius—men who, he assured us, justified the slaughter of prisoners and the killing of women and children.

THE DUKE OF ARGYLL: I never said anything of the kind.

THE EARL OF DERBY: I entreat the noble Duke to believe that I am not always talking of him. When I speak of another person, it does not follow that it is he who is present to my thoughts. I stated most distinctly that it was to the noble Earl the Foreign Secretary that I was alluding. True, the noble Duke adopted a similar line of argument, but it was to the noble Earl the Foreign Secretary that I was referring. I was observing that that noble Earl had attributed to Grotius the atrocity of vindicating the practice of slaughtering prisoners, and killing women and children in cold blood.

THE EARL OF CLARENDON: I beg the noble Earl's pardon. He has entirely misinterpreted me. What I said was, that many jurists who defend those early laws and usages with respect to maritime rights, have also defended the particular usages to which he has just alluded, and that, with respect to Grotius, he had recognised the right laid down in the *Consolato del Mare*, without assigning his reasons for doing so. That is what I said, and I know I did not say what the noble Earl attributes to me.

THE EARL OF DERBY: I will not dispute the point with the noble Earl, but I will take leave to assure him that, of all the learned authorities he has quoted, there is not one who does not recognise as a portion of the national law of Europe the principle we contend for, that it is a portion of the national law that enemy's goods on board of neutral ships are liable to capture, and that to capture them is an inherent right of the belligerent Powers. It is one of those maxims, the positive and unquestionable nature of which is signified by the use of the words *nemo dubitat*—no one doubts it. An opposite doctrine was never put forward until 1753, when Prussia for the first time claimed that the neutral flag should be held to cover the goods of the enemy. The noble Earl has argued that we are not justified in adopting any measure of extreme rigour for the purpose of hastening a peace. But the question is, whether this is an extreme measure, and whether, inasmuch as it accelerated the renewal of peace, it is not really the most humane step, as it is certainly the most effectual, we can take? But, when the noble Earl put the question on the score of humanity, I am tempted to ask, whether the noble Earl is not laughing at the credulity of his hearers? Was it the regard which Catherine of Russia felt for the principle of humanity, that induced her to raise the question? Was it humanity which induced the other continental States to follow her example? If it was humanity at all, it was humanity for themselves. Let us have no more of this talk about humanity. Let us look at the question as it really is, as a question of policy—a question, of which of our undoubted rights it is for our interest to maintain, and which we may safely abandon? The point in dispute was first raised in 1753, by Prussia, and her pretensions were opposed by England with a strenuous power of argument, and with the intimation of her intention to resist it by force. Lord Mansfield denounced it with characteristic earnestness, and Vattel, who wrote a few years later—in 1758—availed himself of the occasion to lay it down as a principle, that if we find enemy's goods in the ship of a neutral we are justified in seizing them by right of war, taking care, however, to pay the master of the vessel his freight, for he is not to suffer by our seizure. The claim of immunity for the neutral flag was again put forward in 1780 and 1801, but on each occasion it was strenuously and successfully resisted by England. Her Majesty's Government, however, say that things are now changed, and that we must conform to the altered aspect of affairs. But Pitt, Lord Grenville and Mr. Canning, were not statesmen so far removed from the present day, and they all supported the principle which was now abandoned; and if we only had Ministers of their mould we should not hear of "change of circumstances." It is now said, that if we determine to support this doctrine we should be alone. We have been alone, and yet maintained and upheld the doctrine against a confederacy of opponents, as the Ægis of our power. Yet this principle of belligerent right has been abandoned by the Government—I know not on what grounds, but this I know, that it has been abandoned without the sanction or consent of the people of this country. A noble Lord has objected to the wording of the Motion, because it would condemn the conduct of foreign Plenipotentiaries as well as that of our own. Now, we do not presume to condemn the conduct of foreign Plenipotentiaries, who may have acted wisely in their generation, and rightly for the interests of their country. But what we deal with is the conduct of the English Plenipotentiaries in respect to English interests. Let the noble Earl say what he pleases about the importance of England taking the first and primary position in this work of humanity, I beg to remind him that England did not take the first step, but followed in the wake of France. It was the proposal of the French Plenipotentiary, and I should have liked to see what arguments were used by the noble Earl, and what conditions were made for the surrender of this right. In this matter, I repeat, we followed in the wake of France, to which country the adoption of the new principle is eminently favourable. But the noble Duke said that this was not a sudden proceeding. All I know is, that it took the people of England by surprise, and the Plenipotentiaries equally so. It was not hinted at during the course of the Conferences up to the 8th of April, and then, for the first time, Count Walewski brought forward this new declaration of international law. The surprise of the Plenipotentiaries of the other Powers was no less than that of the people of England. Prussia, consistently and wisely as a carrying Power, jumped at a proposal she had been urging for the last 100 years. Russia and Austria were more cautious; their Plenipotentiaries stated that the matter was beyond their instructions, and desired time to consult their Courts. They did so by telegraph, and received for answer — "Good Heavens! is England so weak to consent to this! We have been trying for the last eighty years to find a British Minister who would surrender this point, and here we have found one at last!" I said I would tell you what former statesmen stated on this surrender of right, and perhaps your Lordships will not be indisposed to listen to the opinions of Mr. Pitt in 1801:—

> "Let it be granted that it was an act of sound policy to make that cession to Russia, that it was so at a time when our naval inferiority was too unfortunately conspicuous—when we were at war with France, with Spain, and with Holland, and when the addition of Russian hostility might have been a serious evil—does it follow that at the present moment, when the fleets of all the Northern Powers, combined with those of France, of Spain, and of Holland, would be unequal to a contest with the great and superior naval power of England—does it follow that we are to sacrifice the maritime greatness of Britain at the shrine of Russia? Shall we allow entire freedom to the trade of France? Shall we suffer that country to send out her £12,000,000 of exports and receive her imports in return, to enlarge private capital, and to increase the public stock? Shall we allow her to receive naval stores undisturbed, and to rebuild and refit that navy which the valour of our seamen has destroyed? Shall we voluntarily give up our maritime consequence and expose ourselves to scorn, to derision, and to contempt? No man can deplore more than I do the loss of human blood, the calamities, and the distresses of war; but will you silently stand by and, acknowledging these monstrous and unheard-of principles of neutrality, insure your enemy against the effects of your hostility? Four nations have leagued to produce a new code of maritime laws, in defiance of the established law of nations, and in defiance of the most solemn treaties and engagements, which they endeavour arbitrarily to force upon Europe; what is this but the same Jacobin principle which proclaimed the rights of man, which produced the French Revolution, which generated the wildest anarchy, and spread horror and devastation over that unfortunate country? Whatever shape it assumes it is a violation of public faith, it is a violation of the rights of England, and imperiously calls upon Englishmen to resist it even to the last shilling and the last drop of blood, rather than tamely submit to degrading concession, or meanly yield the rights of the country to shameful usurpation."—[*Hansard, Parl. History*, xxxv. 1127.]

Such was the language of Mr. Pitt. My Lords, there was no man in those days to tell us that "we stand alone." In those days England was not afraid to stand alone; and let England be still England, as she would be but for England's Ministers, she would not be afraid to stand alone again. Lord Hawkesbury said—

> "His Majesty will never submit to pretensions irreconcilable with the true principles of public law, and which strike at the foundations of the greatness and maritime power of his dominions. It is sufficiently known with what hostile intentions an attempt was made in 1780 to introduce a new code of public law against Great Britain, and to support by force a system of innovation prejudicial to the dearest rights of the British Empire. But His Majesty has hitherto had the satisfaction to see that these arbitrary and injurious measures have been completely given up. His Majesty has already repeatedly communicated his fixed unalterable determination to maintain

> those established principles of maritime law, which have been found by the experience of all ages to afford equal security to the just rights and interests as well of neutral as of belligerent Powers."

There was then no difference of opinion on the point that this was a surrender of the maritime power and greatness of this country, and, notwithstanding that all the world in arms might be leagued against them, the British Ministers of those days would not propose, and, if they had, the British people would not have consented to the surrender. Now let us come to later times. We are told that times are changed—that we are not the powerful nation we were before, that other Powers have grown up, and that we ought to beware how we provoke the hostility of other nations. But how did Mr. Canning deal with Brazil, in 1827, shortly before his death? He not only refused to surrender this principle, but absolutely refused to ratify a treaty concluded with Brazil by Sir Charles Stewart, on the ground that it contained an article which inferred the abandonment of the right in question. He said—

> "The rule of maritime law which Great Britain has always held on this subject is the ancient law and usage of nations; but it differs from that put forth by France and the Northern Powers of Europe; and that which the United States were constantly endeavouring to establish. England had braved confederacies and sustained wars rather than give up this principle; and whenever, in despair of getting the British Government to surrender it by force, recourse had been had to proposals of amicable negotiations for the purpose of defining, limiting, or qualifying the exercise of the right of search, Great Britain had uniformly declined all such overtures, from a conviction of the impracticability of qualifying, limiting, or even defining in terms that would be acceptable to the other party the exercise of a right, without impairing, if not sacrificing, the right itself."

He then goes on to say that this had been refused to all possible motives of interest or apprehension, and that, as the treaty gratuitously gave it up, it was impossible for him to ratify the treaty. Have I brought down my authorities to a late period? Are these the doctrines of barbarous ages? Are these the exploded principles of a time long gone by? Noble Lords opposite say we have given up the corn laws, we have abandoned the navigation laws; all these changes have answered so wonderfully well, let us go a step further—let us give up that which all statesmen in all ages have held to be the mainstay of our maritime superiority; and then let us say what the result will be? That is the whole of their argument. If Pitt was a barbarian, if Canning was a barbarian, if neither of them knew anything about the principles of international law, or about the rights and interests of their own country; if they knew not how, or when, or where to maintain or to abandon those rights and interests, then I am content to class myself humbly in the same line of barbarians with Canning, Pitt, Lord Hawkesbury, and Lord Shelborne. I am willing to be numbered myself among these modern ancients, and to leave all civilisation and all wisdom to the noble Duke and the noble Earl opposite, and to the rest of the noble Lords who constitute Her Majesty's Government; but I must beg at the same time to enter my protest against the conclusion at which they have arrived. We have been told that we are to consider, not what the law is but what it ought to be. All the old jurists, it is said, have been content to lay down the law without attempting to defend it. That is a complete misstatement. So far from this being the case, the jurists have all dealt with the principles on which the law is founded; they have all dealt with it on its foundation, they have all shown that the legality of capturing enemy's goods in neutral vessels is based on the rights of civil society, and on the inherent privileges of belligerents. They have entered, one and all, into the *rationale* of the case, and they have substantiated not only that it was the law, but why it was and why it ought to continue to be the law. Among the arguments *ad timorem* which have been addressed to us from the other side, we have been told to remember 1812, and the circumstances of the war in which we were engaged in that year with America. But what was the point upon which you quarrelled with America in 1812? It was not because you prevented neutral vessels from conveying enemy's goods, but it was upon the question which you studiously keep alive in these protocols—the right of search. The grievance complained of by the Americans was that their vessels might be overhauled on the open sea, and especially that they were liable to have their seamen taken out of them on the ground that they were deserters from our service, and that they were liable to be sent to a neutral port; they denied altogether the right of search as applied by belligerents. You maintain, however, the right of search in these protocols in its full integrity, even as regards those nations which have joined in this Declaration; you maintain the principle that neutrals may be searched for contraband of war, and you thereby admit the principle of the violation of the neutral flag, and you continue the damage and inconvenience which result to merchantmen from being overhauled on the open sea. But you point it more especially against America, because you say that the limited advantages which are given to neutrals under this new law shall only be shared by those who adhere to this Declaration—it is not to affect those who do not accept it as a whole. The noble Duke opposite expressed a hope that the Americans would adhere to this Declaration, and more particularly that they would give up the principle of privateering; but the President of the United States, who is almost as good an authority on American affairs as the noble Duke, told you only a year ago, that this was a right which the Americans would never give up, nor ever consent to discuss. Therefore by the surrender you have made you do not escape the hostility of neutral nations upon the ground of the right of search, and you make the hostility of America more pointed by maintaining against her particularly the right of search in its full integrity—while the maritime code is relaxed with respect to every other country a marked exception is made with regard to the United States. That is always the result of paltry concessions wrung from you by apprehension. You lose your self-respect and your position in the world, you weaken the influence which you have always maintained, and you do not gain the adhesion and affection of those whom you seek to conciliate. A noble Earl has contended, that there is no difference between land and sea, that what is free by land ought to be free by sea, and that there should be no violation of private property at all. But if the noble Earl's theory be admitted, it would put an end to naval warfare altogether. It was argued that because enemy's goods, even on board a neutral, are merely the property of an individual, not the property of a State, they should not be seized; but why do you not extend your principle, and say that merchant ships, being private property, unarmed and engaged merely in the prosecution of commerce, ought to be allowed to pass through the belligerent cruisers? I defy you to draw the line. If you grant one principle you must grant the other. And yet, among all the treaties to which noble Lords opposite have referred, and which I entirely pass by as being beside the question—for it is one thing to waive a right and another thing to give it up altogether—there is but one—a treaty negotiated by Franklin between the United States and Prussia—which contains the principle that merchant ships should be allowed to pass through the cruisers of the belligerents. I am afraid, however, that it is and always will be one of the consequences of a state of warfare to inflict injury upon unoffending individuals; and if you limit these injuries to cases in which neutrals are virtually assisting belligerents by bringing them what is necessary for carrying on the operations of war—nay, even by increasing the wealth and commercial strength of the country—we shall be doing nothing but what is consistent with natural law, and shall be taking the best steps to put an end to war; but if the noble Earl's doctrine be received—if you permit neutrals to carry on an uninterrupted trade—you will not only enable the enemy to prolong the struggle, but you will make it the direct interest of the neutral to protract the contest. But before I leave the United States and the fear which has been expressed that, in the event of our persisting in the maintenance of our ancient claim, the United States would refuse to recognise it, let me read what Chancellor Kent and Professor Wheaton, who was lately American Minister at Berlin, say upon the subject. Let me premise it by saying, that all the Powers who entered into this solemn league of neutrality, to which they refer, very soon abandoned their principles; within eighteen years every one of them had signed treaties in which the principles of neutrality were completely given up. Chancellor Kent says:—

> "The Baltic conventional law of neutrality was soon abandoned, as not being sanctioned by the existing law of nations, in every case in which the doctrines of that code did not rest on positive contracts. During the whole course of the wars growing out of the French Revolution the Government of the United States admitted the English rule to be valid as the true and settled doctrine of international law, and that enemy's property was liable to seizure on board neutral ships, and to be confiscated as prize of war. . . The two distinct propositions that enemy's goods found on board a neutral vessel may lawfully be seized as prize of war, and that the goods of a neutral found on board an enemy's vessel were to be restored, have been explicitly incorporated into the jurisprudence of the United States, and declared by the Supreme Court to be founded on

> the law of nations. . . I should apprehend the belligerent's right to be no longer an open question; and that the authority and usage on which that right rests in Europe, and the long, explicit, and authoritative admission of it by this country, have concluded us from making it a subject of controversy; and that we are bound in truth and justice to submit to its regular exercise in every case and with every belligerent Power who does not freely renounce it."

That is the declaration of one of the most eminent lawyers of America as to the bounden duty of that country with regard to the international law which we have always maintained, and which he declares to be incorporated into the law of the United States. Again, what does that high authority, Wheaton, say upon the same subject? He says—

> "Whatever may be the true original abstract principle of natural law on this subject, it is undeniable that the constant usage and practice of belligerent nations, from the earliest times, have subjected enemy's goods in neutral vessels to condemnation as prize of war. This constant and universal usage has only been interrupted by treaty stipulations, forming a temporary conventional law between the parties to such stipulations. By the general usage of nations, independently of treaty stipulations, the goods of an enemy, found on board the ships of a friend, are liable to capture and condemnation. The primitive law, independently of international compact, rests on the simple principle that war gives the right to capture the goods of an enemy, but gives no right to capture the goods of a friend. The right to capture an enemy's property has no limit but of the place where the goods are found, which, if neutral, will protect them from capture. We have already seen that a neutral vessel on the high seas is not such a place. The stipulation that neutral bottoms shall make neutral goods is a concession made by the belligerent to the neutral, and gives to the neutral flag a capacity not given to it by the primitive law of nations."

Now, there is the doctrine laid down in support of the opinion of every British statesman, recognising the law and the duty of neutral nations to submit to the right which we claim to exercise. I look upon this question as the most important which your Lordships can be called upon to discuss; and depend upon it that the time will come, if you do not estimate its importance now, you will deeply feel its consequences. My Lords, I look upon this act of the Government as cutting off the right arm, as it were, of the country. I look upon it as depriving her of those natural advantages which her great maritime power has given her in war, and of the exercise of that superiority and those belligerent rights without which she is nothing. If she remains not the mistress of the seas she falls immediately and naturally into the position of a third-rate Power. Clearly it is the interest of France to maintain the opposite doctrine. France and England are the two greatest Powers of Europe, and God forbid that they should be separated. United, they may secure or they may imperil the peace of the world; but separated, they each have their peculiar means of offence and defence. The means of France is her army; and the main resort of England must always be to her navy, whether it be to defend her own coasts from aggression, to which, thank God, she has hitherto been a stranger, or to enforce her rights upon foreign nations. By the navy you must do it, and the more you circumscribe the power of that navy the more you weaken the strength and influence of the country. I confess that I was astonished at the argument of the noble Duke—if, indeed, I could be astonished at any argument that he employs—that the stronger a Power was at sea the less important was it for her to maintain her maritime rights. The noble Duke took the Resolutions *seriatim*, and commented on them with various observations, more or less important—I think most of them less. I will not follow him through his observations; but I must meet his statement that the abandonment of the right which we have hitherto possessed was not an abandonment of any right or power the loss of which would be serious to this country. In order to test the value of that opinion, let us take the recent case of the war with Russia. Now, I want to know where you would have been in the war with Russia if you had abandoned the principle of capturing enemy's goods in neutral vessels, and had been unassisted by the French military force? The only power which you could bring against Russia was a naval power; and if that had been unsupported by military assistance, what impression, I want to know, would you have made up to this moment upon Russia? You might have greatly distressed Russia by the maintenance of your maritime rights; you might, no doubt, have greatly inconvenienced and annoyed her by a blockade of her ports; but she sends her goods to Memel—you cannot blockade Memel, which is a Prussian port, and the commerce of Russia is not interrupted by any naval operations of yours. You prevailed against Russia, because, in addition to your naval power, you had the assistance of the greatest military Power on the earth. If you had not had that assistance, would you have signed a peace with Russia for the next ten years, unless it involved more humiliating concessions than you have made by the abandonment of this right? Whatever losses Russia may have suffered by this war, whatever embarrassments she may have experienced, I hesitate not to say that they are more than compensated by the adoption of that one article, gratuitously inserted by the French and British Plenipotentiaries, by which, in the words of Mr. Pitt, you have sacrificed the maritime greatness of England on the shrine of Russia. Suppose—which God forbid! — that a war should arise between this country and France, what means have you of opposing France, except closing her up hermetically, and stopping her commerce? Well, what are you to do? You cannot blockade the whole coast of France; but you can practically prevent her from sending out one single bale of merchandise. Your new law permitting French goods to go with impunity on board neutral vessels comes into operation; you have no blockade; France gives up her whole commercial marine; she makes her vessels into vessels of war; she has seamen to man them; and, before your very face, she carries on her whole commerce under the Prussian or American flag. You are powerless. Your power is gone. Your right arm is cut off. Your only means of defence are abandoned, and abandoned to at the suggestion of France. Was there ever a Minister so led by the nose? Was there ever a minister who so deliberately walked into the trap set before his face, and so tamely and gratuitously surrendered the foundation of England's greatness? [*A laugh.*] The noble Lord finds in it a subject for laughter; I hope the country will find in it a subject for laughter some ten years hence. A noble Earl has well quoted, "You ring your bells now; you will have to wring your hands hereafter." You are exulting over peace. You are ringing your bells and illuminating your town. I say the country does not see the dangers to which it is exposed; but depend upon it, when painful experience shall make the country wring her hands and not her bells, she will know on whose head to visit the consequences of the decline of her power and greatness. I go then to the United States. Do you pretend that 2,000 miles of seacoast can be uninterruptedly blockaded under whatever circumstances of wind or weather? Do you mean to say you will apply that principle to a war with the United States? What will happen with regard to the commerce of the United States? The United States is not entitled, unless she enters into the convention, to carry the goods of France; but supposing you are at war with the United States, what is your position? France is a party to your convention, France has a perfect right to carry goods like other neutrals, and France offers to carry the goods of the United States, with which she is at peace, and claims to pass unquestioned unless she carries contraband of war. Do you mean to accede to that demand or to refuse it? If you accede you place yourself in this position,—the trade and commerce of the United States remain uninterrupted by the intervention of French neutrals, and by the refusal of the United States to come into the convention they maintain the belligerent right of privateering on goods in your ships. As to the principle of privateering, I can only say I should cordially rejoice to see it altogether abolished. It is to the interest of all nations that it should be abandoned. It is contrary to morality and international law, because traffic in war is carried on not in the service of a country, but for private gain; and I should desire nothing more than to see that principle abandoned altogether by the common consent of nations. I am now speaking of the three Resolutions to be moved by my noble Friend above me, but of privateering properly understood. But if you tell me that the abandonment of privateering is a concession made to England in order to get her to abandon a valuable right, I cannot and will not accept it, because, abhorrent, as the principle and practice may be, if privateering were resorted to by all nations, none would gain more or suffer less than England. You may say she has an extended commerce. I trust that commerce will be more extended. Hitherto, with her own right arm and that navy which is her mainstay, England has been able to protect and defend her commerce, without recourse to conventions, stipulations or treaties. I cannot accept the surrender of privateering as a boon to England. I accept it cordially and willingly as a concession to humanity, but not as a great and pre-eminent advantage peculiar to ourselves. Therefore, I say, according to my reading of these articles, you gratuitously and tamely, without application from any power, but upon the recommendation and following in the wake of France, surrender a right which belonged to us, which was established as a right by all jurists of earlier days, which was recognised by all jurists of modern times, which has been upheld by every statesman of importance in this country down to the latest, and which it was reserved for the present Government to throw away, although Pitt and Grenville and Canning successively declared it to be the mainstay of the naval power of England. I know not what may be the judgment at which your Lordships may arrive. I shall regret if this hasty, ill-considered, dangerous act of Her Majesty's Government shall receive the high sanction of the assembly which I have the honour to address. But whether it be so decided or not, I feel that I have done and will do my duty, and if I stood alone in condemning this assumption of right, not to limit by treaty, but to recognise and establish a principle of internationl law at variance with the interests of the country and without its knowledge or sanction—I say, if I stood alone, I would support the Resolutions of my noble Friend—I would divide the House upon this question—I would give to every one of your Lordships the power of recording your opinion as to the policy, the wisdom, and the safety of these proceedings. But, for my part, I solemnly protest—as derogatory to the country, as inconsistent with its dearest interests, as fraught with danger to its future greatness and power—ay! and to its future safety—I protest against the abandonment of rights, involved in that which, with all respect for his personal qualities, I cannot but characterise as the humiliating Clarendon Capitulation of Paris.

THE EARL OF CLARENDON: It may be inferred from what the noble Earl has said that I took part against the independence of the Belgian press, and was prepared to join with other Governments in its repression.

THE EARL OF DERBY: You signed that protocol.

THE EARL OF CLARENDON: The contrary is the case. I defended the liberty of the press in Belgium as I do at home, and the only newspapers condemned by Count Walewski in bringing the matter under the notice of the Congress cannot be called a portion of the Belgian press, but were those papers surreptitiously printed, without the names of the printers, on the Continent, for the purpose of being smuggled into France, which preach the assassination of the Emperor and the subversion of the present state of things in France. Those are the newspapers which I condemned, and those are newspapers which I think will be condemned by every friend of the liberty of the press in England.

EARL GREY said, he must confess that, after hearing the explanation of the noble Earl the Secretary for Foreign Affairs of the course taken by Her Majesty's Government, he thought, when the noble Earl (the Earl of Derby) rose for the purpose of endeavouring to satisfy their Lordships that they ought to agree in passing a Parliamentary censure upon Ministers, that he had undertaken a task which would be too great even for his distinguished abilities. And the speech which had just been delivered showed that he had been right in this anticipation, for amid all the eloquent declamation of the noble Earl and the appeals he had made to their feelings, he (Earl Grey) listened in vain for any argument sufficient to support the conclusion that the course taken by the Government was open to objection or justified the vote of censure implied in the Resolutions. The objection of the noble Earl was twofold: first, he objected to the manner in which the Government had entered into the consideration of the question; and, secondly, he objected to the substance of the engagement itself. It was satisfactory to find, with regard to the manner, that the noble Earl had seen reason to modify the opinion which he expressed in the debate on the treaty of peace. On that occasion he contended that the Declaration should not have been signed without the previous assent of Parliament. He had now abandoned that ground; he had recognised the constitutional power of the Crown to bind the country by engagements contracted with foreign Powers; and had admitted that it was not fitting that the purport of such engagements should be discussed beforehand in Parliament. The constitutional principle undoubtedly was, that the advisers of the Crown were responsible to Parliament for the measures which they recommended the Crown to take, but that it was the prerogative of the Crown to take those measures without the previous assent of Parliament. And this was a wise rule of our constitution, because, if the Ministers of the Crown were compelled in their negotiations with Foreign Powers to consult Parliament at every step, and to obtain its authority for every concession they might think it right to make, it would be scarcely possible to conduct these negotiations with success. The noble Earl had further admitted, that it was within the constitutional power of the Crown to declare from time to time in what manner and to what extent it should exercise its rights under the maritime law; and that, in point of fact, from the earliest times the Crown had been in the habit of thus enforcing, sometimes more, sometimes less strictly, its maritime rights during war. Orders in Council had been repeatedly recognised by our Admiralty Courts, presided over by men of the highest eminence, as constituting the law on the subject. Hence it was clear that the Crown had the power of deciding to what extent the belligerent rights of the country should be exercised, and it was equally entitled to make engagements beforehand with other States as to the manner in which this power should be exercised. But when the noble Earl admitted both these propositions, upon what ground was he prepared to vote for a Resolution which condemned the proceeding of the Government, because it had been adopted "without the previous sanction or knowledge of Parliament?" The noble Earl said this was not a treaty or convention—not a declaration of what the law should be hereafter, but a declaration of what the law was at present. What had that to do with the "previous sanction or knowledge of Parliament?"—suppose it to be acknowledged that it would have been better to enter into so important an engagement with the other Powers of Europe in some more formal manner, as for instance, by a convention, this admission would not justify the passing of such a Resolution. The truth was, that all the objections of the noble Earl resolved themselves into mere verbal criticisms upon the manner in which the Declaration was drawn up. Were their Lordships going to adopt so solemn a proceeding as a Parliamentary censure upon the Government for entering into an engagement against which no stronger objection could be made, than that it was carelessly or improperly worded? It was evident that the words, "without the previous sanction or knowledge of Parliament," had been inserted in the Resolution, not with any serious notion that they could be pressed as a valid objection, but to create a prejudice against the measure in the minds of persons who would not take the trouble to inquire into the real facts of the case. Coming now to the substance of the question, he might venture to say, that of the four principles contained in the Declaration there was, substantially, only one to which the noble Earl objected; namely, that in which we agreed to waive for the future the right of seizing enemy's property in neutral ships. Now, in considering the question raised by the noble Earl and his friends, it was important to ascertain how the principle now abandoned had worked in former times, and especially during that memorable struggle with France which resulted from the French Revolution. For information upon that point he had applied to the distinguished Judge who now presided over the Court of Admiralty, who in those days had a very extensive business in the prize courts, and who was therefore well qualified by knowledge and experience to describe accurately the practical operation of this particular portion of the maritime law. Dr. Lushington, in answer to his inquiries, had informed him that during the Revolutionary War the practice was that, when a British cruiser fell in with a ship under a neutral flag, an officer was sent on board to examine the cargo, and, if he found any irregularity in the Bill of lading or any of the other documents, so as to raise a doubt whether the cargo or any portion of it was neutral property, the vessel was taken into a British port for adjudication; after a considerable delay the Court gave its decision, and the goods were eventually condemned or restored; but, in the latter case, not in one instance in 500 was any compensation made to the owner of the ship or to the owners of any portion of the cargo which might not have been disputed, for all the inconvenience and expense to which they had been subjected. It often happened, indeed, when goods were restored, that they were only restored upon payment of costs. Could their Lordships conceive anything more intolerable to neutrals than such a right so exercised? He believed, indeed, that it was the extreme irritation produced by the constant annoyance and loss to which the American shipowners were subjected by the British cruisers that mainly led to the war with America in 1812. The noble Earl had stated that that war arose entirely from our exercise of the right of search, and that as we were still to maintain the rule of preventing contraband of war from being carried by neutrals, we must still exercise the right of search in order to enforce this rule, so that the new regulations would do little to obviate the risk of a quarrel with the United States in any future war. He thought that this was an error on the part of the noble Earl; he must remind him that the United States had, he believed, never objected to the exercise of the right of search in time of war for the purpose of ascertaining whether ships were conveying contraband of war; the quarrel arose from the pretensions which this country put forward to search American ships, in order to ascertain whether any of the seamen were British subjects, whom we might impress into our own navy—frequently, upon very imperfect evidence, men who might have been natives of Boston or New York, were declared to be British subjects, and were removed from American ships, and it was this system of impressment, and not the exercise of the general right of search, which led to the war with America. He was happy to think that in the late war this country had shown that it could produce a naval force far exceeding any the world had hitherto beheld, without having recourse to the odious and unjust system of impressment which he trusted this example had now put an end to for ever, and by the discontinuance of which one chance of a future quarrel with the United States was averted. But by the alteration of our maritime law, to which the noble Earl objected, another great occasion of quarrel with the United States would also be removed — the claim to search American ships for enemy's property. There could be no doubt that the vexatious manner in which this power was exercised in our contest with France contributed much to produce that irritation in the United States against this country which led to the war of 1812. There was another argument in favour of the change agreed to by Her Majesty's Government which the noble Earl had overlooked. They must not forget that, if this country claimed for itself the right which noble Lords opposite supported, it must be prepared to allow the same power to be exercised against it; and how would British shipowners submit to the exercise of such a right if this country should be placed in the position of a neutral? Suppose a quarrel took place between the United States and France, in which this country took no part, would they endure it that every English ship clearing out from Bordeaux should be overhauled by an American frigate, and that, if it could not be proved that all the property on board was *bonâ fide* English property, the ship should be sent across the Atlantic in order that the question might be considered by an American court, while the British merchant suffered all the inconvenience, delay, and expense which would be thus occasioned? How would they endure it that English vessels from New York or New Orleans, laden with cotton which our manufacturers were anxiously expecting, should be stopped by French frigates, and conveyed to French ports, while the French courts inquired whether the cargoes were the property of Americans or Englishmen? This system was bad enough in the great Revolutionary War, but when they considered how commercial intercourse had since increased, how trading transactions had multiplied, and when they remembered that during the interval the tonnage of the United States had increased five-fold, they could not believe that such a system would be tolerated for a day. Great, however, as was the injustice of the old system, it was wholly ineffectual in accomplishing the object for which it was established. He found, from political publications which he had consulted, that the law had been virtually inoperative, and that they must go a great deal further if they wished to attain their object. Frauds on the most gigantic scale were committed, and one individual covered with his protection, as a neutral, property to the value of £1,700,000, which belonged to the Dutch East India Company. It was admitted that unless they adopted the plan of cutting off an enemy's trade altogether they could not prevent neutrals from covering the property of the enemy in one way or other. If they attempted to act upon extreme principles, irrespective of all right and justice, and endeavoured to compel neutral nations to submit to any measure they thought expedient for distressing an enemy, we should have to make war with the whole world. The noble Earl opposite had said that England would be unworthy of her high position if she was not able to stand alone. That might be an eloquent part of an eloquent speech, but it was not the language of a cool and reflecting statesman. Neither England nor any other nation could stand against the world in arms, and God forbid that the contrary should be the case. He did not speak simply of physical power, although there was no one nation that by mere physical power could possibly stand against a combination of all the other nations of the world; he was referring to something more to be dreaded than physical force—the existence of such a general combination would imply that the nation which had provoked it was in the wrong—that it was rebuked by the public opinion and general intelligence of the world; and he was happy to believe that against such a feeling as that neither this nor any other nation would be able to stand. Let us have done, then, with such vain declamation, and such appeals to the feeling of national pride, and let us look at these matters as sober statesmen should. With that view, he deeply regretted to hear what the noble Earl (the Earl of Derby) had said, for such feelings, expressed by persons of his station, were calculated to have an injurious influence on the character of England throughout Europe and the world. In the last war between England and France, these countries vied with each other in violence and injustice; and in their insane attempts, each to distress its rival, they outraged every right of neutral nations. They brought great distress upon themselves by that policy, and were obliged, in repeated instances, to depart from it. Napoleon, whilst he made it a capital offence in France and some other countries of the Continent to introduce the produce of the British colonies, allowed a system of licences for that traffic, by which he himself and his Marshals made a profit; and we followed the same example; and whilst we prohibited trade by the Orders in Council, we indirectly permitted it to be carried on. There was an Act of Parliament passed to prevent the exportation of Peruvian bark, which it was thought the French army was in need of; and he was informed that, on the very day that Act was passed, a licence was given by the Government of the day to a certain house in the City of London to export a quantity of bark to a certain port of the Continent, by which transaction that house gained no less than £30,000. In the last two years of the war we actually received corn from France to the value of two millions sterling a year, which was paid for by our colonial and other produce. So infinitely stronger were the natural instincts of mankind than the laws and regulations of Governments. It was well known that Napoleon's quarrel with Russia arose from his attempting to compel the Emperor of Russia to exclude British produce; and it was the intolerable oppression felt by every family in Germany, in consequence of his Berlin decrees, which created the national animosity that, on the failure of his great army in Russia, made Germany rise against him as one man, and accomplished his ruin. As for ourselves, it was the same policy which inflicted the severest distress upon us at home, and involved us in the disastrous war with America. When such were its results, would their Lordships now condemn the adoption of a more rational, and, in spite of the ridicule of the noble Earl, he would say, a more humane system of policy for the future? He should therefore oppose the Resolutions; and if an Amendment, expressing approval of the conduct of the Government, had been moved, he would have cheerfully voted for it.

EARL GRANVILLE: I trust your Lordships will not be alarmed at my standing up at so late an hour, for I have the satisfaction of assuring you that I have not the least intention of making a speech, nor will I trespass upon your attention for more than a single moment. Although during the whole course of the war I have felt as deep an interest in this question as any of your Lordships, and although I view, with sentiments of the most cordial approval the course taken with respect to it by Her Majesty's Government, I feel that if I were to offer any remarks of my own on the subject I should only weaken the effect of the observations that have fallen from my noble Friend (Earl Grey), who, because he has declined to declaim and has only argued, has made a speech that appears to me entirely unanswerable. I may be allowed, however, to say a word in reply to the noble Earl (the Earl of Hardwicke), who has insinuated that because I spent some of my earlier days in France, I have become incapable of feeling for English honour and English interests. The imperfect knowledge of French which by that residence abroad I obtained, enables me to correct an error into which the noble Earl has fallen, when he accused the Foreign Secretary of having surrendered the past claim as well as the future; namely, I can inform the noble Earl that it is invariably the custom, in all formal documents in French, to express in the present tense that which was intended to be in the future. In conclusion, I have to invite your Lordships' attention to the following letter from Lord Campbell:—

> "Central Criminal Court, Thursday.
>
> "Dear Lord Granville.—As, from the important trial still pending here, I shall not be able to be in the House of Lords this evening, I should be glad if you could find an opportunity, in the course of the debate, to explain the cause of my absence, and to state that, upon deliberation, I fully adhere to the opinion which I have before expressed in my place, that the convention for the modification of the law of maritime warfare is beneficial to England, and was constitutionally entered into by the English Government.
>
> "Yours, very truly,
> "CAMPBELL.
>
> "The Earl Granville."

I have read this letter at the request of the Lord Chief Justice, at the risk of having my noble and learned Friend classed by the noble Earl opposite (the Earl of Hardwicke), who possesses such remarkable discrimination and knowledge of human character, amongst the unprincipled men, such as the Lord Privy Seal beside me (and I wish there were many more of the same sort of principle), or else amongst those amiable, polite, soft persons who, like my noble Friend (Earl Grey) who has just sat down—like Oliver Cromwell, as Lord Protector—like Mr. Pitt, not the debator, but the practical statesman, in 1786—like Her Majesty's late Government, and Her Majesty's present Government, at the time of England's greatest strength—have thought that this is a concession which could be fairly and judiciously made to neutrals, without destroying for ever the naval supremacy of England.

LORD COLCHESTER having said a few words in reply.

On Question, their Lordships *divided:*—Content, present 56; Proxies 46: 102. Not Content, present 88; Proxies 68: 156. Majority 54.

*Resolved* in the *negative.*

### *List of the* CONTENT.

#### PRESENT.

DUKES.
Manchester
Montrose
MARQUESSES.
Exeter
Salisbury
EARLS.
Bantry
Beauchamp
*Earl Granville*
Cadogan
Carnarvon
Cathcart
Clancarty
Darnley
Dartmouth
Delawarr
Derby
Desart
Donoughmore
Eglinton
Ellenborough
Hardwicke
Harrington
Longford
Lonsdale
Lucan
Macclesfield
Malmesbury
Mansfield
Mayo
Powis
Pomfret
Sandwich
Sheffield
Stradbroke
Wilton
VISCOUNTS.
Bangor
Combermere
Doneraile
Dungannon
Lifford
BISHOPS.
Cashel
BARONS.
Bateman
Bayning
Berners
Colchester
Colville of Culross
Delamere
Feversham
Forester
Grantley
Kenyon
Polwarth
Redesdale
Sondes
Southampton
Walsingham
Willoughby de Broke
Wynford

#### PROXIES.

DUKES.
Marlborough
Richmond
Rutland
MARQUESS.
Ailsa
EARLS.
Abergavenny
Aylesford
Bandon
Beverley
Buckinghamshire
Chesterfield
Crawford and Balcarres
Enniskillen
Erne
Ferrers
Guildford
Huntingdon
Lauderdale
Leven and Melville
Onslow
Orford
Poulett
Ranfurly
Rosslyn
Seafield
Tankerville
Vane
VISCOUNTS.
Exmouth
Hill
Melville
St. Vincent
BARONS.
Abinger
Berwick
Blayney
Castlemaine
Clarina
Cloncurry
Crofton
De L'Isle
De Saumarez
Dynevor
Gray
Hawke
Northwick
Rodney
Sinclair

### *List of the* NOT CONTENT.

#### PRESENT.

H. R. H. the Duke of Cambridge
Archbishop of Canterbury
The Lord Chancellor
DUKES.
Argyll
Newcastle
Wellington
MARQUESSES.
Breadalbane
Camden
Lansdowne
Sligo
Westminster
EARLS.
Aberdeen
Abingdon
Airlie
Albemarle
Besborough
Burlington
Chichester
Clanwilliam
Clarendon
Craven
Denbigh
Ducie
Durham
Effingham
Elgin
Essex
Fortescue
Granard
Granville
Grey

Harrowby
Kenmare
Kingston
Kintore
Minto
Morley
Portsmouth
Romney
St. Germans
Shaftesbury
Somers
Spencer
Stanhope
Scarborough
Zetland
VISCOUNTS.
Enfield
Falkland
Falmouth
Sydney
Torrington
BISHOPS.
Bath and Wells
Chester
Limerick
Ripon
St. Asaph
Worcester
BARONS.
Ashburton
Auckland
Alvanley
Broughton
Byron
Camoys
Congleton
Cremorne
Dacre
De Mauley
De Tabley
Denman
Dufferin
Foley
Glenelg
Hatherton
Kinnaird
Leigh
Lifford
Lurgan
Lyttelton
Methuen
Mostyn
Overstone
Panmure
Petre
Rivers
Saye and Sele
Stafford
Stanley of Alderley
Suffield
Wenlock
Wodehouse

PROXIES.

ARCHBISHOP
York
DUKES.
Devonshire
Leeds
Leinster
Roxbourgh
Sutherland
MARQUESSES.
Anglesey
Bristol
Donegal
Headfort
Huntley
Londonderry
Normanby
Northampton
Townshend
EARLS.
Amherst
Cottenham
Camperdown
Cork
Carlisle
Clare
Ellesmere
Fitzhardinge
Fingall
Glasgow
Haddington
Home
Ilchester
Lindsay
Leicester
Meath
Ripon
Rosebery
Stair
Suffolk
Yarborough
BISHOPS.
Derry
Hereford
Llandaff
Manchester
Norwich
Peterborough
Salisbury
BARONS.
Belhaven
Carew
Churchill
Cowley
Dorchester
Doriner
Dunfermline
Elphinstone
Erskine
Gardner
Godolphin
Harris
Howden
Howard de Walden
Keane
Londesborough
Lovat
Monson
Manners
Poltimore
Rossmore
Stuart de Decies
Truro
Vaux
Vivian
Ward

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Thursday, May 22*, 1856.

MINUTES.] PUBLIC BILLS.—1° Sir William Fenwick Williams' Annuity; Annuities (No. 2).
2° Registration of Leases (Scotland).

### METROPOLITAN IMPROVEMENTS—QUESTION.

MR. JACKSON said, he would beg to inquire of the right hon. Gentleman the President of the Board of Works, whether his attention had been directed to the question of a proposed new opening from Piccadilly into Park Lane?

SIR BENJAMIN HALL said, that the matter had been under the consideration of the Government, and proceedings would be taken for the formation of the opening, but it could not be effected without the introduction of a Bill, and of that due notice would be given.

SIR FITZROY KELLY said, he wished to ask whether it was distinctly understood that no steps would be taken for the formation of the opening except by means of a Bill?

SIR BENJAMIN HALL said, he could not give any promise to that effect. It was always necessary, where private property was interfered with compulsorily, to obtain the powers of an Act of Parliament; but he apprehended that if the parties interested consented, there would be no necessity for a Bill, in order to effect the improvement in question.

### HORSES IN THE CRIMEA—QUESTION.

SIR DE LACY EVANS said, he had a question to put to the hon. Gentleman the Under Secretary for War. The answer given on a previous night to the question respecting the staff and cavalry horses was so far satisfactory, but he wished to know what was intended to be done with the artillery and bat horses.

MR. FREDERICK PEEL said, that the most valuable of the artillery horses would be brought home. The rest would be left in the East. [Sir DE L. EVANS: What about the bat horses?] He was unable to say what number would be left in the East.

### WESTMINSTER BRIDGE—QUESTION.

MR. W. WILLIAMS said, he wished to know when the works at Westminster Bridge would be proceeded with, and also when it was expected the bridge would be completed. His constituents were anxious about the matter, and wished no time to be lost.

Sir BENJAMIN HALL said, he could only repeat the answer that he recently gave, that the whole subject of the New Westminster Bridge works was under the consideration of Mr. Rendel and Mr. Simpson, the eminent engineers; and their report would probably be ready in about ten days, when he would state to the House what course would be adopted with respect to the new bridge.

### COMMUNICATION WITH INDIA—QUESTION.

Lord STANLEY said, he would beg to ask the right hon. President of the Board of Control, whether any steps were being taken by the Indian Government to facilitate the establishment of a line of telegraphic and other communication between England and India through the Euphrates Valley.

Mr. VERNON SMITH said, he need hardly assure the noble Lord that the Indian Government took the deepest interest in any scheme intended to facilitate the communication with India. Two or three schemes had been submitted for the accomplishment of that object. One was to carry a railway from Seleucia to a place on the Euphrates, and so join with the navigation of that river. The other and the larger scheme was to continue the railway from Belgrade to Constantinople to cross Asiatic Turkey, and descend the valley of the Euphrates down to Bussorah. Both those schemes had been proposed for the favourable consideration of the Indian Government, and that favourable consideration would of course be given; but until the schemes were submitted in detail, it would be impossible to enter into them minutely. When the noble Lord spoke of facilitating the communication with India, it must be supposed he (Mr. V. Smith) apprehended that he meant facilitating it by means of pecuniary assistance or by a guarantee. Of course, however, that would not be done until the plans had been submitted in detail. With reference to the electric telegraph, that was in much the same position. A proposal had been made to carry on the telegraph from Alexandria to the Red Sea, and in that way across to India. The answer given by the Indian Government to this proposition was, that they could not give any opinion respecting it until the electric telegraph had actually reached Alexandria. The other scheme was to carry the same line on from Seleucia to join the Euphrates, and descend the valley of that river to Bussorah. That scheme had been very much promoted by a gentleman of great celebrity, Dr. O'Shaughnessy, who had called the attention of the Indian Government to the advantages which this line possessed over the other he had mentioned. Both these plans, however, would receive every consideration, the object in view being, as he had previously stated, to favour as much as possible the communication with India.

### POSTAL COMMUNICATION—AUSTRALIA—DUBLIN—QUESTION.

Mr. MACARTNEY said, he would beg to inquire of the hon. Secretary of the Treasury, whether any decision had been come to upon the tenders for contracts sent into the Treasury in March last, to convey the mails to the Australian colonies; and, if not, whether there was any prospect of some more satisfactory arrangement than existed at present for that purpose? And whether there had been any progress made towards tenders being made for contracts to improve the postal communication between London and Dublin, by performing the journey from capital to capital within twelve hours?

Mr. WILSON replied, that none of the tenders which had been sent in for the conveyance of the mails to Australia were such as the Government felt justified in entertaining, and they had consequently been rejected. He had, however, been in communication with some gentlemen interested in the colonies, and had nearly settled with them the best plan which was thought could be pursued, and the details of which would shortly appear in the public papers in the form of advertisements for tenders for the conveyance of the mails. With regard to the Irish mails, the conditions which the Government thought proper to impose for the performance of that service had been sent to the united companies, who were now considering the proposals which had been made by the Government. One of the conditions was, that the communication between London and Dublin should be effected in eleven hours.

### THE FACTORY INSPECTORS—QUESTION.

Mr. HARDY said, he would beg to ask the Secretary of State for the Home Department when the Report of the Factory Inspectors for the six months ending the 30th day of April last would be in the hands of Members; and whether any communications respecting the Bill "for the further amendment of the laws relating to Labour in Factories," as now proposed to be amended, had been made by the Factory Inspectors, or any of them, to the Secretary of State for the Home Department; and, if so, whether he would have any objection to lay such communications on the table?

SIR GEORGE GREY said, that the Reports of the Factory Inspectors were always laid before Parliament shortly after they were received at the Home Office. He found by inquiries yesterday, that the Reports for the last half year had been received, and as soon as a sufficient number of copies had been printed they would be laid before Parliament. He had received several communications from some of the Factory Inspectors regarding the Bill of the hon. and gallant Member for North Lancashire (Colonel W. Patten), but he did not think those communications were of a character to be laid before the House, unless they were accompanied by a great deal of explanatory correspondence. He did not know the opinion of the fourth, but three of the Inspectors of Factories did not concur in the expediency of the measure proposed by the hon. Member.

## CORRUPT PRACTICES AT ELECTIONS—QUESTION.

SIR FITZROY KELLY said, he wished to ask the First Lord of the Treasury, the intentions of Her Majesty's Government as to the Corrupt Practices Prevention Act, 1854?

VISCOUNT PALMERSTON replied, that the present intention of the Government was to propose a continuance of that Act; but the experience they had had of its working had hardly been sufficiently extensive to lay the foundation of those improvements which the measure might require. At the same time, Government would be quite willing to consider any suggestions made by the hon. and learned Gentleman in Committee.

SIR FITZROY KELLY said, he would remind the noble Lord, that in 1854 several important provisions were lost in consequence of the late period of the Session at which they were introduced, he would therefore ask when it was the intention of the Government to introduce the measure for its renewal?

VISCOUNT PALMERSTON: On an early day.

## HAMPSTEAD HEATH—QUESTION.

In answer to a question from Lord ROBERT GROSVENOR,

SIR BENJAMIN HALL said, that as yet no steps had been taken by the Government to purchase Hampstead Heath for the public, but representations on the subject had been made to the Metropolitan Board of Works, who possessed ample powers for that purpose. At least, that was his construction of the Act, however others might throw a doubt upon it. If Hampstead Heath was not purchased by that Board, it might be a matter of consideration whether it could not be purchased by other means, but not through a Vote of the House of Commons.

## PRISONERS FOR DEBT—QUESTION.

MR. PELLATT said, he would beg to ask the Secretary of State for the Home Department whether, as there were above 1,000 persons in England and Wales lying in prison for debt, 240 of which were under £6 (debts and costs), who might be restored to their families and occupations for the sum of about £1,500; and as there were a few confined for protracted periods, extending to forty years, the Government would recommend them to Her Majesty, and debtors under £10, to be included in the commemorative peace amnesty, so graciously extended to Frost, Williams, and Jones, and other political offenders?

SIR GEORGE GREY in reply, said, that the hon. Member did not seem to be aware of the difference which existed between persons suffering punishment as criminal offenders and those in custody for debt. With respect to the former, the Crown could, if so advised, exercise its prerogative of mercy; but it had no power to release prisoners for debt, which must be a matter of arrangement with their creditors. With respect to the allegation that some of those persons had been confined for protracted periods, he was informed that no persons were detained in custody so long, unless they wilfully declined to avail themselves of the humane provisions of the law for the relief of prisoners for debt.

## SOUND DUES—QUESTION.

MR. MITCHELL said, he would beg to inquire of the First Lord of the Treasury whether, as the Danish Government now make no charge equivalent to Sound dues on goods passing by the new railway through its own country from Tonningen, in the North Sea, to Flensburg, in the Baltic, it was the intention of Her Majesty's Government to leave longer unsettled the general question of the Sound dues, to the great detriment of British shipping engaged in the direct trade to the Baltic?

VISCOUNT PALMERSTON said, that the hon. Member had been misinformed upon the fact which formed the basis of his question. A toll was now charged upon goods passing along the railway, which was nearly equal—in some cases, indeed, larger—than the tolls levied in the Sound. Those tolls were paid by the railway companies, who included them in their charge to their customers. There was another passage to the Baltic through Sweden; and in that case, also, tolls were levied nearly equal to those levied at the Sound. With respect to the Sound dues, a correspondence had been going on for some time between the Danish Government and the other maritime Powers, but no final arrangements had been concluded. As far as the British Government was concerned, the matter was still under consideration.

## ENGLISH OFFICERS IN THE TURKISH SERVICE—QUESTION.

MR. ADDERLEY said, he begged to ask a question of which he had not given notice, but which was one of much interest to the relatives of officers now connected with the Turkish Contingent. He wished to know whether the hon. Gentleman the Under Secretary for War was acquainted with the intentions of the Turkish Government as to the destination and disposal of the Turkish Contingent?

MR. FREDERICK PEEL replied, that under the convention, the Turkish Contingent would be handed back to the Turkish Government, but he did not suppose that the services of the English officers would be retained.

MR. ADDERLEY said, he would repeat his question, when he hoped to obtain a more definite answer.

## THE SARDINIAN LOAN—QUESTION.

MR. DISRAELI said, some misapprehension appeared to exist upon what had fallen from the right hon. Gentleman the Chancellor of the Exchequer on a former evening with respect to the intention of the Government concerning the Sardinian loan. It was supposed that the right hon. Gentleman had stated that a Bill would be introduced in order to remove any doubts respecting the payment of the balance of the loan.

THE CHANCELLOR OF THE EXCHEQUER, in reply said, that the apprehension described by the right hon. Gentleman was correct. As soon as the matter could be reduced to a Convention, or some formal shape, a Bill would be founded upon it, and introduced into the House as speedily as possible.

## FACTORIES BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. COBBETT said, he rose to move that the Committee be deferred for six months, for his objections to the amended Bill were quite as strong as they had been to the original measure. One part of the Bill proposed to extend protection only to young persons and children, whereas the present law applied equally to male and female adults. He also objected to the fourth clause, which provided that matters relating to the fencing of machinery should be referred to arbitration, not only in cases where the inspectors had certified danger, but even when danger had been proved to exist by the occurrence of fatal accidents. He was decidedly of opinion that such a case, wherein no doubt existed as to the danger of unfenced machinery, was not a matter for arbitration. By the existing law, a factory inspector went into a mill, and on discovering anything dangerous he gave notice of it to the millowner, who then had the right of claiming to refer the question to arbitration, whether the matter complained of was dangerous or not; but the law was so defective, that if the award were made that the works were dangerous, there was no mode of carrying that award into effect. By the proposed Bill it was made imperative on the factory owner, on receiving notice from the inspector, to have an arbitration. Now, what he contended was, that the law would be wholly inoperative, because the factories were so situated as to make it impossible to carry the law into effect. Many factories were situated in those parts of the kingdom where no persons skilled in machinery resided. Supposing two arbitrators and an umpire were appointed, were they to go to the Isle of Skye or to Cornwall, and there demand their ten guineas a day, besides expenses? He, therefore, maintained that the whole Bill would be utterly unworkable. Many hon. Members had expostulated with him for opposing the Bill; but he considered that it was a duty to his constituents, and particularly to the working part of them, to see that they were not damnified in any way by such a measure. He could never forget a woman who, at the time of his first election for Oldham, forced her way through the crowd, with a child in her arms, and said to him, "We are factory folk; this child is to go to the factory, and thou must not desert us." He would not desert that woman, and it was for her sake, and for those who belonged to her, that he now moved that the Bill be committed that day six months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

**Colonel WILSON PATTEN** said it was only forty-eight hours ago that the hon. and learned Member for Oldham had given notice of his intention to move certain Amendments in the Bill, and it was not till that morning that the hon. Gentleman considered the better course to be to withdraw his Amendments and take his chance of defeating the Bill by objecting to go into Committee. After the time he had occupied the attention of the House on the second reading of the Bill, he was unwilling to trespass again on their patience, especially as the arguments of the hon. and learned Gentleman were not quite satisfactory. The object of the Bill was a very simple one. For several years past the manufacturers of the country had been subject to a law which caused them the greatest annoyance. The operation of the law was, in fact, not satisfactory to anybody. By a recent decision of Lord Campbell, in the Court of Queen's Bench, it was necessary that every portion of the machinery should be fenced off; but this was found to be wholly impracticable. He did not believe there was a single factory in the kingdom where the law either was, or could be, obeyed. His object, therefore, was to enact a law which could be obeyed. At present the enforcement of the law was left to a certain number of factory inspectors, but their decisions were so various and conflicting that no manufacturer knew whether he had obeyed the law, or whether he was subject to a prosecution for not having obeyed it. It was cruelty on a respectable body of men to keep them in that position. He therefore hoped the House would not refuse going into Committee on the Bill.

**Mr. BECKETT DENISON** said, he must ask the hon. and learned Gentleman (Mr. Cobbett) to allow the Bill to go into Committee. It was a mere waste of time to divide the House on his Amendment.

**Colonel DUNNE** said, the observations of the hon. and gallant Member (Colonel W. Patten) might be perfectly correct, but he (Colonel Dunne) believed that it was not the real object which the promoters of the Bill had in view. The manufacturers desired to do away with all factory legislation. Upwards of fifty magistrates in the north, including twenty-six Members of that House, had petitioned to that effect. The interests of a large class of persons unrepresented in that House were involved in the question whether the Bill would deprive the factory workmen of their rightful protection. Why, there had been flagrant cruelties perpetrated in factories, and yet even the present law could not be enforced before benches of magistrates in the north. The proposed measure was one step in the removal of factory legislation, and should be resisted by all who desired to protect the workpeople. He should cordially support the opposition to the measure, which he considered most cruel, mischievous, and unjust.

**Sir GEORGE GREY** said, he would not repeat the remarks which he had made on a former occasion; but he must remind the House that of his suggestions the hon. and gallant Gentleman had adopted some, and printed them in the Bill; he would, under those circumstances, support the Motion for going into Committee.

**Mr. MUNTZ** said, if the question of bands only had been left to arbitration, he believed the Bill would have been satisfactory. [Colonel Patten: Bands are left to arbitration.] But it was bands, and something else; and, if he were a mill-owner, he should object himself to this sort of legislation. He would have the law remain as it stood, except as to bands. Another objectionable point in the Bill was, that the fourth clause was made to refer only to "children and young persons," whereas the persons most liable to accidents by machinery were women, whose clothes were more likely to be caught as they passed along.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 207; Noes 50: Majority 157.

Main Question put and *agreed to.*

House in Committee; Mr. FITZROY in the Chair.

Clauses 1 to 3 *agreed to.*

Clause 4 (Section Twenty-one to apply only to Mill-gearing, with which children and young persons are liable to come in contact).

MR. COBBETT said, he would move, as an Amendment, that the words "children" and "young" be omitted, and the word "any" be substituted for them. It was the intention of the Factory Commissioners of 1833, and of the Select Committee of 1836, that adults as well as children should be protected from injury by machinery; and the decision of the Court of Exchequer, in the case of *Coe* v. *Platt*, where the question came before it on demurrer, was to the effect that, under the twenty-first clause of the Factory Act, the protection from injury was extended to all operatives. It was his wish that that protection should be continued to them, whereas the clause, as it at present stood, would deprive them of it, and confine it to children and young persons.

COLONEL WILSON PATTEN said, he would not presume to argue a question of law with the hon. and learned Member, but he was sure he (Colonel Patten) was right. The clause in the Factory Act related to "children and young persons," and those words had been incorporated in the present Bill and nothing more; so that whatever was subject to arbitration under the Factory Act, would be subject to arbitration under the Bill now before the Committee. The hon. and learned Member was trying to steal a lawyer's march upon the Committee without any grounds for it.

MR. MONTAGU CHAMBERS said, that he had also read the clause proposed to be inserted in the Bill, and he considered that it had been made to exclude the very words in the Factory Act, upon which the Court of Exchequer had solemnly decided in the case that had been referred to, that "all parts of the mill-gearing in the factory shall be securely fenced." The manufacturers argued that that clause must be read throughout as applying to children and young persons only, but the Court said, "No; the Act says all parts of the mill-gearing, no matter whether it affected young children or not." The object of the fencing was to provide protection to the persons exposed to injury, and in that sense the workmen were just as helpless as children. But if the Committee looked at the Bill, they would find that grown-up persons were deprived of the protection they had under the old Factory Act. The very thing the Court of Exchequer had decided would now be entirely set aside.

MR. MILNER GIBSON said, the simple object proposed by the Bill of his hon. and gallant Friend (Colonel W. Patten) was to amend a clause in the Factory Act of 1844, which was found to be incapable of universal application. The legal disquisitions that had been given in the course of the discussions on the measure had confused a question that was otherwise perfectly simple. Acts of Parliament, notwithstanding the wisdom of both Houses, could not sometimes be carried into literal effect. That the clause in question could not be carried out was beyond doubt. Mr. Horner, one of the Factory Inspectors, had pronounced that you could not securely fence all mill-gearing, and the Judges had differed from each other as to what was meant by secure fencing. Under those circumstances, his hon. and gallant Friend, in his first Bill, proposed to apply to mill-gearing the same rule as was applied to machinery—namely, that when a question arose as to its being securely fenced, it should be referred to arbitration. Surely, if arbitration was good to protect the operatives from injury from machinery, it was equally efficacious to protect them as regarded mill-gearing. His hon. and gallant Friend then provided, that when an arbitration had taken place, and it was decided that particular mill-gearing should be fenced or boxed off, that arbitration should be compulsory. You had, therefore, in this Bill all that you had in the Bill of 1844, only it was put in a practicable and working form—in a form which had gained for it the support of the great body of the mill-owners and manufacturing population. He regarded the measure of his hon. and gallant Friend as a good one; its object was to carry out the original intentions of the Legislature; and he must deny that the object of those who promoted the Bill was in the smallest degree to lessen the protection which the operative now enjoyed. In the first Bill his hon. and gallant Friend proposed that arbitration should apply to all cases of mill-gearing as it now applied to machinery, and that seemed to him a most reasonable proposition; but in the clause now under consideration, his hon. and gallant Friend provided that in all cases where children and young persons were likely to come in contact with mill-gearing, there secure fencing should be imperative, and arbitration should not be resorted to. He did hope that as the Bill was limited to one single point of this kind, and was brought in with a view to prevent litigation, they would not be drawn into a discussion of the whole principle of factory legislation. So far from it being the object of mill-owners in supporting this measure, to upset factory legislation, they desired that that legislation should be carried out in a perfectly *bonâ fide* spirit, and in the sense in which Parliament had intended.

Lord LOVAINE said, he did not see the object of retaining the words "children and young persons." The common-sense view of the matter was, that if machinery was to be fenced, it ought to be fenced for the benefit of all.

Sir GEORGE GREY said, he quite agreed with his noble Friend that if danger were likely to arise from mill-gearing, protection ought to be accorded to adult persons as well as to young children, and that would be the effect of the law if the Bill passed in its present shape. The forty-third clause, in point of fact, provided—excluding that part of the mill-gearing which stood at a great height from the floor — that all mill-gearing within a certain distance from the floor, and near to which adult persons as well as young children came in the course of their ordinary avocations, must absolutely be fenced. The Bill would afford the fullest protection to adults as well as to young persons and children, if a reference to arbitration should prove that danger existed. The existing law had not been literally enforced, simply because it was impossible to do so. A decision of a Court of Law rendering it compulsory under the Act upon mill-owners to fence all machinery, had rendered necessary the present measure, or some similar one. The Amendment proposed by the hon. and learned Member for Oldham would defeat the very principle of the Bill, for if all mill-gearing were required to be fenced with which any person might come in contact, that enactment would apply to drums and pulleys, which it would be impossible to case without stopping the entire work of the mill.

Mr. HARDY said, he thought the right hon. Gentleman had discussed the principle of the Bill rather than the Amendment which had been proposed by the hon. and learned Member for Oldham, and had not met the case which had been put, that in certain places there were no young persons or children employed—only adults—therefore in such cases the whole mill-gearing would be left open to arbitration. He would suggest an alteration in the clause, making it obligatory that only those parts of the machines should be fenced which were less than seven feet from the floor.

Lord STANLEY said, he thought the Amendment would destroy the Bill. If it was enacted that all parts of mill-gearing with which any person might in the course of his occupation come in contact should be fenced, that would include all mill-gearing. It was said that no distinction should be made between the protection afforded to children and that given to adults; but he could not agree with that doctrine. He thought that from a skilled adult they had a right to expect a degree of caution that might not be looked for from a child. To others, protection would be given in any case where danger was proved to exist.

Mr. BROTHERTON said, he regarded the present Bill as a just measure, affording proper protection to those employed in mills, without making impossible demands upon the mill-owners.

Colonel DUNNE said, he wanted to know how the Bill would remove any impossibility? Why was it more impossible to fence machines, which an inspector certified to be dangerous, than to do so upon the award of an arbitrator.

Mr. BARROW said, he was anxious that the Committee should decide in favour of the clause without the Amendment proposed, which would, in his opinion, entirely nullify the object in view.

Mr. G. BUTT said, he also thought that the Amendment of the hon. and learned Gentleman would entirely defeat the object of the Bill. That object was to give protection to all persons employed, but as to children, to make it absolute that all mill-gearing near which they had occasion to pass should be securely fenced, nothing, in his opinion, could be more reasonable than the mode in which this object was carried out—nothing was more likely to give protection to the operatives, and to do right as between them and their employers.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided*:—Ayes 169; Noes 33: Majority 136.

Mr. HARDY said, he would now propose that after the words "young persons" the words "and women" should be inserted. Women were always employed in factories where the children were; and he thought they ought to be as efficiently protected from accident.

Colonel WILSON PATTEN said, he though the Amendment was superfluous, inasmuch as the women were never employed where the children were not, and therefore they would necessarily meet with the same protection.

Mr. COBBETT said, he should support the Amendment, as he knew of factories where women were employed separately from the children.

Mr. CHEETHAM said, he must inform the Committee that the number of factories in which women were employed in rooms separate from the children were very few.

Sir GEORGE GREY said, he was not convinced of the fact stated by the hon. and learned Gentleman (Mr. Cobbett), because "young persons" included women under the age of eighteen years; and he presumed many under that age would appear to be adults. If, however, there were any factories in which only women above eighteen were employed, they were entitled to protection, and he should advise his hon. and gallant Friend to assent to the Amendment.

Colonel WILSON PATTEN said, he would agree to the insertion of the words.

Mr. COBBETT said, he would now move to leave out the words "their ordinary occupation," and insert "in the course of their duty," because, when accidents occurred, the young persons injured were frequently doing something by the order of their superiors, not in their ordinary occupation, but in the course of their duty.

Colonel WILSON PATTEN said, if those words were introduced they would lead to endless confusion, and he should therefore oppose the Amendment.

Amendment *negatived*.

Mr. HARDY said, he wished to move that a proviso be added to the clause, enacting that no mill-gearing should be fenced to a less height than seven feet from the floor.

Mr. G. BUTT said, the object of the clause was to secure a safe fence, but to say that the fence should not in any case be less than seven feet, was to make a provision that in many cases would be quite unnecessary. He should therefore oppose the Amendment.

Amendment *negatived*.

Mr. COBBETT said, he would now beg to move the insertion of a clause which was suggested by Mr. Marshall, one of the greatest manufacturers in the kingdom, in 1841, having for its object to prevent accidents arising from the use of straps upon revolving wheels.

Colonel WILSON PATTEN said, that by the present law these straps were made the subject of arbitration. He must oppose the clause, because it went in opposition to the principle of the Bill. It was making that compulsory which, at the present moment, was the subject of arbitration.

Mr. KIRK said, he objected to the proposed clause, because he thought it afforded inadequate protection, compared with that given by arbitration. The strap-hooks were liable to break if not made of the very best material; in which case they would do more injury than if the machinery were not fenced at all.

Mr. HARDY said, he hoped that the Committee would pass the clause, which had been recommended by Mr. James Marshall, of Leeds, one of the largest manufacturers in the country. Great numbers of accidents had arisen from revolving shafts above seven feet from the floor, and many of these caused immediate death and frightful mutilation. The clause would render arbitration unnecessary. He would admit that almost all the accidents which took place in mills arose from the carelessness of the workpeople; but still the Committee ought to endeavour to prevent all the accidents possible. He would defy any manufacturer to say that in any single instance an accident had happened where a rectangular hook was used, so long as it remained in an uninjured state. He believed that three-fourths of the mill-owners were adopting that precaution, and that the factory inspectors were favourable to the present clause. The feeling against the clause really arose from the dislike of the system of inspection and espionage. The clause was, however, necessary for the protection of the workpeople, and he considered that the Committee would consult the interests of the operatives in passing it.

MR. KIRK said, he wished to explain that he found that, had not the hooks employed in his mill been made of peculiarly good iron, they would have been liable to break and to fall upon the heads of the workpeople.

LORD STANLEY said, that the proviso in his opinion involved the whole principle of the Bill, which had been already discussed and decided upon, on the second reading, and also on the Motion for going into Committee. He, of course, had no wish to make the law, as far as the protection of operatives was concerned, less efficient than it was; but he apprehended that the plain principle upon which they were to act was to leave the matter in question to the arbitration of competent authorities, upon whose decisions the point would without doubt be satisfactorily settled. The Committee could not properly legislate upon this subject. They ought to leave the obligation of providing a remedy in general terms, as the apprehended danger involved a matter of detail with which, he apprehended, it was not competent for them to deal.

MR. MILNER GIBSON said, he hoped the Committee would act upon the advice of the noble Lord, and not take upon themselves to legislate as to the best mode by which complex machinery should be secured. He considered that the question was one for arbitration.

MR. CROSSLEY said, it was ridiculous to lay down a law as to how manufacturers were to carry out this system of fencing machinery. If there was any case in which arbitration was necessary, this was the very case.

MR. MUNTZ said, that the point under consideration had nothing to do with fencing, but merely involved the necessity of a strap-hook. Many Members of that House, like the right hon. Member for Manchester, had expressed opinions upon a question which, he believed, they knew nothing whatever about. He thought that the protection required was applicable to all cases except to those of perpendicular shafts. Under such circumstances, he could not see any objection to the proviso proposed.

SIR CHARLES WOOD said, he objected to a particular remedy being prescribed by that House which might not meet all cases. He had himself seen several cases in which the strap-hook would not have afforded any protection; and it appeared to him absurd, therefore, to lay down the rule that in all cases strap-hooks should be employed.

SIR JAMES GRAHAM said, he thought that the hon. Member for Birmingham (Mr. Muntz) in supporting the clause had advanced the strongest reason why the Committee should not assent to it. The hon. Gentleman thought that no Member of that House but one knew anything about the matter, and therefore it was no use discussing it. That might be true, but surely if non-acquaintance with the subject was a reason for not talking about it, it was a much stronger reason for not making an enactment with regard to it.

MR. CHEETHAM said, he should oppose the clause, because he thought that it would increase the danger instead of obviating it.

Clause *negatived.*

Remaining clauses *agreed to.*

House resumed; Bill *reported,* as amended.

## REFORMATORY AND INDUSTRIAL SCHOOLS' BILL.

Order for Committee read.

House in Committee.

The clauses were *agreed to.*

SIR STAFFORD NORTHCOTE said, he had been in conversation with Mr. Morgan, the Government collector of payments from the parents of the children, and that gentleman, desirous of making his own duties easier in the matter of legal proof, had sent him certain clauses to which he had no objection. He should therefore now beg to move a clause making it imperative on the governor of any gaol, &c., to send the warrant with every child to the reformatory, and that a copy of the warrant should be evidence of the identity of the child. He also wished to move a second clause, making a copy of the certificate evidence of the school being a certified school, and evidence of the identity of the child.

Both clauses were *agreed to.*

SIR STAFFORD NORTHCOTE said, he would now move a third clause, giving the committing magistrate power to summon the parents before him at the time of the committal of the child, and to make an order upon them for the payment of any sum not exceeding 5*s.* a week for the support of the child.

SIR GEORGE GREY said, a similar provision was introduced into the Act of last year, but in that clause the power was given to two justices of the peace. Yet this clause did not repeal the old law.

Sir STAFFORD NORTHCOTE said, it was a suggestion of Mr. Morgan, and he quite agreed with that gentleman in his view of this particular point. It had occurred, that a parent, if called upon at the time of the committal by the magistrate, would pay willingly, and accept the proposal to deal with the child in the reformatory as a good one; but a little delay often changed that disposition, and great difficulty was afterwards experienced in getting parents to obey the Act.

Mr. PALK said, he looked upon this new movement, which was to give the criminal advantages of knowledge over the honest man's son, with great suspicion. He was not opposed to the principle so long as it was confined to voluntary contributions; but he thought that if they were to make the payment compulsory, they would, by impoverishing the parents, increase poverty, and thereby extend the source of crime.

Mr. BECKETT DENISON said, he would suggest that the clause should be remodelled so as to make the parish as well as the parent liable for the support of the child.

Mr. ADDERLEY said, he hoped the Committee would never sanction the principle that parents should be freed from the obligation of supporting their offspring.

Mr. BARROW said, he did not think the clause called for, as the present Act was working well.

Clause *withdrawn.*

Sir STAFFORD NORTHCOTE said, he now had to move another clause to the effect, that the parent should pay for the whole term of sentence, unless in case of a regular discharge, or an order of exemption, signed by the Secretary of State.

Mr. ADDERLEY said, the clause evidently was to prevent vicious parents inducing their child to run away from the reformatories that they might escape the charge of maintaining them there.

Sir GEORGE GREY said, he was opposed to the frequent alteration of the law without strong cause being shown for it. The parent was at present made to pay for the support and maintenance of the child. That was the principle on which the charge was made, and he could not see how they could still make the charge after the support and maintenance ceased.

Mr. ADDERLEY said, he must beg to explain that it was meant to apply in the event of the child's being re-apprehended on the same charge and sent to prison.

Sir GEORGE GREY said, that was an alteration in the criminal law of some importance, and required careful consideration.

Mr. ADDERLEY said, that the proposed alteration was made on the suggestion of Mr. Justice Coleridge.

Mr. BAINES said, he was totally opposed to the principle that parents should be allowed to derive any premium, pecuniary or otherwise, from the criminality of their children, but he nevertheless thought the proposal was revolting to common sense. Besides, he saw some injustice in the probable working of the clause, for if a boy ran away from the reformatory against the parent's will, he was to be made to pay notwithstanding for his maintenance, on the fictitious supposition that the boy was still in the reformatory.

Sir STAFFORD NORTHCOTE: The State has the power to remit the payment.

Lord R. CECIL said, that it appeared to him that all danger would be avoided by giving discretionary power to the Secretary of State. He must, however, protest against the course of argument on the opposite side—that it was useless to attempt to remove one blot on the Statute Book until a general measure for removing all blots was introduced.

Mr. G. BUTT said, the difficulty and expense which in such a case would be imposed upon the poor man, in order to procure from the Secretary of State a reversal of the order, would be very great. He would recommend the hon. Baronet not to press this clause at the present moment.

Clause *withdrawn.*

Sir STAFFORD NORTHCOTE said, he would now beg to propose a clause inflicting a penalty of £5 upon any person who induced the children to abscond from these schools, or who knowingly concealed or harboured them and otherwise prevented their return.

Mr. BAINES said, he thought the clause went a good deal further than was necessary. No doubt some kind of punishment ought to be inflicted on those who enticed boys from the reformatories; but if a poor widow gave a bed to her son upon his absconding, she, according to this clause, would be liable to fine or imprisonment. He would, therefore, suggest the omission of the words "who shall knowingly conceal or harbour."

The words objected to were struck out, and the clause was added to the Bill.

SIR STAFFORD NORTHCOTE then proposed a clause providing for the publication in the *Gazette* of a list of all certified reformatory or industrial schools, after which magistrates might commit young persons to these schools.

Clause *added* to the Bill.

MR. GORDON said, he would now beg to move the insertion of a clause to repeal so much of the former Act as provided that a youthful offender should not be sent to a reformatory until after the expiration of his sentence of imprisonment, and to enable any magistrate to send an offender direct to the reformatory without passing through a prison. If the clause were agreed to, it would not interfere with the power of the magistrates to inflict any certain period of punishment.

Clause *brought up*, and read 1°.

MR. J. G. PHILLIMORE said, he could not agree to adopt the clause. The effect of it would be that a person who committed a crime would be in a much better condition than a person who committed no crime. The fallacy which prevailed in all these propositions was to consider only the child that was to be improved, and not to consider the effect of the law upon other classes of the community. No doubt it was better to send boys to school than to a gaol; but why did you send them to gaol? You did it that it might operate as an example to others. Although the improvement of the criminal was to be kept in view, that was not the paramount object of the law. The paramount object of all punishment was to deter others from crime. The number of committals in France had been far more numerous, in consequence of the law having regard to the moral improvement of the offenders, instead of considering the object of punishment to be that of deterring others from crime.

MR. MONCKTON MILNES said, he regretted that stale fallacies such as those just enunciated by the hon. and learned Gentleman should be reproduced. There was a difference between a child and a hardened offender. And that was what the hon. and learned Gentleman in his argument entirely overlooked. It had been urged that committals in France had increased in consequence of the reformatory system of La Mettray being purely reformatory, and receiving offenders without their suffering previous punishment. But that system was only applied to offences of a class not involving moral or criminal responsibility; such, for instance, as "*vagabondage.*" It was essential that the magistrate should, in all cases, have the power of declaring a child a proper object of reformatory rather than penal treatment. Therefore he was strongly in favour of the clause.

MR. ROUNDELL PALMER said, he thought, as this most important question must be decided sooner or later, it was advisable to do so at the earliest possible time. They must look not only to the interest of the child, but also to that of society, and must endeavour to take that course which should tend most to the repression of crime. But would they be doing so by compelling every poor child who should be admitted to reformatories to pass a prior apprenticeship in gaol? If the prospect of a lengthened maintenance and excellent education offered a temptation to crime, that temptation would not be diminished by a preliminary fourteen days spent in prison. Such a requirement might have a deterring effect to some extent, but it would also have a demoralising effect. His hon. Friend's clause proposed to give magistrates a discretion, and if they should deem it advisable for the interests of society and of the child that a youthful offender should pass his time in a reformatory then such detention, with its attendant discipline, could only be regarded as a punishment. He hoped the Committee would concur in these views, and adopt the clause proposed by his hon. Friend.

MR. LIDDELL said, that in many gaols at present youthful offenders received very beneficial training from the chaplains and governors.

MR. NEWDEGATE said, that if reformatories were not to be regarded as places of punishment, by adopting the clause they would be abolishing punishment, and placing in the hands of magistrates a dangerous discretion. One of the difficulties at Mettray, in consequence of that not being a place of punishment, was that many children were sent there by those who wished to place them under the guardianship of the State, and now it was proposed to do the same thing here.

MR. MONCKTON MILNES said, that the cases which occurred in France were chiefly those in which the departments sought to relieve themselves of the burden of supporting vagrant children, and imposing it upon the State.

MR. J. G. PHILLIMORE said, that if there was crime, punishment ought to follow, for the guilty child ought not to be placed in a better position than the innocent.

SIR JOHN PAKINGTON said, he thought that the detention in a reformatory, and the strict rules of discipline which would be enforced in those institutions, would, in fact, be regarded as a punishment by those who were sent to them.

SIR GEORGE GREY said, he was of opinion that it would be better to adhere to the previous decision of the House in the existing Act, which provided that there should be a period of strictly penal imprisonment before the offender was sent to the reformatory.

MR. BLACK said, that boys of tender age were frequently sent to prison for offences which, like stealing a few peas or a turnip, implied very little guilt. If children once went into gaol their character was gone. He was quite prepared to vote for the clause.

Mr. BECKETT DENISON said, that an offender could not be sent to a reformatory without the consent of the owners of that reformatory. Did not that constitute a check?

MR. ADDERLEY said, he wished to know whether the Government were prepared to lay it down as a rule, that every juvenile criminal, whatever might have been the nature of his offence, should undergo punishment previously to being drafted into reformatories? Surely there were exculpatory circumstances in many cases. At all events, he thought a discretion should be left in the hands of the magistrates.

SIR GEORGE GREY said, he had not said that every child, however slight his offence, should undergo imprisonment. He had no desire to fetter the discretion of magistrates in cases where they thought that cases were of too trivial a character to be dealt with. What he contended for was, that it would be rash to depart from a rule by which approved offenders were subjected to punishment of a penal character for a limited period.

MR. HENLEY said, a clause had just been passed entitling parents to remove their children from one reformatory to another. Now that, he considered, was a very forward step, and it behoved the Committee to watch the consequences to which it might lead. He did not think any fact had been adduced against the law as it now stood.

Question put, "That the Clause be read a Second Time."

The Committee *divided*:—Ayes 57; Noes 80: Majority 23.

MR. MILES said, he would now beg to move the insertion of the clause of which he had given notice, which was to enable counties to make provision for the erection of reformatory schools. In submitting the clause for consideration, he must express his regret that a question of such magnitude had devolved upon a private Member. However, the demand for accommodation for juvenile offenders was so pressing that he had been forced to take the matter up. The Returns laid before Parliament for the present and the preceding year made it abundantly apparent how ridiculously small was the reformatory accommodation. He found that in the "certified schools" there was only accommodation for 420 children. That Return, however, did not include the school at Red Hill, which happened not to be certified, and where there was accommodation for 230 inmates. Besides that, there were two or three other establishments throughout the country, whose accommodation raised the number of children provided for at all the reformatories of the country to 840. Well, on the other hand, they had it on the testimony of Captain Williams's Returns, that upon an average of five years, the number of children up to seventeen convicted at assizes or summarily disposed of before magistrates, reached to 10,306 males and 1,725 females, altogether 12,031 persons. While taking those under fourteen years of age, he found that the annual number for England and Wales averaged 4,134. It was apparent, therefore, that the efforts of mere private benevolence was not adequate to meet the demands of juvenile reformation. He knew, from the instance of his own county (Somersetshire), that the counties generally did not require to be coerced into promoting the scheme of juvenile reformatories. And in proof of how inadequate the voluntary system was for maintaining the schools, he would mention that he himself had proposed to set on foot a subscription of £500 for three years, for the maintenance of a juvenile reformatory, but his applications met with little success. Indeed, such had been generally the difficulty of getting subscriptions for those reformatories during the last three years, that they were likely to die a natural death for want of assistance. He did not think, either, that his proposal would at all interfere with the efforts of private benevolence; on the contrary, he thought it would rather stimulate them. At any rate, he hoped the Government would consent to try his proposal as an experiment, when it would be open to them next Session, or later, to introduce a comprehensive measure that he hoped would meet with general acquiescence.

SIR GEORGE GREY said, he doubted whether the clause proposed by the hon. Member came within the title or the scope of the Bill. It referred to a subject which required to be dealt with by a Bill, and not by a single clause, which of itself would be inoperative.

MR. MILES said, he drew up the clause with the intention, if the Committee should adopt it, to follow it by others.

SIR GEORGE GREY said, he would advise the hon. Gentleman to postpone the subject for the present; he could not for himself see any valid objection to granting those powers, but it would be desirable to have more experience upon the subject.

MR. HENLEY said, he rejoiced to hear the opinion of the right hon. Gentleman upon the subject. There was a great and increasing desire in the country to use those institutions. He thought there was no fear of any injury to the voluntary cause accruing from the establishment of reformatories, as there was plenty of room for both.

MR. BECKETT DENISON said, he was so impressed with the conviction that these reformatory schools would decrease crime, that he intended to have brought in a Bill to enable the county of York to build a school of the kind for that county; but, unfortunately, he was too late, the Bill being considered a private one. The Bill he intended to propose was submitted to eighty-one magistrates, seventy-nine of whom were in favour of its provisions. The inhabitants of the two ridings consented that a rate should be levied on them for the maintenance of the establishment. Those reformatories could not be carried on successfully by private benevolence, and he hoped before long the Government would take the matter into their hands. He would, however, suggest the withdrawal of the clause.

MR. STUART WORTLEY said, he was glad to hear that Government intended to take the question into consideration with a view to the establishment of such schools. The Committee would, no doubt, be surprised to hear that till within the last few weeks there had not been an institution of the kind within the metropolitan districts. A private Bill had to be obtained for that purpose.

SIR JOHN PAKINGTON said, he was glad his hon. Friend the Member for East Somersetshire had raised the question by proposing the clause he had moved. He was convinced that it was impossible, by the system upon which they were now acting, to maintain those institutions to the extent which the requirements of the public rendered necessary. He trusted the several Bills on this subject would be consolidated. He would ask the right hon. Baronet the Home Secretary whether the requirements of the deputation which had waited upon him, asking for the Government allowance to be increased from *5s.* per head to *7s.* per head, would be complied with?

SIR GEORGE GREY said, he would make inquiries upon the cost per head, and intended to ask the deputation again to wait upon him.

MR. LIDDELL said, he wished to recal the attention of the Committee to the clause under consideration, and to point out that it was simply permissive in its nature.

MR. DUNLOP said, he thought that the entire efficacy of reformatory schools rested upon their being supported by voluntary subscriptions.

Clause *withdrawn.*

House resumed.

Bill *reported,* as amended.

## FORMATION, &c. OF PARISHES BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

MR. HADFIELD said, he objected to the Bill, inasmuch as by a side-wind it seemed to weaken the restrictions established by the Statutes of Mortmain. Besides, he considered it of too much importance to be taken into consideration at that late hour. He should move that the further consideration be postponed for a month.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day month, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. ROBERT PHILLIMORE said, he trusted that his hon. Friend would not press his Motion, but allow the House to go into Committee.

The Marquess of BLANDFORD said, he would remind the House that the Bill had been considered by a Select Committee; it was therefore not a raw and crude measure, but one which had already been well-digested. If the House did not pass it forward a stage to-night, it might be thrown over for another Session.

Amendment, by leave, *withdrawn.*

Main Question put, and agreed to; House in Committee.

Clause 1 *agreed to.*

Clause 2 (A district containing a church shall become a new parish on being constituted a separate district by Order in Council).

Sir WILLIAM CLAY said, he would beg to ask the noble Marquess whether this clause, in constituting separate parishes, would have the effect of conferring on those parishes the right of levying church rates?

The Marquess of BLANDFORD said, he could state positively that that would not be the effect of the clause. The parishes constituted would to all intents and purposes resemble those formed by Sir Robert Peel's Act, under which, as was known, no church rate could be levied.

Clause *agreed to*, as was also Clause 3.

Clause 4 (The provisions of the 6 & 7 *Vict.* c. 37, sec. 22, shall apply to Ecclesiastical and Collegiate Corporations).

Mr. HADFIELD said, he wished to propose the following proviso:—

> "Provided that all gifts and grants thereby authorised shall be made under and subject to the stipulations and restraints of the Act 2 *Geo.* II., c. 39."

He was not prepared to maintain that a Mortmain Act was required at all, but that Act ought either to be entirely repealed or not at all. There ought not, with regard to bequests of property for ecclesiastical purposes, to be one law for one class and a different law for another class, as would be the effect of this clause. All ought to be treated alike, and he would, therefore, propose to limit the operation of the clause in the manner indicated in his proviso.

The Marquess of BLANDFORD said, he must oppose the Amendment, because he considered that the clause introduced no new power, but merely extended a principle which had been long in existence.

Mr. GLADSTONE said, he also must oppose the Amendment, on the ground that the clause gave no power of throwing into mortmain property which was not already in mortmain.

Amendment *withdrawn;* Clause *agreed to;* as was also Clause 5.

House resumed: Committee report progress.

The House adjourned at a quarter after One o'clock.

## HOUSE OF LORDS,

*Friday, May* 23, 1856.

Minutes.] *Sat First in Parliament.*—The Lord Raglan, after the Death of his Father.

Public Bills.—1ª Peace Preservation (Ireland); Industrial and Provident Societies.

2ª Drainage (Private Advances) Act Amendment.

3ª Smoke Nuisance Abatement (Metropolis) Act, 1853, Amendment.

### PROJECTED APPROACHES FROM PALL MALL TO ST. JAMES'S PARK, &c.

Lord RAVENSWORTH rose and said: My Lords, I have risen, in pursuance of notice, for the purpose of calling the attention of Her Majesty's Government and of your Lordships' House, in the first place, to certain circumstances of some importance in connection with the approaches which are proposed to be made from Pall Mall to St. James's Park; and also to point out to your Lordships what I consider to be the present existing defects in the east front of St. James's Palace; and, in the second place, to the inappropriate sites which have been chosen for some of the public statues in this metropolis. Your Lordships will remember that frequent discussions have taken place, both in this House and in the other House of Parliament, upon this subject; but in the course of these debates several omissions of considerable importance have been made, which I consider it my duty now to supply, and to which I beg leave to request the attention of your Lordships. Your Lordships are aware that when public improvements of any magnitude are contemplated in this country, it is not only desirable but necessary that public attention should be called to the project. We are all aware that in countries governed by despotic sovereigns this is not so necessary, for in countries so governed the sovereigns have an unlimited and uncontrolled power to do as they please; and the result is, that they commonly engage the services of the best and most talented engineers and architects, and hence we observe an unity of design and a harmony and perfection of execution in all the great public works of the Continent, which I am grieved to say is not recognisable, and apparently not attainable, in the public improvements which, up to the present time, have been made in this country. In this country, my Lords, we find that where any public improvement is proposed by which any property of the Crown is likely to be interfered with, the consent of the Crown must be had before such improvement can be commenced; and as to the expense to be incurred in accomplishing the work, we all know that not one shilling of the public money can be expended until the Estimates shall have obtained the sanction of the House of Commons. However, that is no reason why the merits or demerits of any such project should not be discussed in this House when an opportunity offers, and opinions expressed in regard to it—and it is upon that ground that I, even though an unprofessional individual, have risen for the purpose of now calling your Lordships' attention to a project which has been for some time before the public, for the purpose of giving the public increased accommodation, and greater facilities for passing through St. James's Park. Your Lordships will find that a new road through St. James's Park is to be afforded by a communication to be opened at the west end of Pall Mall, and that it should pass through the present site of a building known as the German Chapel, and thence into the park, so that the public should have facilities for passing on through the park from that point, to the right past Buckingham Palace and to the left to Charing Cross through Spring Gardens. It has been alleged that one great object to be accomplished by this new thoroughfare is to relieve, to some extent, the enormous traffic which is now daily carried on through Pall Mall to Charing Cross; and it must certainly be admitted that such an improvement would be very desirable. But my Lords, to effect this more completely I may suggest to the Government the expediency of buying up the tolls levied upon Waterloo Bridge, and thus to relieve the public from a charge which is now almost the only remnant of that ancient system of toll-bars which formerly obstructed every approach to this great metropolis. I am assured that a vast amount of traffic is induced to swell the great stream which rolls over Westminster Bridge and its approaches for the purpose of avoiding this toll—traffic which otherwise would find its way towards its various destinations over the more direct and far more convenient line of Waterloo Bridge. And I hope that the present and future Governments will bear this subject in mind. But, my Lords, my main object in directing your Lordships' attention to this particular alteration — namely, the contemplated road through St. James's Park—is, to show what an opportunity it will afford for making a very great improvement also in the external appearance of a most important building, while, at the same time, the British nobility and gentry would be greatly accommodated thereby. I am now referring to the present state of the east front of St. James's Palace; and I do think it would be extremely desirable, in the event of the proposed improvement being undertaken, to consider the expediency of altering and improving that portion of St. James's Palace which is situate between the eastern extremity and the centre of the building, for I believe it cannot be denied that some alteration and improvement in that portion of the palace would be most desirable. My Lords, I am far from advocating any lavish or unnecessary expenditure of the public money. I am not by any means enamoured with palace-building, having seen in my lifetime far too great sums of money unprofitably expended; and I may here be permitted to make an observation or two in reference to the building in which we are now assembled. A more gorgeous or magnificent structure it would be almost impossible to conceive; but, my Lords, I am decidedly of opinion that the proportions of this palace are in themselves so vast and imposing, that about one-fifth of the enormous sum its construction has cost the country might well have been saved, by a judicious retrenchment and more sparing use of the exuberance of its external decorations and that redundancy of ornament which is by no means essential to the general effect. But just let me ask your Lordships to take a look at the central gateway and east wing of St. James's Palace. The gateway is, perhaps, so far as proportion is concerned, a tolerably fair specimen of the architecture of the time of the Tudors; but I think it should be characterised by some features of strength and durability, being the main entrance to a castellated building supported by two flanking octagon towers. Now, the original design of such towers was for the purposes of defence and strength, in which characters these are utterly deficient. They are perforated with innumerable windows of the meanest description—on one side no less than six, one above the other, in a single face of the octagon—and in the corresponding tower eight of these holes, five on the one face, and three on another—thus detracting entirely from all ideas of defence or strength. There is, however, a certain old-fashioned rusty dignity about them, with which so many associations are connected, and it would be so easy to remedy these manifest faults, that I should be sorry to see the day when they would be taken down. But what have we on the east side of that central gateway? A piece of building the most paltry that can be witnessed in any city or country, fitted with windows of so mean and shaky a character, apparently so rotten that every storm of wind threatens to blow them out of their casements, surmounted with chimney-stacks and chimney-pots of such a description, that I am sure not one of your Lordships would ever think of putting such unsightly objects on your farm-houses or cottages. Now, is it not possible, in connection with the new approaches about to be made, to have a suitable addition to the palace of a design something similar to that noble hall which has been recently erected in Lincoln's Inn Fields? I believe that such an addition might be made without at all interfering ultimately with the accommodation given to those who, by favour of Her Majesty, occupy apartments in that portion of the palace. I may here state that I have thought it my duty to communicate with the right hon. Baronet the Chief Commissioner of the Board of Works on this subject, and I can assure your Lordships that no expression was used by me in the course of that interview that was not cordially concurred in by the right hon. Baronet. So much with reference to the exterior of the palace. But what is the internal accommodation given to the British public, and especially the ladies of this empire, when they attend Her Majesty's Drawing-rooms? I am aware that noble Lords opposite have so long enjoyed the privileges of the *entrée* that the points on which I now endeavour to speak will not, perhaps, in their eyes, possess that importance which others attach to them; but, nevertheless, I think it by no means an unimportant question to ask what the ladies of this great kingdom have to encounter when they attend Her Majesty's Drawing-rooms? It is a well-known fact, that the society of London is now so large that, excepting in the noblest houses of the metropolis, proper accommodation in ordinary life can hardly be provided. There are exceptions—such, for example, as that provided by the noble Marquess opposite (the Marquess of Lansdowne) when he—as is his wont—generously opens his house to the public. But what is the accommodation of the Royal Palace of St. James's? Those who wish to show their duty to Her Majesty on such occasions—and it is almost the only act of duty and loyal attention which it is the privilege of a subject to pay to the Sovereign—are set down in the open air by an uncovered cloister, and thence find their way into a passage both long and narrow, at least 100 feet in length. When they reach the end of this passage they run their heads against a wall, and are turned short round into another passage, exposed to the wind from the north and south, from two doors that are constantly open. Another sharp turn leads to the staircase. Now, when ladies are attired in the full court costume of the present fashion, a good sized staircase at least is required for their accommodation; but here they are exposed to all the inconvenience and pressure encountered on a narrow staircase, with a turning in the middle; and as there is only one staircase for ascent and descent, your Lordships, even had you not witnessed it, may conceive the embarrassment of this crowding together of full-dressed ladies and gentlemen, encumbered with cocked hats, swords, and spurs, and all this before even the threshold of the court is attained. Your Lordships must be aware how much extent of ground at St. James's Palace is wasted in needless courtyards, and ill-devised communications; therefore I ask, whether the Government ought not to take into consideration, when a fair opportunity presents itself, the expediency of effecting for the public accommodation such alterations as I have intimated. It is my opinion, as far as regards expense, that if the matter were placed in the hands of a competent architect accustomed to consider the adaptation of modern buildings to ancient remains, the alterations might be effected, not only handsomely, but at a very moderate cost. And now, my Lords, I propose to call your Lordships' attention to some of the public statues of this metropolis, and I feel myself the more entitled to do so because, by an Act of Parliament passed the year before last, when the late lamented Sir W. Molesworth was at the head of the Board of Public Works, the repair and maintenance of public statues in the metropolis were intrusted to the keeping of the Government. First, I hope some steps will soon be taken to fill up the vacuum on the pedestal in Trafalgar Square, by erecting an equestrian statue in a position corresponding to that of the statue of George IV. There is at present resident in this country one of the ablest and most talented sculptors that ever lived, especially in regard of equestrian statues (Baron Marochetti); and it will be well for the Government to consider whether it is not now time to fill up this vacant pedestal with a work worthy of the country. There is a schedule attached to the Act of Parliament enumerating the statues placed under the superintendence of the Government, but the statue I am now about to notice is not contained in that schedule. However, when I point out certain circumstances in connection with the statue, I think there will be no indisposition on the part of those having the property of it to consider the criticisms I shall venture to make. In Hanover Square there is a statue of Mr. Pitt on a lofty pedestal, occupying a commanding position, similar to that which he filled in the political world; and in a direct line with that statue, going northwards, there stands in Cavendish Square another very good modern statue, representing my late noble and lamented Friend Lord George Bentinck, which is also placed on a lofty pedestal. But following the same line, and immediately beyond, there stands in the midst of Cavendish Square an equestrian figure of a fat man upon a still fatter horse, supported upon a pedestal so low and mean, that nothing is visible to the spectators, except the cocked hat and round shoulders of the rider, and the rump and clumsy croup of the Horse. This, my Lords, is the figure of the Conqueror of Culloden, William Duke of Cumberland—a statue not in itself without merit, bearing, probably, much of the likeness and character of that royal hero, although, from the ill-balanced posture of the horse, the quadruped is only prevented from falling by the most clumsy and inartificial props to such of his feet as are supposed to be prancing in the air. Now, my Lords, we all know that the object in erecting monuments of this description in public thoroughfares is, firstly, to commemorate the public and private virtues and services of illustrious individuals; and, secondly, to place them in such a manner as to adorn and embellish the respective localities in which they are seen; but it cannot be contended that such is the effect of the statue in question, for that statue as it now stands is, in my opinion, at least, nothing less than ridiculous. It is completely overshadowed by the pedestrian statue I have alluded to, and, therefore, if it is to be left where it is now placed, it should be turned *volte face*, and elevated to such a height as would enable the public to get a proper view of it. I would also wish to direct your Lordships' attention to another statue over which the Government can exercise control as to the site which it should occupy. I allude to the statue of His Royal Highness the Duke of Kent, which now stands at the northern extremity of Portland Place; that statue, I venture to affirm, is never seen unless people take the trouble to look about for some time in search of it. That statue has been placed by way of forming a termination to the vista of, I believe, one of the widest and finest streets in Europe, and is so utterly disproportioned to such a position, that it really appears to be the figure of a little black man, hiding himself among the bushes, reminding one only of the nymph in Virgil—

> "Quæ fugit ad salices,"

—with the change of a single word—

> "Nec se cupit ante videri."

Now, unless it be that the inhabitants of Portland Place are so enamoured of that statue as to insist on retaining it, although it can hardly be visible to most of them without a telescope, I certainly consider that it would be very easy to find a more appropriate site for it; and I think that the Government would be only paying to Her Majesty a becoming compliment if the statue of Her Royal Father were to be placed in the centre of that court which now forms the entrance to Buckingham Palace from Pimlico, the proportions of which would be in very just keeping with the scale of this statue. Now, my Lords, I trust your Lordships will excuse me for occupying your attention for a moment or two longer, while I direct your notice to another matter in connection with the fine arts. I allude to the collection of no fewer than sixty noble pictures which were bequeathed to the country by that unrivalled painter, the late Mr. Turner. It is well known that those pictures are not only inimitable as works of art, but are almost inappreciable as to their value; and yet, it will scarcely be credited, that these valuable paintings are actually at the present moment stowed and hidden away in one of the storerooms of the National Gallery, where, if they shall be suffered to remain much longer, they must become seriously deteriorated in condition and value, for want of light and air, and thus be lost to the nation. Your Lordships are probably aware that those pictures were, some time ago, the subject of a suit in Chancery, in consequence of the heirs at law of Mr. Turner having disputed the right of the trustees of the National Gallery to them; but the result of that suit was, that the Court of Chancery came to the decision that the pictures were the property of the nation. The conditions of Mr. Turner's bequest were that a fitting receptacle for his pictures should be provided, and the suit in the Court of Chancery being now terminated, I think it is high time that the Government should forthwith provide a fitting receptacle for those noble works of art, for I have not the least hesitation in saying that they are positively worth their weight in gold; and I cannot give your Lordships a stronger proof of the value set upon the works of Turner than by stating the fact, that I myself saw three of his paintings put up at public auction the year before last, and they were sold for no less a sum than five thousand guineas. I repeat, then, my Lords, that the Government should no longer defer the restoration of these pictures to the public, instead of suffering them to lie concealed in a cellar, for they are a most valuable collection, and have been bequeathed to the nation by a most eminent artist. If a suitable building cannot at once be erected, at least the Government could assuredly find, without any difficulty, a room which could be hired for a time for the exhibition of those noble pictures, where they would not only be preserved from injury, but would be a source of instruction to artists, and excite the admiration of the world, instead of being, as at present, wholly inaccessible. My Lords, I shall not trespass longer upon your time, with any further observations upon the subject, and I beg to thank your Lordships for the patience and attention with which you have been so kind as to hear me.

THE MARQUESS OF LANSDOWNE said, he shared the anxiety of the noble Lord with regard to the fate of these fine paintings, which had till lately been consigned to that worst of all receptacles—the Court of Chancery. The suit, however, had at last been decided; the pictures now belonged to the nation, and from henceforth it would be the fault of the Trustees of the National Gallery if they were not removed to some place where they could be seen and where they would be safe from injury; even if they were not able to provide them with an abode worthy of their own importance and the fame of that great artist from whose pencil they had proceeded.

LORD REDESDALE said, that of the three plans that had been laid before Parliament for the proposed road through St. James's Park, that proposed by the Committee was the worst, whether for beauty or convenience. He did not see why the road should not be taken straight into Pall Mall. The truth was, the plan had been designed on the assumption that it was necessary to make a road through the Park. He (Lord Redesdale) did not see any such necessity; but, on the contrary, he thought it would be for the interests of the public that the privacy of the Park should be preserved.

THE MARQUESS OF CLANRICARDE said, he thought that an entrance into Pall Mall to the west of the Green Park would be a greater improvement than the plan suggested by the Committee. As allusion had been made to the state of our public edifices, it might not be inappropriate to observe that the dignity of the Sovereign and the comfort of such of Her subjects as were in the habit of attending Her Majesty's drawing-rooms alike required that some alterations should be made in St. James's Palace. The Palace contained some fine rooms; and the regulations prescribed for observance on State occasions were, no doubt, excellent, but the hurry and noise that prevailed in departing, and the difficulty that persons experienced in finding their carriages, caused a degree of confusion that was exceedingly unbecoming.

LORD ST. LEONARDS took occasion to remark that the river front of Somerset House was disgraced by two red rows of chimneys of irregular form, and devoid of all style; and he had attempted three times, with three successive Commissioners of Public Works, to obtain a reconstruction of them, and the removal of a great eyesore, but with no success. The late Sir William Molesworth had, indeed, agreed that the change was much called for, but he had been unable to carry it out. With respect to the buildings devoted to public offices, he (Lord St. Leonards) sincerely trusted that, before Government entered into any new scheme of building, they would finish those which had been already begun. He thought it must be a matter of regret to every man to see how the public money was frittered away in this matter. In St. James's Square some of the best houses were occupied by public offices—as the offices of the Copyhold and the Charity Commissioners; and it was unfortunate to see splendid drawing-rooms, in houses which were fit for the residences of the wealthiest noblemen, exposed to dust and neglect. Then let their Lordships look at the state of the two Houses of Parliament. The building had been confided to the charge of an architect of great reputation, but a dispute had arisen as to the rate by which he should be paid. He thought it perfectly disgraceful to the country that this dispute should be allowed to remain unsettled for another twenty-four hours. And at the very moment, while they were disputing about the old building, they were erecting new ones. Then the clock-tower of the Houses of Parliament had been left unfinished, manifestly with the intention that the clock-tower should be continued on that side of New Palace Yard. Really the Government seemed to have created eyesores for the purpose of compelling Parliament to acquiesce in their schemes. The clock-tower obviously could not be left in its present state; it should be continued and New Palace Yard should be enclosed with handsome gates to admit the carriages of Members, and suitable accommodation should be provided for both carriages and horses, instead of the present ugly coal-shed, which any one could get put up for £10, and which, if they did, they would be glad to give £20 to pull down again.

THE EARL OF MALMESBURY wished to know what chance there was of the Government commencing the rebuilding of the Government offices in Downing Street. The residence of the Foreign Minister was in such a condition that he could not give a party without having his house shored up, and people were then in peril of their lives. In fact, the Minister who, from his official relations, was obliged to give some receptions, had no house in which he could receive. Generally speaking, the office was held by persons who had an adequate fortune; but still one might be appointed who was without large private means; and he (the Earl of Malmesbury) could only say that the salary was not equal to the necessary outlay which the acceptance of the office entailed. It was not every one that was able, like the noble Marquess opposite (Lord Lansdowne), to receive distinguished guests accredited to them from foreign Sovereigns—such as he was himself obliged to receive on the occasion of the Duke of Wellington's funeral. Formerly the official residence of the Foreign Minister, though it was never very handsome, was fit for an official residence. It had, at least, kitchens and bed-rooms, which the present had not; and when a person was appointed to the office, the first thing he must now do would be to hire a house, at an expense to him of not less than £1,000 a year. He agreed with the noble and learned Lord in what he had said with respect to the engaging of extraneous buildings for the public service; but it was not always possible to get suitable premises at the moment they were required. Still it was no doubt a great pity to see Pembroke House, for instance, with its staircase and ceilings which money could scarcely buy, occupied by clerks and scriveners.

THE MARQUESS OF LANSDOWNE said, that since this subject had been last discussed in their Lordships' House about a month ago, not a day had been lost in endeavouring to lay down some scheme for the attainment of the desired object. He was happy to say that a plan had been agreed upon, which was about to be submitted to a Committee of the House of Commons, of which notice had been given, and it would rest with that House to say how far it would sanction that plan. He entirely agreed with the noble Earl in his condemnation of the present Foreign Office. There was not a more gloomy, unsafe, unsightly building of its size in all London

He was convinced that the concentration of all the public offices, if well carried out, would not only be ornamental to the metropolis, but would lead to a great saving of expense.

EARL STANHOPE said, before the discussion was brought to a close, he would beg to offer a suggestion with respect to the statues and public buildings with which the metropolis was adorned. Forty years ago there were only three statues in London—namely, that of Queen Anne, opposite St. Paul's, that of Charles I., at Charing Cross, and that of James II., at Whitehall. Now, there were upwards of forty statues, which were a great ornament to the open spaces and thoroughfares of the town. He had observed that few of the statues raised in London within the last forty years to eminent men bore upon them any inscription beyond the name of the person to whom they were raised, and the date perhaps of his birth and death. That was not the case with the statues in foreign cities. Many of their Lordships, no doubt, would remember the inscription on the base of the statue of Joseph II., at Vienna, aptly and tersely setting forth both his short life and his active mind—"*Publicæ saluti vixit non diù sed totus.*" The inscription in front of the Military Hospital at Berlin, "*Læso sed invicto militi,*" was no less happy. He saw no reason why a suitable English inscription should not be placed on any statues which might be erected in London for the future, and he hoped the Government would bear his suggestion in mind.

## TRANSPORTATION.

EARL STANHOPE said, that after the full discussion which the subject of transportation had recently received in that House, and as the feeling of their Lordships and of the Government was in favour of the appointment of a Committee to inquire into the operation of the present law, it was unnecessary for him to occupy the time of the House in urging the expediency of such a measure. He would, therefore, simply move the Resolution of which he had given notice—

> "That a Select Committee be appointed to inquire into the Provisions and Operation of the Act 16 & 17 *Vict.* c. 99, entitled 'An Act to substitute in certain cases other Punishment in lieu of Transportation.'"

Motion *agreed to.*
Committee named.
House adjourned to Monday next.

# HOUSE OF COMMONS,

*Friday, May 23, 1856.*

MINUTES.] NEW WRIT.—For Lichfield, *v.* Lord Waterpark, Steward of Northstead.
PUBLIC BILLS. — 1° Nuisances Removal, &c. (Scotland) (No. 2); Poor Law Amendment (No. 2); Lunatic Asylums (Ireland) (No. 2); Dublin University.
2° Annuities (No. 2).
3° Fire Insurances.

On Motion that this House, at its rising, do adjourn to Monday,

## MILITARY COLLEGE AT SANDHURST—ORPHAN CADETS—QUESTION.

COLONEL NORTH said, that it was now nearly two years since he brought before the attention of the House the condition of the Military College at Sandhurst, and obtained from the noble Lord at the head of the Government the appointment of a Committee, presided over by the right hon. Baronet the Member for Portsmouth (Sir F. Baring). That Committee, after sitting nearly three months, recommended that ten children, the orphans of officers, should be admitted into that institution free, as a cadet class, every year; there should consequently be twenty orphan cadets now in the institution. Some short time ago it appeared, by an answer to a question put by himself, that the Government found it was out of their power to provide for twenty orphans, the children of the soldiers of their gallant army, and no steps had been taken in the College itself to introduce the class recommended. He now asked whether, when universal joy was spread throughout the land at the return, if not in all cases of dear relations, at any rate, of old and valued friends, the Government were not prepared to provide for the education and the support of twenty or thirty orphan boys, whose gallant fathers had fallen fighting for the honour and glory of their country, whose hearths would be the only desolate ones amid this otherwise universal joy? He begged to inquire whether it was the intention of Her Majesty's Government to carry into effect the recommendation of the Sandhurst Committee with respect to the establishment of the orphan class of cadets at that College?

COLONEL DUNNE observed, that one of the recommendations contained in the Report of the Committee, to which his hon. and gallant Friend had alluded, was that means should be taken to improve the education of officers on the staff, and he wished to know what had been done in that direction?

Mr. FREDERICK PEEL said, that it was the intention of the Government to adopt the recommendations made by the Committee as to the support and maintenance of a certain number of orphans whose fathers had lost their lives in the service. Indeed, they had a claim upon the country, and he was sure the measure by which they were adopted, as it were, by the nation, would obtain general support. He did not, however, know whether his hon. and gallant Friend had forgotton that the funds for the support of the Military College of Sandhurst were derived from the payments made by the friends of the boys receiving their education there, and those funds were not sufficient to enable the Government to provide a gratuitous education for a sufficient number of orphans. It would, therefore, be necessary that Parliament should provide the requisite additional funds. When such a Vote had been agreed to Government would take care to apply the money to the purposes for which it should be granted, and to do so in the best possible manner. The question of improving the education of staff officers was no doubt a valuable one, but its discussion would open up a very large field of inquiry.

## SUFFRAGAN BISHOPS—QUESTION.

The Marquess of BLANDFORD said, he felt the justice of the remarks which had been made respecting the impropriety of discussing a variety of subjects upon the Motion for the adjournment of the House; but the subject upon which he wished to put a question to the noble Lord at the head of the Government was so important that he hoped the House would allow him to make a very few observations upon it. In the first place, questions like that which he was about to put were sometimes assumed to convey some insinuations prejudicial to the persons referred to in those questions. He assured the House that such was not his feeling upon the present occasion. No one entertained a deeper reverence or regard for the right rev. Prelates to whom his question related than himself, whether he regarded them as dignitaries of the Church or as ministers of Christ; but his question was rendered necessary in consequence of infirmities over which those rev. Personages had no control. He could conceive no position more distressing than for a right rev. Prelate, who fully recognised the high and responsible character of his duties, to find a large accumulation of important business pressing upon him and demanding his supervision, to which, however, from physical causes, he was not able to bestow that attention which its importance required. He (the Marquess of Blandford) thought he was ranging himself on the side of those right rev. personages in putting his question, and that nothing would afford them more gratification than to hear, as he trusted he should hear, from the noble Lord, that the subject had received, and would still receive, the earnest consideration of the Government. He need not allude to the importance of maintaining the love of the episcopacy in this country; but he would put it to the Government whether, if it could be shown that during lengthened periods certain dioceses were left without any direct episcopal supervision, that was not a state of things calculated to create a doubt as to the value of the episcopacy as an institution, and, perhaps, even to bring it into contempt; and if so, was it not the duty of the Government to take steps to prevent any misconception arising as to the necessity of the episcopacy? At present, whenever such occasions arose as those he referred to, a colonial Bishop was called in to do the duties of the diocese, or a neighbouring Bishop took upon himself those duties in addition to the burden of his own diocese, and sometimes the Archdeacons were intrusted with the performance of certain episcopal duties, such as visitation; but there were other and most important episcopal duties which Archdeacons could not perform. He would only add, that the Act of Henry VIII., although a sleeping one, appeared to be one that would meet the present emergency. That Act enabled a Bishop, who required the assistance, to nominate two persons, of whom the Crown selected one, for consecration by the Archbishop. Such person might hold two benefices, and perform all the duties attaching to them, in addition to those which might be delegated to him by the Bishop who appointed him. That appeared to meet any difficulty as to endowment; but, even if the difficulty remained, he could not doubt that the right rev. Prelate who required assistance would willingly contribute a portion of his episcopal income for that purpose. He begged to ask the First Lord of the Treasury whether, in consequence of the state of health of several of the Prelates of the Church, who were unhappily disabled from attending their dioceses, it was the intention of the Government to take any steps to put in force the powers of the Act 26 *Hen.* VIII., c. 14, "For the Nomination and Consecration of Suffragans within this Realm;" or, if not, whether the subject was still one which had occupied the attention of Her Majesty's Government with a view to providing a suitable remedy?

Mr. HADFIELD said, before the question was answered, he wished to assure the House that he deeply sympathised with the noble Lord at the country being deprived of the episcopal services of certain Bishops. [*Laughter.*] He did not mean it as a joke, he meant it seriously. He regretted they were prevented from performing their duties through ill-health; but there were other duties which kept them from their dioceses, and he was sure the country would echo the wish which he expressed that they should be relieved from their Parliamentary duties in the House of Lords. Their presence in another place was a most painful scene to him—the most unpleasant of anything connected with his Parliamentary duties. What were the duties which required their presence in the House of Lords? Was there a single public measure, anything connected with the freedom, liberty, or welfare of the country, which had not been opposed by those right rev. Gentlemen? ["Oh, oh!"] He was speaking the voice of his constituents and of the country. And he maintained that the absence of the right rev. Prelates from the House of Lords would be a source of exultation throughout the land. He did not say this from sectarian feeling or in hostility to the Church, but in the belief that their presence in another place impeded the progress of true religion. He was confident that if he polled all the members of the Established Church he would find a vast majority to join him in soliciting that the Bishops should be relieved from taking their seats in the Legislature. He begged to ask whether the noble Lord had turned his attention to this subject, and whether he had it in contemplation to propose any measure to relieve the Bishops from their attendance in another place.

Sir JOHN PAKINGTON wished in one word to express his earnest hope that the noble Lord would take into his serious consideration the subject which had been mentioned by his noble Friend (the Marquess of Blandford). He believed there prevailed a general feeling that the interests of the Established Church were materially injured by the frequent inability of right rev. Prelates from age and infirmity to discharge their episcopal duties; and he hoped that as the appointment of Indian and Colonial Bishops afforded a good precedent, the noble Lord would turn his attention to this matter, believing, as he did, that that precedent might be well applied to the case of the Bishops in England.

Mr. OWEN STANLEY said, that, being in some way connected with the subject which the noble Marquess had brought before the House, he begged to offer one or two remarks. He thanked the noble Marquess for having introduced the question, but he would take the liberty of observing that the appointment of suffragan Bishops under the Act of Henry VIII. would not meet the case in which he was more immediately interested. The Act of Henry VIII. could only be put in force at the request of the Bishop himself. No doubt, most hon. Members had read with great regret a correspondence published in one of the public papers of great circulation in this country. He was sure it must be a feeling shared in by all in that House that for the sake of the Church it was much to be lamented that such a correspondence should have been made public. He would take that opportunity of assuring hon. Members, both in that House and elsewhere, that that correspondence was published at the request of the Bishop, and therefore it might be fairly alluded to. He knew not whether he had better at the present moment repeat a portion of that correspondence. ["No, no!"] Then he would not do so; but he would say this, that he had taken all the means in his power with the right rev. Prelate himself, and through his relatives, to remedy a state of things which ought to be remedied. It was lamentable to know that any right rev. Prelate could so forget himself, and forget his high position, as to use such language as had been addressed by him to a clergyman who thought it was his duty to get a more efficient performance of the services of the Church. It appeared, therefore, to him to be incumbent on the higher members of the Church and of the First Minister of the Crown to take some means to prevent a recurrence of these proceedings; for unless some remedy were applied a great injury must ensue to the Church itself. He, therefore, begged to ask the noble Lord, not to put the Act of Henry VIII. in force, but to give his attention with a view to provide for a case where, from age and infirmity—for he (Mr. O. Stanley) knew that it was only from age, and from the infirmity of a mind once of the highest order,—a man, who was eminent for his virtues and his abilities—should unfortunately be so lost as to come under the censure of his friends. He hoped the noble Lord would give the House some assurance that means would be taken to prevent any similar occurrence.

MR. WIGRAM said, that this subject had engaged the attention of the Chapter Commissioners, and they had recommended a remedy, which was that of appointing Suffragan Bishops in cases where Bishops were unable, by age and infirmity, to discharge their episcopal functions. He concurred entirely with the noble Lord with respect to the importance of the subject, and he hoped Her Majesty's Government would pay attention to the recommendation of the Chapter Commissioners.

VISCOUNT PALMERSTON: The subject to which the noble Lord has called the attention of the House is one of very great importance, and one which justly deserves serious consideration. I can assure the noble Lord that it has not escaped the attention of Her Majesty's Government. It is a matter which is now, and has been, under the consideration of Her Majesty's Government; but, at the same time, I am sure the noble Lord and the House will see that it is a subject beset with many difficulties, and is not one on which a hasty or premature decision can be well arrived at. But it has, I repeat, engaged the attention of Her Majesty's Government, and we shall endeavour to find a remedy for the evil to which the noble Lord has alluded. With reference to the supplemental question, which has been put to me by my hon. Friend the Member for Sheffield (Mr. Hadfield), I must say that I do not at all concur in the opinion he has expressed that the Bishops are out of their place in taking their seats in the other House of Parliament, and I beg to inform my hon. Friend that it is not the intention of Her Majesty's Government to make any change in that respect. I hope no hon. Gentleman will put any further questions to me, at least upon this Motion, because hon. Gentlemen must recollect that when questions are put to any hon. Member, and he has once spoken, he cannot speak again.

## CRIME AND OUTRAGE (IRELAND) ACT—QUESTION.

MR. I. BUTT said, he wished to put a question to the Chief Secretary for Ireland, upon a subject of some moment to the peace of that country. The right hon. Gentleman was aware that the Act known as the Crime and Outrage Act would cease to be in force on the 1st of July; he was also aware that all the provisions of law to regulate the possession of arms in Ireland were now embodied in that Act, and would expire with it. It would be very dangerous to leave the Executive without any power of controlling the possession of arms in districts where crime might unhappily prevail. For the last few years a Bill had been annually brought in renewing the Crime and Outrage Act from year to year; but it had been invariably brought in at the very close of the Session, when it was impossible to discuss or modify details, and when those who might not wish to continue many of the provisions of that measure were left no choice but either to vote for its renewal as a whole, or to take the responsibility of leaving the Government without any control over the possession of arms. Last year the Act had only been renewed to the 1st of July, with the view that this year there might be early and satisfactory legislation, with full opportunity of discussion. In former years he (Mr. Butt) had felt it his duty to call the earnest attention of the Irish Government to the danger of permitting all regulations in relation to arms to expire. He hoped it was not necessary to do so now. He felt sure the right hon. Gentleman was not disposed to repeat the experiment of 1846, and attempt to govern Ireland without the power, if necessary, of imposing some check upon the acquisition of arms by the ill-disposed. But as the period was so near when the Act would expire, and no steps had been taken by the Government, he begged to ask the right hon. Gentleman if it was intended to introduce any measure with reference to the approaching expiration of that Act?

MR. HORSMAN said, in reply to the question of the hon. and learned Member for Youghal, he begged to say it was not the intention of the Government to bring in any Bill for the continuation of the

Crime and Outrage Act of last year; but to propose an amended Act to continue all the important parts of the present law, but to leave out some of its provisions. That Bill was now ready to be introduced.

## DR. SOUTHWOOD SMITH—QUESTION.

**Mr. ROEBUCK** said, it was understood some time last year that a negotiation was in progress between Dr. Southwood Smith and the Treasury, whereby, instead of Dr. Southwood Smith receiving £1,200 compensation for the loss of his office, he should receive £300 a year pension. Under the head of Civil Contingencies for this year there was a charge of £300 to Dr. Smith, and he wished to know whether that was part of the pension?

**Mr. WILSON** said, it was originally intended not to give a pension to Dr. Smith, but, upon the case being again brought before the Government, it was finally decided that Parliament should be asked to grant a pension of £300 a year. There was no provision for the payment of it last year. It was thought hard to make Dr. Smith go without it another year, and the £300 paid out of Civil Contingencies was by way of advance.

## OATH OF ABJURATION BILL.

Order for Committee read.

House in Committee.

Clause 1.

**Sir FREDERIC THESIGER**, who had given notice of the following Amendments, namely—

"In line 14, leave out the words 'and the assurance;'

"In lines 15 and 16, leave out the words 'or as set forth and prescribed in any previous Act or Acts;'

"In line 20, leave out the word 'not;'

"In page 2, line 1, after the word 'be,' insert the following words, 'administered with the omission of the following words, And I do solemnly and sincerely declare, that I do believe in my conscience that not any of the descendants of the person who pretended to be Prince of Wales during the life of the late King James II., and since his decease, pretended to be and took upon himself the style and title of King of England by the name of James III., or of Scotland by the name of James VIII., or by the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of this Realm, or any other the dominions thereunto belonging, and I do renounce, refuse, and abjure any allegiance or obedience to any of them;' And also, in the part of the said oath as set forth in the said Act, containing the words 'And I do faithfully promise to the utmost of my power to support, maintain, and defend the Succession of the Crown against the descendants of the said James, and against all other persons whatsoever," that the said oath shall be administered with the omission of the words 'against the descendants of the said James,' and of the word 'other' before the word 'persons,' and 'shall not be."

In page 2, line 1, leave out the words after the word 'made' to the word 'whatsoever,' and insert the words 'in any other manner and form.'"

In now moving the first of these Amendments—namely, to omit the words "and the assurances," &c.—said that it was a series of Amendments so connected together, and having one common object, that he thought it would be convenient for him on that occasion at once to explain the view with which he proposed them. The right hon. Gentleman the Member for Manchester (Mr. M. Gibson) in introducing the Bill had argued with considerable force, and with great clearness, upon the absurdity, if not irreverence, of requiring solemn declarations against claims and persons no longer in existence; and he asked assent to this measure principally because part of the oath of abjuration had become entirely obsolete. Those who opposed the Bill concurred in the propriety of making such an alteration, and were ready to concur in any measure for that purpose. But the right hon. Gentleman had another and an ulterior object. Had the right hon. Gentleman no other object his course would have been plain, easy, and simple enough. It would have been merely to have proposed to erase from the oath the words to which his professed objection applied, leaving the remainder of the oath in its integrity. The right hon. Gentleman, however, did not attempt to conceal that he desired to introduce the Jews into Parliament; and with that object it was necessary for him to get rid of another part of the oath; and, therefore, finding that part of the oath which conferred upon the House its Christian character interposed an invincible obstacle in his way, the right hon. Gentleman desired to give the oath its death-blow. Now the course which had been adopted by the right hon. Gentleman was not fair, candid, or convenient. When a measure was professed to be propounded upon one principle and for one purpose, and really there was an ulterior object and an indirect result to be attained, the House was liable to be misled. The House in this case had not been fairly called upon to discuss what was really the principle of the Bill—viz., to get rid of the oath of abjuration. The right hon. Gentleman knew that this was the only oath which recognised the Protestant succession as established by the Act of Settlement; nevertheless, the right hon. Gentleman, in this Bill, would sweep away the oath. Now, many had voted for the second reading of this Bill, not because they approved of this, but because they hoped that the Bill might be modified in Committee, so as to retain the substance of the oath. But that was a most inconvenient and unsatisfactory course to pursue. The second reading of a Bill was the proper period, and the only proper period, for discussing its principle; and he could not understand how hon. Members could vote for the second reading of a Bill without regard to its principle, in the hope that in Committee its principle would be altered. However, his right hon. Friend the Member for Bucks (Mr. Disraeli), who on this subject differed from the great majority of his party, had intimated his intention of proposing in Committee certain Amendments, the object of which was to distinguish between that part of the oath which secured the Protestant succession, and that part which excluded the Jews from Parliament by the force of the words "on the true faith of a Christian. That intimation on the part of his right hon. Friend had lost him (Sir F. Thesiger) some votes on the question of the second reading. His right hon. Friend had been as good as his word, and had proposed to introduce words in Committee which would have the effect of leaving the oath in its integrity, and which at the same time raised distinctly and clearly for the consideration of the Committee whether they would get rid of the words "on the true faith of a Christian," and thus relax the oath so as to admit Jews into Parliament. The noble Lord the Member for London (Lord John Russell) had on this occasion condescended to play the part of under workman to the right hon. Gentleman the framer of the Bill, and had given notice of an Amendment merely pointing to the recognition of the Protestant succession as established by the Act of Settlement. But the effect of the noble Lord's Amendment would be to get rid of all the rest of the oath; and thus, not directly, but indirectly and by a side wind, would admit the Jews into that House. Now, the noble Lord had hitherto taken the fair course of raising distinctly the question as to the admission of the Jews. That was the fair, proper, and straightforward course to pursue. But the noble Lord had not adopted that course upon this occasion; and if he (Sir F. Thesiger) were driven to choose between the course proposed by the noble Lord and that pursued by his right hon. Friend (Mr. Disraeli), he should undoubtedly prefer the latter, as being fairer and more direct, and raising the question of the admission of the Jews into Parliament in a more plain and simple way. The question, first, was whether the House would consent to the Amendments which he (Sir F. Thesiger) now proposed, the result of which would be that the Bill would effect all that its author had originally professed to have in view, and would preserve the oath while getting rid of the obsolete words in it. Why should any further alteration be made in it? This oath had been framed in the thirteenth William III., in the year 1703, and had thus lasted 150 years. It had been from time to time altered to meet the altered circumstances of the times, as in the reign of Anne, in the reign of George II., and in the reign of George III., the last alteration having been so long as ninety years ago. During all that time no class but those who were excluded by it had complained of it. Let the oath remain, and merely be modified to meet the objection as to that part of it which was obsolete. The course he should ultimately pursue in regard to the Bill depended upon the shape it should take in Committee; he would now, however, move the first of his Amendments, namely, to omit the words "and the assurances."

MR. MILNER GIBSON said, that if he understood the hon. and learned Gentleman's Amendment, he proposed to omit all the abjuration from the oath of abjuration. Everything to be abjured was to be omitted, and yet members were to continue to take the oath of abjuration. The hon. and learned Gentleman must surely give it a new title, for it would be monstrous, having omitted all the abjuration part of the oath, to continue to call it still the Oath of Abjuration. The course he (Mr. M. Gibson) had taken was strictly in accordance with the precedents in the former Acts, for, whenever a single word of the oath had been altered, the custom had been to repeal the oath altogether, and enact a new oath, which the Act said should be taken in lieu of the oath that had been repealed. That must certainly be the course taken with the oath proposed by the hon. and learned Gentleman, for it would be impossible to patch up an oath in the way his Amendment proposed. He himself was prepared to do without any oath of abjuration, for he believed that the Constitution and the Protestant Succession to the throne would be quite as safe as they were at present; and he was confirmed in that belief by the fact that there were thousands of cases in which the law was not enforced, and in which the parties were indemnified by an Act which was passed at the end of every Session. In fact, except in the case of Members of Parliament and the holders of a very few offices, the oath was not taken at all; and an oath which was so extensively neglected could not be a very important ingredient in the security of the Crown. He did not see how the words "and the assurance" could be omitted, and for this reason—that the assurance, which was designed especially for the Scotch, contained all the words in the Oath of Abjuration with respect to the descendants of James. The same amount of swearing that sufficed for Englishmen would suffice for Scotchmen. In order to remove some objections which existed to the Bill, he was ready to agree that the oath of which the noble Lord the Member for London had given notice should be substituted for the Oath of Abjuration. As to the admission of Jews into Parliament, that question did not arise out of the present Bill. All that the present Bill did was to abolish an oath which was unnecessary and superfluous, and if any Member had any Motion to make for the exclusion of Jews, it would be competent for him to bring it forward. As far as he was concerned, he was prepared to remove the obstacle against the admission of Jews to Parliament upon other grounds, but his object at present was only to do away with an absurd and superfluous oath. For these reasons he felt compelled to oppose the Amendment of the hon. and learned Gentleman.

Amendment *negatived.*

Sir FREDERIC THESIGER said, he should not propose any more of his Amendments then, as his object was to see what course the Bill would take. He should probably introduce a form of oath to meet the objection he entertained to the change now proposed on the third reading.

Clause 1 *agreed to.*

Clause 2.

Lord J. RUSSELL rose to propose the Clause of which he had given notice.

*Mr. Milner Gibson*

He thought the hon. and learned Gentleman had exercised a wise discretion in not proposing to maintain the oath of abjuration. It was, he thought, an absurd thing to retain an oath of abjuration when there was no person to abjure, but at the same time it was desirable to have a positive clause containing an oath securing the Protestant succession to the throne. What he (Lord John Russell) proposed was, to abrogate an oath which was absurd and useless, and to substitute for it one by which they would simply bind themselves to maintain the Protestant succession to the Crown, as by law established. In favour of retaining that part of the present oath, there was the fact that it was inserted in the Roman Catholic oath. As he had before said, he considered that the laws which at present existed afforded sufficient security; but he did not think Parliament ought even to appear to have weakened the present securities. It was with the view of diminishing the objections to the Bill that he now proposed this clause. The noble Lord then moved the following clause:—

"In lieu of the Oath of Abjuration and of the Assurance set forth and prescribed by the said recited Act, or any other Act, the following Oath shall be substituted, which shall be entitled 'An Oath for securing the Protestant Succession to the Crown as by Law established,' and shall be in the words following, that is to say:—

"'I, A B, do faithfully promise to maintain, support, and defend, to the utmost of my power, the Succession of the Crown, which Succession, by an Act entitled 'An Act for the further limitation of the Crown, and better securing the rights and liberties of the Subject,' is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants. So help me God.'

"And every statutory enactment now in force with respect to the Oath of Abjuration or the Assurance hereby abolished shall henceforth apply to the Oath hereby substituted, in the same manner as if such last-mentioned Oath had been expressly mentioned or referred to in and by such statutory enactments, instead of the Oath of Abjuration and the Assurance hereby abolished.

"Every person permitted by the said Act of His late Majesty King William the Fourth to make his Affirmation instead of the Oath of Abjuration and Assurance shall, in lieu of the Oath hereby substituted, and of the Affirmation contained in the last-mentioned Act, make his solemn Affirmation in the following words, that is to say:

"I, A B, being one of the people called Quakers [or one of the persuasion of the people called Quakers, or of the United Brethren called Moravians, as the case may be], do solemnly promise that I will be true and faithful to the Succession of the Crown, which Succession, by an Act, intituled, 'An Act for the further limitation of the Crown, and the better securing of the rights and Liberties of the Subject,' is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants."

MR. NAPIER regretted that he could not support the noble Lord's Amendment. He was quite willing to support any form of oath that would be more consonant with modern ideas, but retaining the words, "on the true faith of a Christian;" thus omitting the passage relating to the Pretender, but reserving the question raised by the other words as to the admission of Jews to seats in Parliament, for subsequent consideration. Many persons who would support the noble Lord in the former part of his proposition disagreed with him on the latter, and would therefore be obliged to vote against him. The noble Lord had, in fact, taken the course which he was now recommending, when he brought forward his Bill for the alteration of the abjuration oath in 1849. He then, while omitting the words relative to the Pretender from the oath, retained the words "on the true faith of a Christian" in the oath to be taken by the Christian Members, omitting the latter words in the oath to be tendered to the Jews. The Jewish question ought to be dealt with separately; he strongly objected to its being mixed up with the question relating to the descendants of James the Second.

MR. ROEBUCK said, that the effect of what the hon. and learned Member who had just sat down suggested was, that there should be one form of oath for Christians to take, and another form for those who were not Christians. In the first oath he wished to retain the words "on the true faith of a Christian." These words were not in the oath of allegiance, which must be allowed to be an oath of equal importance with the oath of abjuration. The fact was, that the whole thing from beginning to end was a sham. The oath of allegiance had been taken for centuries, and never objected to. It was impossible to exclude infidels by any oath that could be framed. How could they, by the test of an oath, have excluded Bolingbroke and Gibbon? The words were only introduced for the purpose of exclusion, and whilst hon. Members on the other side of the House were professing to rest their opposition on Christian principles, they were acting in an unchristian manner by attempting to exclude their fellow-subjects from that House.

MR. NEWDEGATE said, that so far from Members on this side of the House being here to countenance a sham, they were anxious to prevent an imposition being practised. They were anxious to clear the ground. He certainly desired the exclusion from the House of such as were not Christians, as he did not think that men who were not actuated by Christian principles should take part in the making of Christian laws. Thank God, our laws were framed by a Christian legislature. But he distinctly stated, that while he desired the profession of Christianity on the part of its Members, he would not exercise any species of inquisition as to a man's tenets. The first act of a Jew, however, at the Speaker's table, was to reject the Gospel. He rejected the blessed Redeemer, whose morality it was our wish to perpetuate in our laws.

MR. ROEBUCK said, that the speech of the hon. Member (Mr. Newdegate) confirmed what he (Mr. Roebuck) had said, that the whole thing was a sham. The whole object of the Opposition was to keep out the Jews. Then, why did they not say so? why not plainly tell the House that such was their object? They thought that by retaining the words "on the true faith of a Christian" in the oath, that they could exclude the Jews, but he (Mr. Roebuck) would tell the Committee, that if he was a Jew he should take the oath. He would repeat the words "on the true faith of a Christian" and would add the words, "these words have no binding effect upon me." After he had repeated the words imposed by the Act of Parliament, he could not be excluded from his seat.

MR. DRUMMOND said, he could not but agree with the hon. and learned Member, that there was a great deal of sham upon this question. It was well known that the words so much talked about secured as much as it was possible to secure the fidelity of those who were expected to be unfaithful without them. He wished the noble Lord, having touched upon this question, to consider another branch of it —the Royal Marriage Act, which interfered most improperly with the rights of the Royal Family, and which was passed at the instance of George III. to spite his two brothers. Upon this clause, he would only add that, if they were to have a Jew question, let it be raised fairly and distinctly, and not in the present indirect manner.

SIR F. THESIGER said, that he and his friends had always expressed their anxiety that the question should be fairly and distincly raised, and this objection to the noble Lord the Member for London's proposal was, that it did not directly raise the question of admitting the Jews to Parliament, while at the same time it indirectly effected that object. The hon. and learned Member for Sheffield had made use of the word "sham"—a phrase which was becoming almost Parliamentary. [Mr. ROEBUCK: The thing is.] Why those on his side of the House had always resisted the introduction of Jews to Parliament. The hon. and learned Member said, that were he a Jew he would take the words and deny their effect upon him. He (Sir F. Thesiger) would admit, that if a person of no religion at all presented himself at the table, and took the words "on the true faith of a Christian," but which had no binding effect on his conscience, he could not exclude such a person. If an infidel subscribed those words, the blame rested with him. It was impossible to set up barriers which immoral men would not overleap. The Conservative side of the House had always maintained that a Jew ought not to sit in a Christian Parliament. That question it was his intention to raise substantially at a future stage of the Bill. He would admit that the words "on the true faith of a Christian" were not originally introduced into the oath for the purpose of excluding Jews from Parliament; but he must be allowed to say, that in framing the Act of Settlement, the great men who were instrumental in bringing it about, adopted the words "on the true faith of a Christian," and thus stamped the Christian character of Parliament and the constitution.

MR. ROEBUCK begged the Committee to observe that the hon. and learned Member said that they could not raise barriers for the exclusion of immoral men, though they could for the exclusion of moral and conscientious men. The former were therefore to be admitted, and the latter excluded from Parliament.

MR. FORTESCUE said, that upon the first settlement after the Revolution none of the oaths contained the words "on the true faith of a Christian." It was only in 1701 in consequence of the recognition of the young Pretender by Louis XIV., that a new oath was proposed containing these words, and that oath was carried through Parliament by a majority of only one. He objected to an oath to be taken by only a portion of the House, and approved of the course proposed by the noble Lord, of having an oath which every Member of the House could take; which could be taken by Protestants and Catholics, by Jews and Christians. He desired to see the day when they should all take one simple form of oath.

VISCOUNT PALMERSTON: With regard to the Motion of my noble Friend I shall give it my cordial support, not that I think the omission of any mention of the Act of Settlement in the oaths taken at this table could have the slightest effect in impairing the force of that law, because the Act of Settlement rests on a foundation much stronger than any oath taken in this House; nevertheless, as we have hitherto acknowledged the Act of Settlement in the oaths taken by us, I think it fitting that that acknowledgment should continue as part of our engagement at this table. With regard to the objection which has been urged, that this is indirectly removing an obstacle which prevents Jews from sitting in this House, I say that obstacle only indirectly and unintentionally accomplished that purpose. It was not at all put in for the purpose of excluding Jews; therefore in removing that obstacle we are in no way running counter to the original intention of Parliament in adding those words to the oaths. But if it is necessary to add to the solemnity of an oath by words declaring that the person taking it took it upon the true faith of a Christian; if it is necessary, in order to add to the binding force of the oath, to adopt those words, why are not those words added to other oaths, why not to the oath of allegiance, which is undoubtedly a much more important oath than that to which these words are now appended? I therefore am quite prepared to agree to the Amendment of my noble Friend. I concur in the removal of those words which interpose an impediment to that which I think is a matter of principle in modern times, namely, that Jews elected to Parliament should be admissible and able to take their seats in this House. So far therefore from feeling any objection to the oath from the circumstance of its omitting words which will enable Jews to sit in this House, that is, among other reasons, a strong recommendation to my regard of this measure. Those who agree with the hon. and learned Gentleman may very easily bring the question under the separate and deliberate consideration of the House by proposing to insert these words in a future stage of the Bill. They might make a distinct proposal to insert the words for the express purpose of excluding Jews from Parliament, and then take the decision of the House upon that question. For the reasons I have stated I with great cordiality give my support to the Motion.

MR. WIGRAM said, he was opposed to the Amendment of his noble Friend, but he did not wish to prolong the discussion, because, as he understood, the hon. and learned Gentleman (Sir F. Thesiger) had given a pledge to the House to take that very course which the noble Lord had suggested, as the most convenient for the purpose of giving the House an opportunity to come to a positive vote upon the question.

MR. NAPIER understood that his hon. and learned Friend the Member for Stamford proposed to take the discussion on the third reading. He thought that would be the better course to pursue.

MR. KINNAIRD said, that in giving a vote in favour of that proposition of the noble Lord, he certainly did not look at it as a stepping-stone towards removing the oath taken by Roman Catholics. He believed that was a very necessary oath to be taken.

LORD JOHN RUSSELL then moved to add to the Bill the following clause:

> "Every person permitted by the said Act of His late Majesty King William IV. to make his Affirmation instead of the Oath of Abjuration and Assurance shall, in lieu of the Oath hereby substituted, and of the Affirmation contained in the last mentioned Act, make his solemn Affirmation in the following words, that is to say:—'I, A B, being one of the people called Quakers [or one of the persuasion of the people called Quakers, or of the United Brethren called Moravians, as the case may be], do solemnly promise that I will be true and faithful to the succession of the Crown, which Succession, by an Act intituled, "An Act for the further limitation of the Crown, and the better securing of the Rights and liberties of the subject," is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants.'"

Clause *agreed to;* as were the remaining clauses.

House resumed; Bill *reported.*

## POLICE (COUNTIES AND BOROUGHS) BILL.

Bill, as amended, *considered.*

SIR GEORGE GREY moved the insertion of two clauses, the first declaring that the "provisions relating to the borough police be applicable to the places referred to in the Act 3 & 4 *Vict.* c. 88, sec. 20, until discontinued." The second clause declared that "the separate police in such places (having a population of 15,000) were not to be superseded without the authority of the Secretary of State."

Clauses *agreed to.*

SIR HENRY STRACEY moved the insertion of a clause exempting horses and carriages used by the officers of the police force from the assessed duties. He was induced to move the insertion of this clause because it was well known that the horses of officers in the army, as well as the horses of officers attached to the Inland Revenue Department, were exempt from taxation. He saw no reason why officers of the police force, who equally served the country, should not enjoy the same right.

Clause *brought up*, and read 1°.

THE CHANCELLOR OF THE EXCHEQUER said, that in matters of this kind they must be guided by practice. Now, officers' chargers and the horses of officers attached to the Inland Revenue Department could not be placed in the same category with those of police officers. Officers in the army and of the Revenue were in the service of the Queen; not so officers of the police force, who were under the control of the magistrates, and were paid out of the local rates. The principle might be applicable to Ireland, where the whole expense of the police was defrayed out of the public revenue, and where the police were under the control of officers appointed by the Government.

SIR HENRY STRACEY: But under the new Bill half the expense of the police will be defrayed by Government.

THE CHANCELLOR OF THE EXCHEQUER: That slightly alters the case, but still the expense was mainly to fall upon the county rates. The proportion to be paid from the Consolidated Fund was the same as in the case of the metropolitan police; but the horses of the metropolitan police were no more exempt from taxation than those of private individuals. And although he did not mean to contend that the matter was of any great moment one way or the other to the revenue, still he was not prepared to agree to a new principle of exemptions.

MR. HENLEY thought that if the clause were accepted as it stood it would lead to interminable disputes. A police officer in the country districts usually went about in a tax cart, and thus travelling about he was very apt to take up persons on the road. Well, if he did so under this clause, the taxgatherer would be down upon him. The best way of meeting the difficulty would be to authorise each police officer to keep one or more horses, according to his rank.

Mr. GRANVILLE VERNON was in favour of the clause. Indeed he was inclined to the belief that the horses of the police were formerly exempt.

Mr. PACKE would remind the right hon. Gentleman that the horses of the yeomanry, a force supported by the counties, were exempt from taxation.

Mr. SPOONER said, he thought that in some parts of the country it had been usual to exempt the horses of the chief superintendent of police.

Mr. W. WILLIAMS hoped that the Chancellor of the Exchequer would oppose the proposition in whatever form it was introduced.

Motion made and Question proposed, "That the said clause be now read a second time."

Motion and clause, by leave, *withdrawn.*

Mr. BENTINCK asked the indulgence of the House while he proposed a clause which was not on the paper of to-day, having omitted to give formal notice of it. The object of his clause was to provide that there should be appointed in county districts a proportion of not less than one policeman to every 2,000 inhabitants, and in every city and borough not less than one policeman to every 1,000 inhabitants, according to the last census. It appeared to him that unless a minimum number of the police force was compulsorily established by the Bill, the whole would fall to the ground, and become a dead letter. It was true that the Bill provided for a police force where it was already existing, and when the majority of the ratepayers demanded it; but he contended without some such provision as he proposed, as a general measure for establishing an efficient force for the prevention of crime, it would wholly fail. The right hon. Baronet opposite (Sir G. Grey) made an objection to his proposition, on the ground that practically it would be considered by the country the maximum adopted by Parliament. He (Mr. Bentinck) confessed he did not see the force of such an objection. He contended that by fixing the minimum number of the police force to be established, he threw no obstacle whatever in the way of increasing the amount of the police force wherever it was deemed necessary. It appeared to him, that unless the measure operated equally throughout the country, it was impossible to make it efficient for its objects. If any borough or county district were left without an adequate police force, it would become a receptacle for the depredators and vagabonds from other parts of the country. It had been shown that when an efficient police force was established, the amount of crime in the district was immediately reduced in an inverse proportion as it increased in the neighbouring districts where there was no police force to check it. In the latter case, it was often necessary to call in the assistance of the county constabulary, or of the military force, which was generally deprecated by borough Members. He contended that the adoption of his clause would prevent the occurrence of any such evil.

> "Provided always that, after the passing of this Act, the number of Constables appointed and paid, shall never at any time be less than one per two thousand of the inhabitants of every County or Police District, or one per thousand of the inhabitants of every city or borough throughout England and Wales, according to the last Parliamentary enumeration of the population for the time being."

Clause *brought up*, and read 1°.

Motion made, and Question proposed, "That the said clause be now read a second time."

Sir GEORGE GREY said, the proposition was one which was certainly entitled to their consideration. Although he confessed he was at first favourable to the principle of having a minimum amount of police force fixed, nevertheless upon more careful consideration of the matter he had arrived at the conclusion that it would be inexpedient to fix any such minimum for a county or borough, because practically he thought it would be considered by the county as the maximum adopted by Parliament. There were many boroughs which had a much greater police force than the hon. Member proposed. There, for example, was Liverpool—an exceptional case, he admitted—in which the police force was equal to one to every 450 of the population. He was afraid that if this clause were adopted it would convey the impression that one to every 1,000 would be sufficient in all cases. Now there was much difference in the state and circumstances of the boroughs and counties in England; and it was, therefore, most difficult to fix the minimum amount of the police force to be established in all places. He, therefore, thought it inexpedient to adopt such a proposition.

Sir JOHN PAKINGTON must say that the right hon. Baronet had bestowed so much pains on this measure, and had shown such an anxiety to accomplish the object of providing the country with an efficient police, that it was with great diffidence he (Sir J. Pakington) dissented from the conclusion to which he had come upon the proposition before them. He confessed that he concurred with his hon. Friend the Member for Norfolk in thinking that it would be desirable to establish a minimum number of the police force to be employed. He could not concur with him in the minimum he had proposed; but assuredly some rule should be introduced. He thought for counties the number was too high; he would prefer rather one to every 3,000 of the population. He could not deny there was some force in the objection taken by the right hon. Baronet. Very great inconvenience would arise to the whole locality if any borough or district evaded the establishment of an efficient police. It might be replied that in that event it would be competent for the Government to withhold the Treasury grant, but their power in that respect afforded no adequate protection to the public, inasmuch as the pecuniary saving effected by having a very small police establishment might be such as to counterbalance the loss of the grant. He thought, therefore, it was necessary to fix some minimum.

Mr. RICE thought there was an obvious difficulty in laying down a minimum applicable to all cases without exception. Districts in counties differed very much. He knew a county where the police rate amounted to 1*d*. in the pound in one district, and 5*d*. in the pound in another.

Mr. PHILIPPS was prepared to prove that such a minimum as suggested was quite unnecessary. In the county of Glamorgan, for example, which was a most important county as far as property and population were concerned, the inhabitants in 1841 amounted to 109,000, whereas in 1851 it increased to 180,000, exclusive of the large towns. During the Rebecca riots that county was remarkably free from those disturbances. The turning-point of those riots was, when they were put down upon the borders of that county. At that time the police, including the superintendent, amounted to only forty. The next county, however, where the riots did take place, had a much larger police force. He thought that fact was sufficient to illustrate the inefficacy of the proposition.

Lord LOVAINE could not conceive how the Bill could carry out its object unless they enforced the necessity in boroughs and counties to make some provision for an efficient police force. He could not conceive why there should be any objection to such a clause.

Mr. W. J. FOX said, he thought the proposition unnecessary. He thought that population was a fallacious test by which to regulate the number of police required in counties and boroughs. Regard should be had to the occupations of the people, their habits, their liability to periodic distress, and their position in relation to adjacent communities. Towns clustered closely together could assist each other in matters of police, and did not need as large a force as isolated towns.

Mr. PACKE thought that a minimum force according to population would not work well. A thin population scattered over the country often required a greater police force than a thickly populated place.

Sir HENRY STRACEY said, that the chief constables took population as the best test. There were some boroughs in which there was not one policeman to 2,000 of the inhabitants.

Mr. BENTINCK quite concurred with the right hon. Baronet the Member for Droitwich as to the great attention shown by the right hon. Gentleman upon this question as well as others, and he deeply regretted to find himself in a position to differ from the right hon. Baronet. Although he was by no means convinced by the arguments of the right hon. Gentleman, he would not, as it appeared to be against the feeling of the House, press his proposition.

Motion and Clause, by leave, *withdrawn*.

Lord LOVAINE submitted the following clause:—

> "In any borough to which such sum as aforesaid shall be paid, the Police whereof shall not have been consolidated with that of a county, the head constable or chief of Police of such borough shall have the general disposition and government of all constables appointed therein, and at his pleasure may promote, suspend, or dismiss, all or any of them, and no constable so dismissed shall be reappointed without the consent of the said head constable or chief of Police, any law or Statute to the contrary notwithstanding."

Although he did not wish to deprive the watch committees of any of the powers they possessed, yet, considering that they were an annually changing body, he thought that the efficiency of the police force would be much better enforced by the introduction of such a rule as he proposed, which at the same time would leave untouched the principle of self-government. The watch committees would still retain the power of appointing and dismissing the head constables.

Clause *brought up*, and read 1°.

Motion made, and Question proposed, "That the said clause be now read a second time."

SIR JOSHUA WALMSLEY was gratified to hear the noble Lord the Member for Northumberland declare he had no desire to interfere with the powers of the municipal corporations; but the clause he proposed ill accorded with that declaration. He proposed to make the members of the watch committees courts of record for the acts of the head constable, to whom he proposed to give the general disposition and government of all constables, with power to suspend or dismiss all or any of them, and no constable could be reappointed save by such head constable. Now this clause meant one of two things—either to prevent the boroughs from taking the sum allowed out of the Consolidated Fund, or to destroy the power of the watch committees. He (Sir J. Walmsley) regarded it as an offence to every municipal corporation in the kingdom, and it would be difficult to obtain the services of respectable and independent men if they were to be placed in such a position. He had had much experience with municipal corporation affairs, and especially in watch committees, and he was prepared to say that their conduct generally was most praiseworthy, independent, and pure. Much opposition had been withdrawn by the boroughs to this Bill, in consequence of the right hon. the Home Secretary having withdrawn the obnoxious clauses which the noble Lord now attempted to reintroduce in another shape. Whatever hon. Gentlemen opposite might think, he could assure them that there was quite as much public spirit, quite as much zeal for the public welfare, and, he ventured to say, quite as much talent brought to bear in the management of municipal corporations as could be found in the best regulated counties. He ventured to call upon the Government to oppose the clause, should it be pressed to a division, in accordance with that spirit which had actuated the boroughs not to oppose the Bill as a whole.

SIR GEORGE GREY thought, when the chief constable was appointed, the efficiency of the police would be best promoted by leaving the control in his hands. But as the Municipal Act placed the power in the hands of the watch committees, and as he believed that that power had been properly exercised, it would scarcely be proper, especially as the Bill had so far advanced upon the understanding that no interference with the powers of those bodies was to take place, now to take the control of the police out of their hands.

MR. GRANVILLE VERNON said, that in all counties where the police was well organised the magistrates did not think they lost anything of their dignity by the control of the police, when once they were appointed, being placed in the hands of the chief constable; nor did he consider that it would be so in boroughs. At the same time, he did not think it would be desirable to interfere with the functions of those bodies, and therefore he hoped the clause would not be pressed.

LORD JOHN RUSSELL was glad to hear that his right hon. Friend did not intend to adopt this clause. It was proper to listen to the recommendations of the chief constables, no doubt, in appointing or removing the constable; but it was a very different thing to place the whole control and management in his hands, and to give him the absolute power of dismissal. That would be to supersede the functions of the Watch Committees altogether. As the Bill was originally introduced, it was open to objection; but as it now stood, the principle of local self-government was safe; so limited, he believed, the measure would be useful; but if its principle were too much strained, and the power of the Government were substituted for that of local self-government, as established by the Municipal Reform Act, it would create discontent and invite resistance. If it was found desirable, he had no doubt the boroughs would voluntarily adopt some such regulation as that suggested by the noble Lord, but he objected to its being forced upon them.

MR. PACKE could not see that the power given to the chief constable by the proposed clause ought to excite any jealousy on the part of the Watch Committees. Still, in the present position of the Bill, he recommended the noble Lord to withdraw the clause.

Mr. BIGGS also recommended the noble Lord to withdraw the clause. He should have expected such a clause to have originated with an Austrian or Russian rather than an English nobleman. He would never give up the municipal privileges which the noble Lord the Member for London had obtained for them. The Secretary of State had offered a bribe to the county Members, and they had swallowed the bait. They now asked the House to do for them what they had had the opportunity of doing for the last ten years, and they had not had the public spirit or intelligence to avail themselves of the opportunity. He would rather take up arms than surrender his municipal privileges.

Sir GEORGE PECHELL congratulated the right hon. Gentleman on his prudence in giving to the boroughs the modifications which he had made in the Bill. He should oppose the clause.

Captain SCOBELL said, that as the Bill originally stood it was highly objectionable, but the alteration made in it had made it more acceptable. If the county magistrates chose to surrender their command over the police they were welcome to do so; but, with regard to the boroughs, there was an arrangement with the Home Secretary that this power should be reserved to them. The power given by the proposed clause would give a greater power to the chief constable than any possessed by colonels of regiments or captains of ships. They could not dismiss their men at their pleasure. He should, therefore, oppose the clause.

Mr. HENLEY said, a very comfortable arrangement seemed to have been made between the right hon. Gentleman and the boroughs on this point. [Sir G. Grey: It is perfectly untrue.] Now, he did not want to interfere with any of these corporations; he only lamented that Gentlemen who represented the boroughs compelled the counties to take that which they did not want. He feared that the Bill would necessitate future legislation, and that the right hon. Gentleman would have to quote over again the police deficiencies on which he had already been so eloquent.

Mr. P. W. MARTIN would support the Government in resisting this clause. He thought the temptation of jobbery in this matter had been withdrawn by the clause already passed incapacitating the police from voting either in Parliamentary or municipal elections. At the same time, he could not agree in the statement that watch committees always appointed police constables from the purest motives. In two or three boroughs with which he was acquainted he could say that the police appointments were purely and wholly political, and every policeman voted the same way. Now, however, the watch committees possessed no temptation to go wrong, and if this Bill passed, as he trusted it would, the police throughout the country were likely to become a more efficient body.

Lord LOVAINE said, that the evidence taken before the Committee showed that where there were brewers in boroughs, those brewers were on the watch committees, and the police were afraid to do their duty. The power of appointment would, under his clause, be left with the watch committees; but the clause would deprive them of that control which, under the Bill as it now stood, they would have over the police officers after their appointment. His only object was, to put the police in a position to discharge their duty without fear of consequences arising from local influence; but as he had no wish to disturb the unanimity of the House he would withdraw his clause.

Motion and Clause, by leave, *withdrawn.*

Bill as amended to be *printed.*

## POOR LAW AMENDMENT BILL.

On Motion that the Order for Second Reading be now read,

Mr. BOUVERIE said that, as strong objections had been taken to some of the principal clauses of the Bill, he would not ask the House to read it a second time, but would move that the order should be discharged, with the view of bringing in a new Bill with the parochial clauses amended.

Mr. HENLEY thought the House had some reason to complain, that no notice had been given of the course intended to be pursued by the right hon. Gentleman. Up to seven o'clock that evening he had received no intimation of his intention, and then he heard of it by the merest chance. At the same time, no one who was in the House last Monday night, when the Motion for the second reading was so pertinaciously persisted in by the right hon. Gentleman, and who knew anything of the merits of the Bill, could regret the step which had now been taken. He was satisfied for his own part that the right hon. Gentleman had exercised a wise discretion in withdrawing the Bill.

MR. BOUVERIE: So far from thinking that he was open to censure for the course he had pursued, he submitted that he had been outrageously goodnatured in his attempts to meet the wishes of hon. Gentlemen.

VISCOUNT GALWAY expressed the hope that the right hon. Gentleman would not confine his Amendments to the parochial clauses of the Bill, but would likewise make an alteration in the 28th clause, which transferred the election of district auditor from the chairman and vice-chairman of each board of guardians to the Poor Law Board.

SIR GEORGE PECHELL did not object to the withdrawal of the Bill, to which he was strongly opposed, but complained of the manner in which the House had been treated by the President of the Poor Law Board. On Monday night, or rather at an early hour on Tuesday morning last, the right hon. Gentleman pressed the House to read the Bill a second time, on the ground that there was no principle in it. Looking at the way in which the Bill had been framed and introduced, he was disposed to say that there was no principle either in the Poor Law Board or in the right hon. Gentleman himself; and he begged to inform the noble Lord at the head of the Government that, if he allowed his subordinates to extend the pernicious system of centralisation, he would speedily find himself deprived of his usual supporters.

MR. MALINS also rejoiced at the withdrawal of the Bill, and would recommend the right hon. Gentleman, if he introduced another, not to submit to the House any provisions at all similar to those of the present Bill, for he would not have the smallest chance of carrying them. He regretted that the right hon. Gentleman had not given earlier intimation of his intention to withdraw the Bill. He had waited there the whole evening, expecting that the Motion for the second reading would be brought on, because he felt anxious to protect the interests of the society of Lincoln's-inn, upon which the Bill proposed to impose a tax of several hundred pounds per annum, by annexing it to the adjoining parish of St. Andrew's, Holborn. But the right hon. Gentleman had shown "the better part of valour," by withdrawing the Bill, and he would do well not to attempt to introduce another of the same kind.

Order for Second Reading read and *discharged*, and leave given to present another Bill, instead thereof.

## POOR LAW AMENDMENT (No. 2) BILL.

MR. BOUVERIE *presented* the Poor Law Amendment (No. 2) Bill, to amend the Laws for the Relief of the Poor.

Bill read 1°.

On the question that the Bill be read a second time on *Friday*, 6th June,

MR. BARROW expressed his satisfaction at the withdrawal of the original measure, but strongly objected to the practice of introducing important Bills without due notice being given to the House, and of placing them among the Orders of the Day, when there was no serious intention of proceeding with them. Somewhere about two years ago he moved for a return connected with the operation of the Poor Law, but it had not yet been produced, and only a few days ago he was informed that it would not be ready for some time. He hoped the House would not consent to read No. 2 Bill a second time until that return had been laid on the table.

Bill to be read 2° on *Friday*, 6th June.

## GRAND JURY ASSESSMENT (IRELAND) BILL.

Order for Committee read; House in Committee.

Clauses 1 to 5 *agreed to*, with Amendments.

Clause 6.

SIR FREDERIC THESIGER moved, after the word "identified," in line 33, to insert the words "and the occupiers thereof at the time of the original presentment or applotment of such sums continue to be in occupation of the same." In page 4, line 2, after the word "thereof," to insert the words—

"Nor unless a list or account signed by the collector of all sums intended to be re-presented, with the dates of the original presentments under which the same became due, and the names of the houses, tenements, or hereditaments on which the same were originally applotted, and also the names of the persons primarily liable to pay the same sums, shall have been left in the office of the treasurer of the county three weeks at least previous to the first day of the assizes at which the said sums are intended to be re-presented, which list or account shall at all reasonable times be open to the inspection of any person making application for that purpose without payment of any fee; and it shall be competent for any person interested to object to the re-presentment of such sums, or any part thereof, and the Grand Jury shall, before making the re-presentment, hear the objections of such person upon his applying to be heard."

His object was to prevent the grand juries from agreeing to re-presentments without reconsideration of the circumstances. The hon. and learned Gentleman supported his argument in favour of his Amendment by alluding to certain abuses he knew to have existed in the system of re-presentment in Ireland.

COLONEL FRENCH said, the fact was, the hon. Member for Abingdon (Sir F. Thesiger) was a director of the Law Life Insurance Company, and that the complaints which were made the ground of the argument in favour of the Amendment related to the property of the Company in Ireland.

MR. MAGAN opposed the Amendment as unnecessary. The law already gave a remedy.

SIR FREDERIC THESIGER urged that the Amendment was needed, because a re-presentment could not be traversed; nor could a presentment be traversed except at the assizes at which the presentment was made. With reference to certain remarks which had been made, he (Sir F. Thesiger) begged to say, that, though he was a director of the Law Life Company, the very small interest that gave him in the question had not led him to endeavour to take any unfair advantage.

MR. HORSMAN said, he understood the object of the right hon. Gentleman was that some notice should be given; but the Amendment he proposed was not at all practicable. The great difficulty was to find out who was primarily liable. He suggested that the Amendment should be withdrawn, and that on the third reading a clause should be proposed to effect the object of the right hon. Gentleman.

SIR FREDERIC THESIGER said, that his object was really as had been stated—to obtain sufficient notice, and he therefore accepted the suggestion of the right hon. Gentleman, and would withdraw the Amendment.

Amendment *withdrawn*. Clause *agreed to*.

Clause 7.

SIR ROBERT FERGUSON moved to leave out the latter part of the clause, which he said had the effect of introducing a new principle into grand jury assessments. The poor-rate and county cess ought to be levied on the same principle.

MR. J. D. FITZGERALD said, that under the existing Acts, charitable institutions were exempt, but the rents derived from them were charged with half the rate. The object of the clause was to enable a mesne landlord so charged to make a deduction from the head landlord.

MR. I. BUTT protested against the principle of levying upon the landlord, who happened to let his house for charitable purposes, a tax which no other landlord was called upon to bear. He should advise his right hon. and learned Friend the Attorney General for Ireland to strike out altogether a clause which would re-affirm an injustice which it was not desirable to continue; and he (Mr. Butt) should, upon the Report, or upon the third reading of the Bill, be prepared to introduce a clause which would obviate the objections to which the clause as it stood was liable.

Amendment *withdrawn*.

MR. J. D. FITZGERALD having intimated his concurrence in the course proposed by Mr. Butt,

Clause *negatived*.

Clause 8 (Grand Jury Cess to be recovered in same manner as Poor Rate).

MR. NAPIER expressed a hope that the Attorney General would consent to deal with it as he had done with the 7th clause.

MR. J. D. FITZGERALD said, he had brought in the clause altogether at the suggestion of county Members.

COLONEL DUNNE moved the rejection of the clause.

Question put, "That Clause 8, as amended, stand part of the Bill."

The Committee *divided*: — Ayes 87; Noes 71: Majority 16.

Clause *agreed to*.

Clause 9.

SIR ROBERT FERGUSON then moved the following proviso:—"In Clause 9, page 4, line 40, leave out 'collected,' and insert 'of the collection,' and add to the clause."

"Provided always, that the Grand Jury shall not present more than 9*d*. in the pound; unless it shall be proved to the satisfaction of the Judge of Assize in open court, that great difficulties have occurred in the collection of Grand Jury Cess in that barony or district, and still continue to prevail, and any ratepayer may traverse any application for more than 9*d*. in the pound as collectors' fees."

MR. J. D. FITZGERALD opposed the proviso.

After some discussion, Amendment *withdrawn.*

Clause *agreed to.*

The remaining clauses *agreed to.*

Sir FREDERIC THESIGER then moved, after Clause 6, to insert the following clause:—

> "With reference to any sums of Grand Jury Cess to be presented or re-presented after the passing of this Act, it shall not be lawful to commence any proceeding for the recovery of any sum in arrear or unpaid against any person not primarily liable to pay the same under or by virtue of the original presentment and appointment thereof, after the expiration of two years from the date of such original presentment, anything in this or any former Act to the contrary notwithstanding."

Colonel FRENCH suggested the bringing up of the clause on the third reading.

Colonel DUNNE objected to the clause, and preferred the law as it stood.

Mr. WHITESIDE thought the clause a reasonable one.

Mr. J. D. FITZGERALD as of the same opinion.

Mr. I. BUTT could not vote for the clause, so far as it was retrospective.

Sir FREDERIC THESIGER did not think the clause retrospective, and would consent to any alteration to meet the view of the hon. and learned Member.

On the Motion of Mr. George, the word "re-presented" was left out of the clause.

Mr. I. BUTT then moved to substitute in line 5, "three," years for "two."

Question put, "That 'two' stand part of the clause."

The Committee *divided:* — Ayes 95; Noes 42: Majority 53.

Clause *agreed to.*

Mr. H. HAMILTON moved the insertion of a clause authorising grand juries to divide baronies for the purpose of cess collection.

Clause *agreed to.*

Mr. H. HAMILTON then moved the insertion of a clause authorising the grand jury of the county Dublin to grant the collector of the barony of Rathdown a superannuation allowance not exceeding three-fourths of his average fees for the seven years prior to his retirement.

Colonel FRENCH called upon the Committee not to sanction such a monstrous proposal. The collector had been in the receipt of a salary of £800 a year for a long period, and was a man still in the full vigour of life, able to perform any duties that might devolve on him.

Mr. H. HAMILTON defended the clause. The collector had received no more than about £420 a year; he had discharged the duties of his office for a period of thirty-four years, and his emoluments would be materially diminished by the division of his barony, which would be brought about by the clause just *agreed to.*

Viscount PALMERSTON said, he did not think there were sufficient reasons for establishing a precedent for compensation.

Clause *withdrawn.*

House resumed.

Bill *reported.*

## SECRETARIES OF STATE.

Mr. MURROUGH moved for a Select Committee to inquire into the mode in which the persons now holding the offices of Her Majesty's Principal Secretaries of State have been appointed, and into the operation of the Stamp Act 55 *Geo.* III., c. 104, so far as it affects appointments to offices and employments under the Crown. He said that the Chancellor of the Exchequer had on a former occasion stated that the delivery of the seals of office constituted the appointment to the office of Secretary of State; but he (Mr. Murrough) maintained that the appointment must be consequent on the issue of letters patent and the payment of the necessary stamp duties thereon. As there had been some recent evasion of the payment of these duties on the part of some Secretaries of State, it behoved the Chancellor of the Exchequer, as guardian of the public revenues, to support his Motion for inquiry.

The CHANCELLOR of the EXCHEQUER said, he must oppose the Motion, and repeat what he had stated formerly, that the office of Secretary of State was conferred by the delivery of the seals; and about a year ago a decision of the Queen's Bench, delivered by Lord Campbell, distinctly laid that down. No point of constitutional practice was better established. Not only was the office conferred by delivery of the seals, but what was more to the purpose, the office of Secretary of State was withdrawn by the recall of the seals. When the Coalition Ministry of Lord North and Fox were turned out, the King, to whom it was disagreeable to give them a personal reception, desired that their seals of office should be sent to him by their under-secretaries, thus showing that the recall of the seals vacated the offices. The general practice, he would admit, had been to issue a patent after the delivery of the seals; but, a short time back, when the noble Lord the Member for London became Secretary for Foreign Affairs, he was advised that there was no necessity for taking out a patent, and therefore he did not do so. The general case had been submitted to the law officers of the Crown, with the view of ascertaining their opinion as to whether it was desirable and proper that Secretaries of State should take out a patent, and as yet no official answer had been received. He believed, however, that the view of those learned Gentlemen was, that it would be more regular to take out a patent. If their opinion, when officially expressed, should be to that effect the Government would be prepared to act upon it. Under those circumstances he hoped that the hon. Gentleman would not press his Motion.

MR. MURROUGH said, that, as the right hon. Gentleman had conceded the whole question, and as it appeared that the opinion of the law officers of the Crown coincided with his own, he would withdraw his Motion.

Motion, by leave, *withdrawn.*

The House adjourned at half-after One o'clock till *Monday* next.

## HOUSE OF LORDS,

*Monday, May* 26, 1856.

MINUTES.] PUBLIC BILLS.—1ª Commissioners of Supply (Scotland); Fire Insurances; Appellate Jurisdiction (House of Lords).

2ª Peace Preservation (Ireland).

3ª Marriage Law Amending (now Marriage Law (Scotland) Amending); Procedure before Justices (Scotland).

### INDIAN ACCOUNTS.

THE EARL OF ALBEMARLE, in rising to move for Returns connected with the Salaries, Pensions, and Annuities paid to the Civil Servants of the East India Company, said that on Monday last, when he moved for the appointment of a Select Committee to inquire into the Government of our Indian territories, he gathered from the debate which followed, that although it would not be proper to enter into such an inquiry with a view to organic changes, yet it would be highly expedient to institute an investigation into the internal administration of Indian affairs. That was a very important point gained by the friends of Indian improvement. Nothing could be so effectual as publicity in producing a thorough reform in our Indian administration; and whether that publicity was obtained through a Select Committee or in the House itself, the unhappy population of India would be gainers, although for his own part he would prefer the full publicity of the House to the comparative secrecy of a committee-room. To those of their Lordships who were not particularly interested in Indian affairs, and who might think that the very small number who took an interest in them engrossed too much of the time of the House, he would remind them that India was the only portion of Her Majesty's dominions in which there was no local representative Government, or which was not immediately under the eye of Parliament through the direct responsibility of a Minister of the Crown; that the body thus irresponsibly governed was subject to something very nearly akin to an absolute despotism; that the population of India amounted in numbers to twenty-two fold of the other forty-five colonies put together; and that the only alleviation of their misery was what might occasionally be said in Parliament, and—if he were not out of order in saying so—the space in their columns which the Gentlemen behind the clock could afford to give to the subject of Indian grievances. He hoped he might venture to say that, without incurring the censure of his noble Friend the Secretary for War, who informed him on a former occasion that they had another exponent of the wants and wishes of the Indian people—referring to the Court of Directors, which he named the Indian House of Commons. If so, it was a very queer House of Commons. First of all, it held its sittings, not on the banks of the Ganges, where an Indian House of Commons ought to meet, but on the banks of the Thames. Next, the constituent body was composed of 2,322 ladies and gentlemen, who by law might be of any hue, colour, or religion, worshippers of Vishnu or the Grand Lama, and who founded their claims to be the representatives of the Indian people upon the possession of a certain quantity of stock guaranteed to them by Parliament. It was plain that the fortunate holders of stock so secured could have no more interest in the people of India than in the people of Kamschatka. His object in moving for these Returns was to make both ends of the Indian accounts meet, and to enable Parliament to carry out the recommendations of the Madras Commissioners, and to ascertain whether by means of European agency it was not possible to ameliorate the condition of the Indian people—not merely to suppress the infliction of bodily torture, but to release them from the uncontrolled tyranny of a legion of the very worst class of their own countrymen. The civil charges in India, exclusive of public works and of the interest of the debt, amounted to one-fifth, and, if added to the home civil charges, to one-fourth of the entire net revenue of the country, or to five millions and a half sterling. It appeared to him that one of the modes in which a surplus could be obtained for the relief of the Indian people was by a reduction of the salaries of the civil servants of the Indian Government. He wished to say just one word with regard to the inadequacy of the civil servants at this moment engaged. This was admitted by all the principal witnesses examined by the Torture Commission, and it was stated by the Commissioners themselves, that for a population as large as that of Wales there were only four committing magistrates. The Members of the Madras Government corrected this by saying that there were only three who could be depended upon, one of the number coming under the denomination of a griffin. He had reason to believe, from private sources, that the same rule was applicable to every other part of India. Another return which he moved for was that of the salaries paid to the uncovenanted civil servants—the unprivileged classes as they might be called—the hard-working men who did almost all the business. It was important to know who they were and how they were remunerated. For the same reason he had asked for a return of the pensions of military officers, so that their Lordships might be able to find out whether greater economy could not be carried out, and whether they ought to continue or increase the number of servants in civil employ. In advocating the views which he held he was happy to find he was supported so far by Her Majesty's Government. In a speech attributed to the President of the Board of Control he was said to have stated that he saw no reason, considering the facilities of communication that now existed, why the civil servants of India should not be placed on a footing more nearly approaching that of the civil officers connected with the Government of the other colonies. With regard to these pensions he had heard strange stories about them, but he abstained from making comments on the subject till the papers he had moved for, containing the necessary correspondence, were laid on the table. There was another charge to which he wished to call attention, known by the name of "absentee allowances." He believed it would be found that the allowances paid to these absentees were as high for doing nothing in England as the hard-working uncovenanted Native civil servants had for doing plenty of work in India. Another return he asked for had reference to annuities in the Madras civil service, which he thought required explanation. In the whole of these returns his object was to ascertain whether the number of civil servants were sufficient for a good government in India, and whether this number could be increased in a poor country like India at the present rate of remuneration? The noble Earl then moved for Returns of the Salaries and Pensions of the covenanted Civil Servants of the Company; the same of the uncovenanted Servants; of Civil Salaries paid to Military Officers; of Natives employed at salaries exceeding 5,000 rupees; of Absentee allowances; of Annuities in the Madras Civil Fund; and copies of correspondence relating to these subjects.

Earl GRANVILLE said, he would have been very glad to assent to the Motion of the noble Earl, and to any information that could throw light on the Government of India, but begged to point out to him the great amount of work which the production of such returns would throw on the departments to which they referred, and the expense that would be incurred. He thought that in such cases the Government were bound to exercise a certain discretion, so as not to overwhelm the departments with labour for the production of documents that might not be necessary for the information of Parliament. His noble Friend had already moved for papers that it would take a very long time to prepare, and those which he now moved for would require the working of the whole establishment for some months. Moreover the noble Earl had stated that the object for which he moved for them was hopeless, as his belief was that the attempt to make the two ends of Indian revenue meet was unattainable. He thought, moreover, that while the new experiment for the admission of civil servants was being made, and while large numbers of persons were training themselves for those new offices, it would be premature to introduce another system. He trusted, however, his noble Friend would consider the inconvenience and expense of such returns as he proposed, and that he would not press his Motion upon the House.

The Earl of ELLENBOROUGH said, he had no idea that the India House would be able to furnish answers to four-fifths of the returns moved for, which could only be obtained in India. There was one return the labour connected with which would be enormous, and he hoped his noble Friend did not mean to press it—he referred to the returns of the salaries of the uncovenanted civil servants, whom he described as the hardworking men of India. He did not quite understand whom his noble Friend designated as uncovenanted. Did he mean Europeans?

The Earl of ALBEMARLE said, there were three classes—Europeans, East Indians, and a few Natives.

The Earl of ELLENBOROUGH: The real fact was that the uncovenanted civil servants were more numerous than the Native army—at least they were so when he was first acquainted with the affairs of India—their number amounting to about 296,000, and, in all probability, they had increased since. It was one of the misfortunes of the present mode of governing India that there was a constant demand from all quarters for an increase of establishments—a demand which it was not always possible to resist. It was not so much the increase of large salaries, it was not any very large expenditure in any one instance that led to so much public expense; it was the enormous increase in all directions of civil servants and the consequent increase of salaries that was thereby occasioned. But among the European uncovenanted servants in India were some of the ablest men connected with the public service. Mr. Greenlaw, who died whilst he (the Earl of Ellenborough) was in India, was one of the ablest men of business he had ever come into contact with; and Mr. Cairns, who had since been employed by the Government in the Mauritius, was also a most able man. He thought it most desirable that Europeans should be employed in all the more confidential departments of the Indian service, and especially in the foreign department, and that they ought to receive a liberal remuneration. His noble Friend had referred to the subject of pensions, but it must be remembered that all pensions for services in India were given by rule, and that they could not be bestowed arbitrarily by the Directors. The scale of pensions was settled, and every man who performed a certain amount of work was, at the end of a given number of years, entitled to a fixed pension—the Court of Directors could not award £1,000 to one man and £500 to another. His noble Friend had stated that the right hon. Gentleman who was now at the head of the Board of Control had expressed a doubt whether, or rather an opinion, in favour of assimilating the salaries of gentlemen employed in India to those of the gentlemen who were employed in the civil service of the Crown in the Colonies. He thought, however, that when that right hon. Gentleman became a little better acquainted with the government of India he would arrive at a different conclusion. The time was when salaries in India were small, and that was the period when great fortunes were made. Now, when the salaries were, he would not say high, but liberal, in the course of twenty-eight years he had only heard of two cases, as proved, in which persons holding high situations had been guilty of peculation. When the House considered the great responsibility which attached to gentlemen in such a position, their extensive powers, the character of the population, and the facility with which large fortunes might be made by persons who were not men of integrity, he thought it most important that no reduction of the civil service salaries in India should be made without the most mature deliberation. What really was the result of the present system? He could not say that the allowances made to a young gentleman when he first went to India did not appear large; and he thought it was somewhat dispiriting to regimental officers of twenty-five years' service to find that young men after being engaged for a few years in the civil service obtained larger incomes than themselves. There was another thing which hurt still more the feelings of officers of the army—the rule by which young gentlemen employed in the civil service were entitled to take precedence of old officers. He thought that regulation was most improper; but when the civil officers obtained higher positions—when they became collectors, magistrates, or judges, and when they had, in fact, to govern provinces—he did not think their salaries were too liberal. Supposing a man who entered the Indian civil service to be prudent in early life—assuming that he did not get into debt—for if he did he would be ruined, for he could not borrow money under 18 or 20 per cent, and whoever did that was a ruined man, and assuming that he did not marry until he had been ten or fifteen years in the service, for if he did, and had a family to maintain, and at the end of eight or ten years was obliged to send his family to England, as he must do to preserve their lives, and he would thus have two establishments to maintain, and it would be impossimble for him to save money—but assuming him to be a prudent man, not to marry early in life, and to have the ordinary luck with regard to appointments, it was not probable that after thirty or thirty-five years of public service in India he could return to this country with more than from £20,000 to £25,000 which, with his pension, expiring with his life, was probably the only means he had of providing for his family. If he obtained a place in the Council he might probably save from £20,000 to £30,000, more. In the same time the same persons at home, either in trade or professions, might become country gentlemen of landed property. He was, therefore, of opinion that the emoluments of gentlemen in such a situation ought not to be reduced without careful consideration. There were English families which had been connected with India for a century, but from the expense necessarily incurred in sending the children to England for education those families had never risen in the scale of society, but had merely maintained their position. The civil servants employed in the East Indies ought to be men of the highest character and of the most extensive knowledge. If they were not men of probity they might accumulate fortunes with the greatest facility. In one case, which has been exposed by the ability and moral courage of Sir Charles Trevelyan, it was calculated that the person whose conduct was impugned had made £20,000 a year by his peculations. It was, therefore, necessary that gentlemen in such a position should receive somewhat larger emoluments than persons engaged in the civil service in Canada, to secure integrity in the discharge of their duties. It must be remembered that when a young man went to India he was separated from his family at the age of eighteen, and from that moment there was a total dissolution of all the domestic ties which bound him to this country. In all probability he would not see his family again for ten or fifteen years, and he would then have to make a new acquaintance with his father, his mother, his brothers, or his sisters. Then, when he married, what could be more painful than that, when his family were between the ages of nine and seventeen—the very period when he would most desire to be constantly with his children to watch their progress—it was necessary both for their health and education that they should be separated from him and sent to this country? These were drawbacks which ought to be fully considered in dealing with the question of the remuneration of the civil service in India.

THE MARQUESS OF CLANRICARDE said, that no papers should be called for by Parliament unless they were essential to the information of the House, and were to be followed by some consequent and real measures; but he thought the present returns came within this scope. No doubt the last was a very voluminous one, and his noble Friend perhaps would not press for that; but as for the rest they might be very easily produced, if any sort of order was kept in the public offices of the Indian Government. In our public offices there would be no difficulty in preparing them, and still less in the East India House, where there was a regular statistical department. This was the more necessary in the Indian Government, where there were no Parliamentary votes to check the accounts. There appeared to be a great misapprehension in the country as to the system of the Indian Government. Only the other day a very respectable journal had asserted that the Court of Directors had determined not to annex Hyderabad, the fact being that they had no power of annexation whatever. It was most essential that the expenditure of India should be kept within the revenue; but this was impossible while the present system of employing Europeans in all the higher situations was adhered to. The consequence was, that those provinces where there had formerly been a revenue more than sufficient for their administration were reduced to a very different condition after annexation. The real remedy for this state of things was a more general employment of Natives in the civil service. It was idle to say they were unfit for the service—the whole history of the country gave the lie to the assertion. All the earlier great statesmen of India down to the time of Lord Wellesley, had declared that the Natives of the higher class, when well-educated, were well qualified for civil employment in the country, for they were admirers of the British rule, especially for its justice and moderation; and he was convinced that if they were treated in a proper manner they would regard our rule in India with still more favour. The Returns moved for by his noble Friend would show the evils complained of with regard to the offices held, and the salaries paid to Europeans and Natives, and might be produced at little time and expense, compared with the great benefit and advantage they would be to their Lordships in furnishing them with correct information relative to the subject. The time it would occupy, and the expense attending, was not worth consideration so far as the cost and delay was concerned, and he should believe that the affairs of the India Board must be badly managed if they could not be produced speedily and at a trifling cost, when it was considered the great number of hands that were kept, and the facilities possessed by the board for making duplicate and triplicate copies of documents necessary under the present system. The noble Earl (Earl Granville) had talked of the trouble of making out these Returns; but these were occasioned chiefly by the existing system of "double Government," in consequence of which there was more correspondence and at a greater expense carried on between Leadenhall Street and Cannon Row, than there was between Leadenhall Street and India.

Lord LYTTELTON said, he should have been very glad if the Committee which the noble Earl had moved for on a previous evening had been granted, for the Committee which had been appointed before the last India Bill was passed had not half completed its inquiry. Such a Committee might have taken into its consideration the subject of the Christian religion in India, which had been very slightly touched on by the former Committee. It had been very generally considered that this was a subject with which the Indian Government had nothing whatever to do, and this seemed to be the principle on which they acted, for the most strenuous opponents of the creation of Indian bishops were the Court of Directors. The noble Earl opposite, a very high authority upon the present subject, he believed, entertained the opinion that Christian missions were not to be encouraged; but he could only say that, if the alternative of losing our dominion in India or of keeping the population in a state of ignorance and heathenism were offered to him, he would say, perish our Indian rule to the last fragment.

Lord DENMAN said, that the promotion of the Christian religion had always been an object of interest with the Governors General of India; and Sir Charles Metcalfe, during his long career in India, was most anxious to extend it,—avoiding only to use the authority he possessed so as to shock the religious scruples of the Natives, and by so doing prevent their adopting Christianity, and letting the maxim of *magna est veritas et prævalebit* have full sway. But our tenure of India was always acknowledged to depend upon the spread of our religion in that country. He regretted that the pension of Lord Dalhousie should be questioned by noble Lords; it would be poor encouragement to the present Governor General to find that the shattered health, and perhaps shortened life, of Lord Dalhousie were begrudged the slight return for his great exertions which the East India Company had voted him. He (Lord Denman) believed that the opposition to it arose from disappointed individuals; Lord Dalhousie had, however, saved the India Government far more than the amount. He was sure that the talents of the natives—both in India, where the writers had become a superior class, and at King's College, where a native had obtained the highest honours—would be encouraged and developed by the East India Company; and he hoped that confidence in Her Majesty's Government would be felt in every part of our Indian dominions.

The Earl of ELLENBOROUGH said, that, respecting the subject of the employment of Natives, it had always been the desire of the different Governors of India, since the days of Lord William Bentinck, to employ them where they were found trustworthy; and there could be no doubt that the greatest men who had ever governed India, such as Hastings and Lord Wellesley, had derived the greatest advantage from that practice.

The Marquess of CLANRICARDE rose to explain that, so far from the present Motion having been suggested by persons who were disappointed, as the noble Lord (Lord Denman) had intimated, one of the best pamphlets on the question was the production of a gentleman who had been raised to a post for which he did not consider himself competent, and at a higher salary than he had reason to expect.

Lord COLCHESTER said, that he had been informed by the Chairman of the East India Board that it would take eight months to prepare the Returns moved for by the noble Earl, and he would therefore suggest to him the propriety of not pressing for all those Returns.

The Earl of ALBEMARLE said, that if similar Returns had been moved for with regard to our own country, not the slightest objection would have been made to their production. He would not object to withdraw the Motion for those Returns objected to by the noble Earl opposite (the Earl of Ellenborough), but he thought that it was only right that their Lordships should be placed in possession of some information with respect to these pensions. There was evidently a disposition on the part of the Government to suppress inquiry; while he (the Earl of Albemarle) sought to substitute publicity as the best means of Indian reform. Nevertheless, it would be his duty to press for these Returns, omitting those relative to the Minutes of Council, to which objection had been taken by the noble Earl opposite.

Earl GRANVILLE thought that if his noble Friend would withdraw the whole of his Resolutions, and then put himself in communication with the Board of Control, he would secure all the objects he had in view, while avoiding a great amount of public inconvenience.

Motion (by leave of the House) *withdrawn.*

House adjourned till To-morrow.

* * *

## HOUSE OF COMMONS,

### *Monday, May* 26, 1856.

Minutes.] Public Bills.—1° Gaols, &c.; Public Health Amendment; Burial Acts Amendment.
2° Partnership Amendment (No. 2); Sir William Fenwick Williams's Annuity; Public Health Supplemental.
3° Reformatory Schools (Scotland).

### DISEMBODIED MILITIA—QUESTION.

Mr. GROGAN said, he would beg to ask the hon. Gentleman the Under-Secretary for War what arrangements were intended to be made, when the militia should be disembodied, in the cases of non-commissioned officers holding the position of sergeant-major or quartermaster-sergeant on the permanent staff of the militia who should have been promoted to commissions in that force, as they could not now resume their former position on the permanent staff?

Mr. FREDERICK PEEL said, that when a militia regiment was disembodied no officers continued to receive permanent pay except adjutants and quartermasters, who retained their appointments. If sergeants who had been promoted to the position of adjutants and quartermasters retained their appointments, of course they would be permitted to remain on the permanent staff; but others, who had been promoted, but who did not retain their appointments on the disembodiment of the regiment, would only receive the pay they were previously entitled to receive.

### COAST GUARDSMEN—QUESTION.

Mr. PALK said, he wished to ask the right hon. Baronet the First Lord of the Admiralty whether the gallant conduct of Commander Norcock, inspecting commander of the Fowey district, and two coast guardsmen, named William Pappin and Charles Henwood, and a man of the name of Johns, son of a Fowey pilot, in conducting the descent of a boat down a cliff 200 feet in height, launching her, and, under circumstances of great danger, rowing to and saving the sole survivor of a vessel wrecked close to Fowey, had been brought before the notice of the Lords of the Admiralty?

Sir CHARLES WOOD said, that the circumstances had been reported by the Comptroller of the Coast Guard, and that measures had been taken for rewarding the men.

### PAROCHIAL SCHOOLS (SCOTLAND)—QUESTION.

Sir JAMES FERGUSSON said, he begged to ask the right hon. and learned Lord Advocate whether, by the Parochial Schools (Scotland) Bill, in the event of the person elected to the office of schoolmaster being a member of the Established Church, the examination before the Presbytery would still be necessary; and, whether the judicial powers of the Presbyteries over schoolmasters accused of heretical teaching, and their visitation and examination of the schools would be retained?

The LORD ADVOCATE said, in answer to the first question, he had no doubt, as regarded the intention and effect of the Bill, the person elected to the office of schoolmaster, being a member of the Established Church, must be examined according to the provisions of the Bill. In answer to the second question of the hon. Gentleman, his answer was that the Bill did not touch the judicial powers of the Presbyteries over schoolmasters in the matters alluded to.

## JOINT STOCK COMPANIES' BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

MR. SPOONER said, before Mr. Speaker left the chair, he wished to ask the right hon. Gentleman the Vice-President of the Board of Trade (Mr. Lowe) what was the nature of the alterations he had made in the Bill now before the House since its being first introduced? If he recollected aright, the right hon. Gentleman on a former occasion said that it was his intention to introduce certain alterations in his Bill, but that he did not explain either the nature of those alterations or the reasons for them. With regard to the principle of the Bill, it was so completely contrary to the policy under which the commerce of this country had hitherto been carried on, and which had led it to that height of prosperity at which it had arrived, that without hearing something from the right hon. Gentleman in its support, he should certainly object to Mr. Speaker leaving the chair. He understood that the principle upon which British commerce had hitherto been conducted was to leave every individual to employ his capital and carry out his own commercial views according to his own will and judgment, and that it was carefully provided against that any combination of individuals should press upon any single person, by their combined act and combined interest, so as to work injury against that individual. The only exceptions were those of objects too large for individuals to undertake on their own responsibility or their private means, but which it was important for the country should be undertaken. In these cases, combination had been legalised by special Act of Parliament or by Charter. This Bill, on the contrary, held out all sorts of temptations to persons to combine their capital and entirely crush small traders. He was sure it was a dangerous principle to establish, and one that would produce most injurious effects upon the commercial commmunity. Let them conceive a company of grocers. Could any individual grocer compete with a body of men who combined their capital in carrying on that trade against him? It must ruin the individual grocer; it was utterly impossible his capital could compete against such a combination. It was said that the public would be benefited by this measure. He denied it altogether; on the contrary, his belief was that the public would be injured, and that it would have the effect of destroying every individual enterprise. He was so dissatisfied with the Bill that he should move, as an Amendment, that the House do resolve into Committee that day six months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

MR. LOWE said, the hon. Gentleman had asked whether he had made any change in the principle of the Bill. [MR. SPOONER: Or alterations in the details.] The alterations which had been made were purely in detail, and did not affect the principle of the Bill. The hon. Gentleman appeared to imply that the Winding-up Act was abolished by the Bill; but the Winding-up Act was only repealed as far as concerned companies formed under this Bill. The principle of the Bill having been well considered upon the second reading, and agreed to without a division, he did not feel it necessary to re-open the question now by entering upon a discussion of the whole Bill.

MR. SPOONER said, that his question as to the reason why an important clause of the present Act was omitted from the Bill had not been answered.

Question, "That the words proposed to be left out stand part of the Question," put and *agreed to*. Main Qestion put and *agreed to*.

House in Committee.

Clauses 1 to 4 were *agreed to*.

Clause 5.

MR. DUNLOP said, he apprehended that abuses would arise if companies could register in England and carry on business in Scotland, or *vice versâ*. He would therefore propose an Amendment to compel companies in England, Ireland, and Scotland to be registered in the country in which their registrar's office was situated.

Amendment *agreed to*.

MR. HENLEY said, he would suggest

that the memorandum of association should state whether the persons signing held any or what number of shares.

Mr. LOWE said, the 17th clause would meet the right hon. Gentleman's views.

Mr. HENLEY said, he would then propose that words should be added to require that some statement should be made in the memorandum of association to show the amount proposed to be paid up.

Mr. GREGSON said, he wished to move, as an Amendment, to add after the word "company," in line 21 of clause 5, "the amount paid up to be stated, and the number of calls, the amount of calls, and the times of payment."

Mr. LOWE said, he objected to the principle of the Amendment. The memorandum of association was a preliminary form. All matters of management were to be left to the articles of association, or to the regulations where there were no articles of association, under schedule D, and he thought very little would be gained by requiring these statements in the memorandum of association, because the statement of a single shilling being paid up would be sufficient. As to fixing the amount of calls and the times of payment, it would be anticipating the emergencies of business, and contrary to the principle of the Bill, which was to leave people to settle these matters for themselves.

Mr. MALINS said, the right hon. Gentleman (Mr. Henley) and the hon. Member for North Warwickshire (Mr. Spooner) were opposed to the principle of the Bill; but as the House had affirmed that principle it would be far better if, instead of moving Amendments, they would endeavour to make it a workable measure. They desired to protect the creditor, but how could the alteration propose give any additional protection to the creditor, when upon a company failing to meet its engagements, it would be wound up, and all the shareholders be made liable to the full amount of their calls?

Mr. HENLEY said, he was not aware upon what grounds the hon. and learned Member for Wallingford (Mr. Malins) assumed that he was opposed to the principle of the Bill or anxious to protect creditors. The Bill dealt not only with limited liability companies, but with joint-stock companies generally, and his object was to meet the case of companies being used merely for gambling purposes.

Mr. SPOONER said, he must also repudiate the accusation of the hon. and learned Gentleman, that the House having decided in favour of the principle of the Bill his endeavours were not directed to making it as workable as possible.

Viscount PALMERSTON said, he concurred with the right hon. Gentleman (Mr. Henley) in thinking that it was desirable to give every guard against fraud, but it must be recollected that sometimes by their endeavours to guard against fraud they might in truth give facilities for fraud. By enacting provisions which might be evaded, they would be giving to a fraudulent company a greater appearance of *bonâ fides* than they would otherwise have, and assisting them in doing the very thing which they wanted to prevent. What could be easier than to state in the memorandum of association what proportion of the shares was to be paid up? It would be easy to borrow money for the moment, and if fraud were the purpose, the effect of what was proposed would be to give additional plausibility, without affording any additional security. He thought it would be much better to leave the matter as it stood. It was the business of all persons to protect themselves. People ought not to embark in joint-stock undertakings without taking the ordinary precautions with the view of ascertaining whether or not those who launched them were men of respectability and substance; and he thought that if men would rush blindfold into matters of that kind, it would be impossible to protect such fools from the consequences of their folly.

Mr. T. BARING said, there would always be people tempted by the promise of a high rate of interest, and by one or two good names, to embark in doubtful schemes. If no precautions were necessary against fraud they might strike out the clause altogether; but if some precautions were necessary, let the clause be made more stringent and effectual.

Viscount PALMERSTON: I did not say that no precautions were necessary; but that, under the appearance of precautions, there would be none, and that the Amendments proposed would give additional colour to the fraudulent transactions.

Mr. LOWE said, that the clause was intended to lay a foundation for incorporation.

Mr. CARDWELL said, he regarded any alteration of the kind proposed as not only futile but mischievous. There would be no certainty that a *bonâ fide* payment would be made, and it would be better to leave it to the discretion of the directors to say when the calls should be paid up.

Mr. ARCHIBALD HASTIE said, he would suggest that there should be a provision that 5 per cent of the nominal capital should be paid to the registrar.

Mr. M'CANN said, he was of opinion that the formation of mushroom companies would be prevented if companies were obliged to state what amount of capital was paid up.

Mr. T. BARING said, he thought it would be desirable that a company should state what amount was paid up on its formation; and, with that view, he would propose to insert the words, "And the amount paid up on each share, if any."

Mr. HENLEY said, he thought the proposed Amendment a valuable addition to the Bill; for it was desirable that parties starting a company should give a proof of their own sincerity by stating to the public what they had paid up.

Mr. LOWE said, that the effect of these provisions of the Bill appeared to be misunderstood. There would be nothing paid up under them except a few pounds for preliminary expenses and registration for the purpose of the formation of the company. After the company was formed they would proceed to call for what money they deemed necessary, but it would not be necessary to pay up any money before that period.

Amendment *negatived.*

Clause *agreed to.*

Clause 6 (Names of Registered Companies).

Mr. HENLEY said he wished to ask whether there was any provision to prevent the fraudulent use of the name of a registered company.

Mr. MALINS said, that the object of the clause was, that a company should not assume a name by which any existing company was known. If any fraudulent use of the name of a company were made, the Court of Chancery would interfere, as it did now in case of violation of trade marks.

Mr. HENLEY said, he certainly did not wish to oust the jurisdiction of the Court of Chancery, in which his hon. and learned Friend practised.

Mr. LOWE said, that he would consider the point.

Sir FITZROY KELLY said, that he hoped that the parties in these cases would not be driven into the Court of Chancery.

Clause *agreed to*; as were also Clauses 7 to 12 inclusive.

Clause 13.

Mr. HENLEY said, he wished to know whether it was proposed that these companies should have an unlimited power of holding lands?

Mr. LOWE said, that under the existing law, when a company wished to hold land for a specific purpose, it was the custom for the Board of Trade to grant the necessary licence. They had been asked to grant licences to companies for the express object of dealing in land. He confessed, his own impression was that it would be better to give an unlimited power. There was no mortmain, in the ordinary sense, in the matter, for these companies would not abstract land from the purposes of trade and commerce.

Mr. HENLEY said, that it would be quite new to lay down the principle that companies might hold lands not connected with the trade which they carried on.

Mr. LOWE said, that he would consider the subject before the next stage of the Bill.

Sir FITZROY KELLY said, that all the great railway companies were restricted as to the amount of land which they held.

Mr. MALINS said, he should support the clause. Mortmain, which meant land devoted to charitable uses, had nothing whatever to do with the matter. With regard to railways the case was different, for they were instituted for a limited object, and they had compulsory power of taking land.

Mr. CARDWELL said, he thought that it would be introducing a great novelty into the law of the land if they were to give them unlimited power of taking land.

Clause *agreed to*; as were Clauses 14 to 18 inclusive.

Clause 19.

Mr. SPOONER said, he would suggest that some provision should be made to prevent shares being transferred until all the calls due thereon had been paid up.

Mr. LOWE said, the object of the Bill was to enable persons to know who were the shareholders upon looking at the registry. To prohibit the transfer of shares until the whole amount was paid up would be to introduce an element of uncertainty, as the register would not show whether any calls were due at the period of transfer. It was very important that the register should be conclusive evidence of who were the shareholders.

Mr. HENLEY said, he could not see what difficulty there would be in empowering companies to refuse registry of transfers in cases where the calls had not been paid up.

Mr. LOWE said, there was nothing in the Bill to prevent companies from refusing to register transfers if they pleased.

Mr. MICHELL said, he wished to move, as an Amendment, the following proviso—

> "Provided always, that any shareholder may transfer his share or shares to the company, as in the form marked F, and the chairman of directors shall accept the said transfer on behalf of the company; the value of the property of the company shall be paid to the transferrer in proportion to the number of shares, as per balance 72 a, Table B, such payment to be made within fourteen days after the next annual account has been passed by the auditor, deducting therefrom all debts due to the company by the transferrer, the transferrer to remain liable in the same manner as if he had sold his share or shares, according to the provisions of this Act."

Without some such provision the Bill would never work well; but he would not press his Amendment if the right hon. Gentleman would undertake to introduce a provision to enable the shareholders to withdraw from a company by resigning their shares.

Mr. LOWE said, the hon. Gentleman's desire was already met. It was competent for any shareholder to transfer his shares to the company, if the company thought fit to receive them. There certainly was no provision to compel the chairman to accept such transfer for the company, whether the company wished it or not.

Amendment *negatived.*

Clause *agreed to;* as were also Clauses 20 and 21.

Clause 22.

Mr. HENLEY said, he was of opinion that parties should be allowed to take copies of the list of shareholders.

Mr. LOWE said, that provision was omitted, because it might be made the means of annoyance to the companies.

Mr. MALINS said, he thought it of importance that the greatest facilities should be given to creditors to ascertain who were shareholders. Creditors ought to have the power of making extracts from the register, or obtaining a copy on payment of a small sum.

Mr. LOWE said, he would consider the suggestion of allowing copies to be taken upon a small payment.

Clause *agreed to;* as was also Clause 23.

Clause 24.

Mr. W. BROWN said, he would now beg to move an Amendment, to make the directors amenable to penalties for injury to the register, instead of the company.

Mr. LOWE said, the point had been considered, and it was thought better to make the company responsible, and leave the company, by by-laws, to recover the penalty from the person in fault.

Amendment *negatived.*

Clause *agreed to;* as were also Clauses 24 to 28 inclusive.

Clause 29.

Mr. WARNER said, he wished to move that the latter part of the clause, enacting that the limited nature of the company's liability should be expressed in all bills of exchange, promissory notes, &c., be omitted.

Mr. GLYN said, he hoped that the hon. Gentleman would not press his Amendment. He had intended to ask the right hon. Gentleman the Vice President of the Board of Trade to do a little more, and to insert the word "letter," so that all orders abroad should express the limited liability of the company.

Mr. LOWE said, that the principle upon which the Bill was argued was, that the public were entitled to the fullest publicity that could be given to the fact of the limited nature of the liability. As a temporary provision adapted to a period of transition, he thought it would be desirable to retain the latter part of the clause referring to bills of exchange and promissory notes.

Mr. MALINS said, he thought that the greatest publicity ought to be given to the limited liability of companies.

Mr. GURNEY said, he was inclined to think that every signature given on behalf of the company should state the limited nature of its liability.

Amendment *negatived.*

Mr. W. BROWN then moved, that the word "letter" be added after the word "invoices." The matter was one he considered as involving the credit of the country, and all letters abroad ought to show that the liability was limited.

Mr. HENLEY said, that if these companies were allowed to act by signature, the signature should be in the same form as upon the engraving of the seal.

Sir FITZROY KELLY said, he thought the word wholly unnecessary. Where the company were partners to any of those documents their corporate seal would be sufficient to mark their liability.

Mr. LOWE said, that these clauses were taken out of the Bill of last year, and as he considered they were liable to some objection, he would, if the Committee agreed upon the principle, recast them before the Report. A subsequent clause showed how the company was to be bound. With regard to the question of letters, he thought it hard to make the company liable to a penalty of £50 for an accidental omission in a letter written in a hurry. If the suggestion about letters were adopted, a malicious servant might intentionally make the company liable to penalties. At the same time, he thought it right that the full title should be placed on bills of exchange, or any instruments to which the least ceremony was attached.

Mr. HENLEY said, he would suggest that merchants at a distance—say at Glasgow—might be induced to sell goods to a London company in consequence of letters transmitted to them, and afterwards find, when it was too late, that the company was limited. The insertion of the word "limited" on all letters of the company would prevent such an occurrence.

Mr. MOFFATT said, the Committee had already decided that all contracts for goods should contain the title of the company.

Mr. HENLEY said, he was aware that, in technical orders for goods, frauds was provided against; but there were ways of obtaining goods by means of correspondence, without making a formal contract.

Mr. LINDSAY said, he thought it would be the duty of merchants to make inquiry whether a company was limited or not. He could not understand why people should not be taught to depend on themselves instead of depending on an Act of Parliament?

Mr. SPOONER said, that the objection could be easily met by requiring the usual head of the company to all their letters. He believed the indorsement would not be required under this Bill. He thought the proposition of the hon. Member for Kendal (Mr. Glyn) should be attended to.

Amendment *agreed to.*

Mr. MOFFATT said, he must oppose the Amendment. If it were adopted every scrap of paper might be tortured into a "letter," and thus great inconvenience would result to joint-stock companies without any benefit to the public.

Mr. MALINS said, he quite concurred with the hon. Gentleman who had last addressed the Committee. The word "letters" would impose a difficulty without giving an advantage. No official of the company could write a letter, if the Amendment were adopted, without exposing the company to inconvenience.

Mr. WALPOLE said, he thought that persons, abroad or at home, should know when they were dealing with a company, and when with an individual, otherwise a man might think he was dealing with a company when he was dealing with an unauthorised person. On the other hand, he thought it would be wrong to have a company exposed to the inconvenience which might accrue to it from any unauthorised person writing a letter for a vexatious purpose—merely to involve a concern in difficulty.

Mr. ATHERTON said, he thought it was a protection to a company that no binding form could be attributed to a letter forming the basis of a contract unless such letter have the full signature of the company.

Mr. HENLEY said, he should support the introduction of the word "letters," being of opinion that there would be no sufficient protection to foreign correspondents if some such word was not introduced.

Question put, "That the word 'letters' be there inserted.

The Committee *divided* :—Ayes 36; Noes 69: Majority 33.

Clause *agreed to;* as were also Clauses 30 to 36 inclusive.

Clause 37. (No partnership shall carry on business upon the principle of limited liability unless the members thereof shall consist of, at least, six persons).

Mr. HENLEY said, he could not understand why the advantage of limited liability should stop at the mystical number of seven, or why it should not be extended to six, or even down to one.

Mr. LOWE said, that the object of the Bill was not to give limited liability, but to incorporate companies. When the partnership was very small the Acts of Parliament were apt to become ambiguous, and it was of importance to distinguish between what a man was doing in his corporate and in his individual capacity. It was considered necessary, therefore, to stop somewhere to avoid that difficulty.

Mr. HENLEY said, it appeared to him that the clause did not apply to incorporations so much as to limited liability. It, in fact, only dealt with the mystical number of seven, who were to have the privilege of limited liability, and touched no one else.

MR. MALINS said, he was decidedly of opinion that the clause was open to considerable objection. Supposing, for instance, the number of parties was reduced by death or any other cause below seven, what would be the result? Why, that the limited liability at once ceased, and the remaining members of the partnership were subjected to all the consequences of unlimited liability. He thought there ought to be a reasonable latitude allowed for diminution in the number of shareholders. He would suggest, therefore, that the word "seven" should be omitted, and the word "five" inserted in its stead.

MR. ALEXANDER HASTIE said, he would point out a case to the attention of the Committee. Suppose the case of a person forming a company of seven, consisting of himself and six others—it might be his servants—to whom he gave a single share. He could not think it right to give limited liability to a company when the right was liable to such abuse.

MR. LOWE said, that the same objection applied to the existing law. He could not agree to the substitution of five for seven.

MR. J. G. PHILLIMORE said, he would recommend the omission of the clause altogether.

MR. MONTAGU CHAMBERS said, he thought a difficulty would arise as the clause now stood. Suppose there was a trading corporation of seven members and one died, then the six remaining members would cease to have the privilege of incorporation and limited liability. It struck him that that was exceedingly unjust. He would recommend, therefore, that a certain time should be allowed during which the remaining six might have the opportunity of filling up the number, so that the corporate body should not expire at once, but have facilities given it for continuing the limited liability.

MR. G. M. BUTT said, he understood the right hon. Gentleman the Vice President of the Board of Trade to say that the effect of this clause was not that the company should cease to be a limited liability company, but that when the numbers of the company were reduced to less than seven, and that that reduced number should carry on business, they should be liable, so long as they did so, under the unliability law, with respect to all contracts made by them during the time they so carried on business; but that they might afterwards increase their numbers to seven, and then the doctrine of limited liability would attach itself to the company again.

THE SOLICITOR GENERAL said, his hon. and learned Friend had rightly apprehended the meaning of the clause. In the case of a death or cessation of one or more of the members of the company it would have the power to fill up its members to the prescribed number. The Committee, however, must remember that the provisions of the Act would not apply to a company consisting of less than seven members; but it might happen that that number might be reduced to less than seven, without the knowledge of the other members, and who might be incurring responsibilities. At the same time it was necessary that a certain number should be fixed. It, however, might be right to fix a certain period before the liability should be incurred, in order that in the meantime the company might have an opportunity to fill up the required number. He would suggest the period of two months.

MR. J. G. PHILLIMORE said, he would propose three months after the knowledge of the reduced number.

MR. HENLEY said, he thought that if at the end of three months the company did not fill up their number to seven they should be deprived of the privileges of the Bill.

MR. ATHERTON said, he was of opinion that the period should be six months.

It was then agreed that the number of shareholders to be registered under the Bill should not be less than seven.

THE SOLICITOR GENERAL said, he would now move that, after the word "seven," the words "for the period of three months after that number should have been so reduced," be inserted.

MR. LINDSAY said, he wished the period to be extended to six months.

MR. LOWE: I agree to its being six months.

Amendment *agreed to.*

Upon the question that the Clause, as amended, stand part of the Bill,

MR. MALINS said, he objected to the clause as inconsistent with the object of the Bill. The Bill was intended to give increased facilities for the formation of joint-stock companies; but, supposing a company originally consisting of more than seven partners was reduced below that number, the remaining partners would inherit an unlimited liability. That circumstance was calculated to deter prudent men from joining companies formed under the Bill. He (Mr. Malins) could imagine why one person could not form a company, as at present a single trader's liability was limited by the contracts he made. The principle of the Bill was applicable to associations of two or more persons. And what advantages would be derived from the clause under consideration by any one? The shareholders could derive none, and, as to the public, other clauses made it imperative that the list of shareholders should be open to the inspection of any one. Believing, therefore, that the clause would impede the operation of the measure, he felt bound to oppose its adoption.

MR. COLLIER said, he thought that, without the clause, the operation of the Bill would be null and void. The Bill was not intended to apply to all ordinary partnership. If it were not for this clause, a company consisting of seven shareholders might be formed one day, and one of such shareholders buy up the shares of the other six the next day. The intentions of the Bill would thus be frustrated.

MR. MONTAGU CHAMBERS said, the winding-up clause provided that when the shareholders were reduced in number to six, the Court of Chancery might wind up the company.

Clause *agreed to;* as were also Clauses 38 to 56 inclusive.

Clause 57. (Winding up of Companies).

MR. MALINS said, he could not understand why the Vice President of the Board of Trade had not adopted the machinery of the existing Winding-up Acts instead of introducing new provisions.

MR. LOWE said, that Clause 57, and the following clauses relating to the same subject, had been introduced into the Bill with a view of amending the present Winding-up Acts in those respects in which they had been found deficient. Those Acts had not worked altogether satisfactorily, and the clauses in the present Bill had been framed with the assistance of the Gentlemen who had been charged with the administration of the existing law—the Lord Chancellor, the Vice Chancellor, and the Master of the Rolls—upon which he thought they would be found to be a great improvement.

Clause *agreed to.*

Clause 58. (Courts by which Companies may be wound up).

MR. J. EWART said, he would move the omission of the words "whose nominal capital does not exceed £5,000," the effect of which would be that the affairs of all companies might be wound up by the district Courts of Bankruptcy, instead of by the Court of Chancery. The Chancery Courts, it was well known, were overwhelmed with business, whereas the Court of Bankruptcy had very little to do.

SIR F. KELLY said, that the Motion of the hon. Gentleman had anticipated him, and had raised a question of the greatest possible importance—whether the winding up of companies should be carried on henceforth in the Court of Chancery, with all the expense and delay still incident to proceedings in that Court, or whether it should be effected in the Courts of Bankruptcy of London and throughout the kingdom? In order to determine that question the Committee should consider the whole course of the proceeding, from beginning to end, of winding up the affairs of the companies to be created under the Bill. Without entering into any inconvenient details, he would undertake to say, without fear of contradiction, that let the circumstances of a company be what they might —let its capital be £10,000, £50,000, or even £100,000—let its dealings be extensive or limited—its affairs would be wound up in any Court of Bankruptcy in one-fifth of the time, and with less than one-fifth of the expense at which it would be possible to wind them up in the Court of Chancery. He was willing to admit that of late years the procedure in the Court of Chancery had undergone considerable improvement; but so much still remained to be done that to bring the winding up of the affairs of the companies to be created under the Bill within the jurisdiction of the Court of Chancery would, he apprehended, be productive of many and serious evils. For instance, there were long and frequent periods of the year during which the Court of Chancery did not sit at all; the chances were that in the long vacation, two, three, or even four months, might elapse, however urgent the circumstances, before the petition could even be heard, consequently causing great expense and injury to the interests involved; whereas the Courts of Bankruptcy were nowhere fully employed, and their machinery was the most perfect existing in any department of our law for winding up the affairs of a mercantile company. There was also the prominent defect of the Court of Chancery; no *vivâ voce* examination, but a mass of written evidence, swelling the briefs, increasing the expense, and leading to great delay and litigation. Supposing counsel on both sides to have been heard, and an order for winding up made, the matter would then be referred to officers created by this Bill, called "official liquidators." He would, therefore, submit that it would be much better to trust to the official and trade assignees, of whom they had had long and well-founded experience, than to refer to "official liquidators," of whom they had had no experience, and in whom the public would not, therefore, have the same confidence. In the actual winding up the accounts would have to be taken, and the books would have to be examined by the chief clerks and other officers of the Court of Chancery. Those officers were already overburdened with business, and great delay would necessarily result. If the winding up were deputed, as the hon. Member for Liverpool (Mr. J. Ewart) proposed, to the Courts of Bankruptcy, the Bill would be made almost as efficient as possible, and he should, therefore, support the Motion of the hon. Member.

MR. MALINS said, the description which his hon. and learned Friend had just given of the Court of Chancery was as inapplicable as it could be to any institution existing in this country. Any one would believe from that description that the Court of Chancery was one system of delay, expense, and over-burdening of business. To take the last charge of his hon. and learned Friend that the Court of Chancery was over-loaded with great arrears of business, what would the House think when he told them that the Court of Chancery had its business so closely done that, to use a common expression, it lived almost from hand to mouth? [*Laughter.*] He could well suppose that hon. Gentlemen were surprised at the statement. He could, however, assure them that it was possitively true. He was not representing that the business of the Court of Chancery had diminished, but he said that such was the effect of the altered system that the Judges of the Court of Chancery were able to keep down all arrears, and he stated, upon his credit as a Member of that House, and of the profession to which he had the honour to belong, that it was his opinion the business could not be brought up closer without disadvantage to the public. [*Derisive cheers.*] If it were doubted, he would give a statement of the facts. He would not be deterred by the vulgar prejudices which came into operation directly any one mentioned the Court of Chancery. He would not detain the House by describing a Chancery suit, although it was short enough now, but the hon. and learned Member for East Suffolk having said that all the Courts of Equity were overloaded, his (Mr. Malins) assertion was that no one of those Courts was overloaded. The Master of the Rolls had the largest number of causes, and only a fortnight ago he had to apply to the Lord Chancellor to transfer to him other causes to feed his Court with. Vice-Chancellor Kindersley had no arrears. Vice-Chancellor Stuart was out of business when he rose last term. Except in Vice-Chancellor Wood's Court there were no causes waiting any time for hearing, and in his Court there was not a cause which had been set down for so long a period as two months. In the Appeal Court there was not an appeal which was ready to be heard one month ago. He emphatically said there were no arrears, nor were there likely to be any, and the expense was as moderate as was consistent with the due administration of justice. His hon. and learned Friend had stated that the winding up could be done in the Bankruptcy Courts at one-fifth of the expense. The object of that House, he apprehended, was to have the matter well done by Judges who, from their position and learning, administered justice in a satisfactory manner. Now, he ventured to say that no tribunal gave so little satisfaction—indeed, he might say, so much dissatisfaction—as the Court of Bankruptcy. He was certain of the fact that the Court of Bankruptcy was most unsatisfactory, and so unsatisfactory that he believed it could not be tolerated much longer. There were five Commissioners sitting in Basinghall Street, each with a salary of £2,000 a year, who were not called upon to give to the public more than eight or nine hours' service a week. He would venture to say that any one of the Vice-Chancellors would, with the greatest facility, dispose of the whole business by sitting from ten to four o'clock daily on the average of the whole judicial year. If they wanted Judges to give the country satisfaction they must keep them fully occupied; for, of all things calculated to lower the character of the Judges in Bankruptcy, the most likely to do so was the system by which they were enabled to make arrangements for one sitting one or two days in the week, while the rest were idling about the country, becoming men of pleasure instead of men of business. If they transferred, as proposed, the business to the Court of Bankruptcy it would scarcely add more than an hour a month to the sittings of each Commissioner. The winding-up business could not be of great extent. There had been a good deal of litigation in the Court of Chancery upon the Winding-up Bill of 1845, because there had been hundreds of abortive railway companies. But these had been nearly all settled, and, while for two or three years the business of the Court was incumbered by applications under the Winding-up Act, it was now the fact that sometimes for two months together there was not a single application to the Court under the Act. Since Parliament by this Bill would settle the question "Who are contributories?" Companies might be wound up in three months at the most in the Court of Chancery, and by a simple and economical machinery. Although himself a practitioner in the Court of Chancery, it was a matter of perfect indifference to him whether the business were transacted in the Court of Chancery or the Court of Bankruptcy, because the nature of the winding-up business was so simple and unimportant. But it was of great importance to the public that the business should be transacted in a Court of easy access, where the expense would be small, and where it would be transacted to the entire satisfaction of the public without delay or the prospect of delay. The Court of Chancery was never closed for a single day, for one of the Judges was always accessible. But it was a consequence of the Judges of the Court of Bankruptcy having so little to do that in no Court of the kingdom was so much done by deputy. In the absence of the Commissioner orders were continually made by the registrar. The defects and vices of the Court of Bankruptcy were indeed so great that, instead of adding to its business, it would be absolutely necessary for the House, in his opinion, at no distant period, to remodel that Court. If no other hon. Member did it, he would himself bring the vices of the Court of Bankruptcy before the House. He therefore objected to the transfer of the business from a Court which was familiar with it to a Court which worked unsatisfactorily, and was about the worst in the kingdom.

The SOLICITOR GENERAL said, that the effect of the omission would be to give an unlimited jurisdiction to the Court of Bankruptcy. He thought the Court of Bankruptcy exceedingly competent to exercise that jurisdiction. It was true that the Court was open to some of the animadversions of his hon. and learned Friend (Mr. Malins), but it was no doubt perfectly competent to the discharge of this duty. He was not going to enter into the rival merits of the Courts of Chancery and Bankruptcy. One of his hon. and learned Friends had spoken of the Court of Chancery as a sort of Pandemonium, and another as a sort of Paradise. If Parliament gave an exclusive jurisdiction to the Court of Bankruptcy, a great deal more must be done than one of his hon. and learned Friends seemed to imagine necessary; for if they gave complete jurisdiction to the Court of Bankruptcy they would end by making the Court of Bankruptcy a Court of Chancery. If a company went to the Court of Bankruptcy to be wound up, and if in the interim before the winding up one of the members of the company died, that Court would have no power to follow the property of that member. He saw no objection to the omission, and he believed that his right hon. Friend (Mr. Lowe) would also agree to the omission.

Mr. STEEL said, he conceived that, except in the neighbourhood of large towns, the business would be better done by some tribunal in the metropolis than by the district Commissioners of the Court of Bankruptcy.

Mr. HENLEY said, he was rejoiced to hear that the jurisdiction under the clause was to be transferred to the Court of Bankruptcy. It was true, that the Court of Chancery was always open; but the Court of Bankruptcy got hold of the assets rather quicker. In cases of limited liability that was a most important consideration, for otherwise the capital of the company would be gone before they came to the state which brought them under the scope of this clause.

Mr. GLYN said, he also agreed to the Amendment, for he thought that the machinery of the Court of Bankruptcy was most effective for the purpose of obtaining assets. As to the new system in Chancery, he was willing to admit that it worked very effectually, and he preferred it in London cases to the Courts of Bankruptcy. But in country cases he preferred the Courts of Bankruptcy.

Mr. MALINS said, he thought that it should be left to the parties themselves in country cases to select the tribunal. He believed, however, that they would prefer the Court of Chancery.

Mr. LOWE said, he gathered that it was the opinion of the Committee that the Amendment proposed by the hon. Member for Liverpool (Mr. J. Ewart) should be agreed to; and, as it was his wish only to select the tribunal which should be deemed the best, he was willing to acquiesce in the change. The Bill was drawn with a view both to the Court of Chancery and to the Court of Bankruptcy, and though the enormous powers of the former might enable it to work the most complete justice, still he hoped that the latter would on the whole be found a satisfactory and cheaper tribunal.

Sir FITZROY KELLY said, he would suggest that the clauses affected by the Amendment should be read as they stood, *pro formâ*, and carefully considered by the right hon. Gentleman opposite (Mr. Lowe) before the measure reached its next stage.

Clause as amended *agreed to*, as were likewise Clauses 59 to 65 inclusive.

Clause 66.

Mr. HENLEY said, he thought that there was some looseness in the expression, whereby companies who could not pay their debts did not commit an act of bankruptcy like ordinary tradesmen.

Mr. LOWE said, he did not think the clause would have any such effect.

Mr. HENLEY said, he thought that if the company shut up their premises, it was like a tradesman absenting himself, and should be treated in the same manner.

Sir FITZROY KELLY said, that he had himself proposed clauses to remedy that as well as other defects. There was much in the observation of his right hon. Friend (Mr. Henley), that what were acts of bankruptcy in individuals should be acts of bankruptcy in companies. He trusted that the right hon. Gentleman the Vice President of the Board of Trade would take the matter into consideration before the Bill passed another stage.

Clause *agreed to.*

Clauses 67 to 81 inclusive were then *agreed to.*

Clause 82 (Appointment of Official Liquidators).

Mr. HORSFALL said, that he had a clause on the paper to the effect that the creditors should have the power of appointing one official manager, while the Court appointed the other. Would the right hon. Gentleman consent to it?

Mr. LOWE said, he was in favour of the original clause, which gave the sole appointment of the manager to the Court. The proposal of the hon. Gentleman would be certain to produce anarchy and confusion, and he therefore could not agree to it.

Mr. HORSFALL said, that there was a strong feeling in the community on the subject, and he should press his clause to be inserted instead of the original clause. It was to the following effect:—For the purpose of conducting the proceedings in winding up an insolvent company, and assisting therein, two persons should be appointed to the office of official liquidators, one of such persons being appointed by the Court, and the other by the creditors at a meeting held by them for that purpose; and the Court shall require due security from every person so appointed; and the Court and the creditors, as to the person appointed by them respectively, shall fill up any vacancy occasioned by the death, resignation, or removal of any other person; and the Court may remove any other person so appointed, either by the Court or by the creditors, and such removal shall occasion a vacancy, to be supplied as before mentioned.

Mr. HENLEY said, he did not see any force in the objection to the clause—that it would produce anarchy. It was in accordance with the usual practice in the present system of winding up concerns.

Question put, "That the Clause stand part of the Bill."

The Committee *divided:*—Ayes 131; Noes 52: Majority 79.

Clause *agreed to*, as were the remaining clauses.

House resumed.

Bill *reported* as amended.

## PARTNERSHIP AMENDMENT (No. 2) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. ARCHIBALD HASTIE, in moving that the Bill be read a second time that day six months, said, he thought that, before bringing in the measure, the right hon. Gentleman (Mr. Lowe) should have shown that there was a want of capital to carry on the commercial operations of the country. The Bill created a great monopoly in favour of capital, as did also that Bill which had just passed through Committee, and that monopoly in the end would be found to inflict the greatest evils on the mercantile interests of the country, and prevent that wholesome competition which was so favourable to the development of commerce. They had had several Committees to inquire into the subject, and all those Committees had reported that the evils complained of were caused by overtrading, and from the redundancy of capital in the hands of a few. At present there was no want of capital, and there was no man of genius and honesty but could get persons to join him in any reasonable and *bonâ fide* speculation. In the face of this redundancy, however, the Board of Trade brought forward Bills of a nature to stimulate speculations which might end in the ruin of a large number of persons, and which would be most injurious to the labouring classes. It was the duty of the Government rather to check than to encourage speculation. He would ask the right hon. Gentleman, who were the parties asking for these Bills? If he were correctly informed there had only been one application in their favour. The Commissioners who had been appointed to inquire into the subject had reported in direct opposition to the Bill. After we had gone on for a long series of years, and had been envied by all the commercial nations of the world, it was proposed to revert to those ancient practices which it had been our great object to get rid of. Glasgow, a large commercial community, had petitioned against the Bill on the ground that it would lead to speculation of the wildest character, would legalise partnerships without any liability, and would open the door to the most extensive frauds, and give rise to the most ruinous speculations. The next petition against the Bill was from Liverpool, and set forth an opinion that the Bill would be attended with the greatest injury to the commercial community. The next petition which he would call attention to was from Manchester, and was to the same effect. It was worthy of remark that although the Manchester Chamber of Commerce, from which body the petition proceeded, consisted of 400 members, there was only one dissentient voice in reference to the subject of the petition. In France and Belgium it was said that limited liability in partnership worked well, but it was not the poor man who took advantage of the laws in these countries, but the rich man. In this country the forefathers of our merchants rose from being clerks at the desk, and our manufacturers from being artisans in the workshops; but if they passed this Bill they would put an end to the inducements at present existing to the industrious and honest attention of such men to the concerns under their management, and consequently to their future advancement. He denied that it was the millionaires — the bloated capitalists as they were called—who opposed these Bills, because they destroyed the monopoly of capital. So far from that being the case, he contended these Bills, by limiting the loss, created a great monopoly in favour of capital. He should, therefore, move that the Bill be read a second time that day six months.

MR. GREGSON, in seconding the Amendment, said, he wished particularly to call the attention of the Committee to the petitions which had been presented against the Bill from the Glasgow, Manchester, Liverpool, and other Chambers of Commerce, as a proof that the commercial community throughout the country was decidedly opposed to the principle of limited liability. The Commissioners had also reported against it, and of the sixty-seven gentlemen who were asked to express their opinion on the subject seventeen were in favour of limited liability, thirty-one suggested various amendments, and nineteen objected to the principle *in toto*. Moreover, there seemed at present to be no reason for giving increased encouragement to the extension of trade by the introduction of limited liability. The increase which had recently taken place in the consumption of commodities, and even of luxuries, as well as in our exports, imports, and tonnage, showed that the country was in a prosperous state, and did not require a measure which would lead, unquestionably, to over-speculation and difficulties of all kinds. He hoped, therefore, that the right hon. Gentleman the Vice-President of the Board of Trade, satisfied with having amended the law relating to joint-stock companies, would withdraw the Partnership Bill for the present.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. CARDWELL said, he hoped that the Bill would be allowed to pass the present stage without a division. He quite agreed with those who thought that it would require to be altered in Committee; but that was no reason why it should not be read a second time, deferring till it was committed those Amendments which he knew many hon. Gentlemen desired to make in its details. The grounds upon which the existing law of partnership has always been defended were two. It was said, in the first place, that participation in the profits of a company ought to make a person liable to the whole extent of his fortune, because he took away a portion of the fund on which the creditor relied for his payment; and, in the second, that a partner ought to be so liable, because he was in the way of obtaining a high and usurious rate of interest. Now, having repealed the usury laws, Parliament had totally destroyed the second of those grounds, while by that very same repeal it had materially weakened the first. For it was plain that, inasmuch as a person might derive from a partnership any rate of interest, however high, he might withdraw from the creditors a large portion of the fund on which they relied for their payment. That of itself constituted a reason why the House should proceed to a careful examination of the law of partnership. But there was another ground for legislative action—namely, that by the Bill passed last Session, which they had been engaged in amending that night, they had given to joint-stock companies consisting of seven persons such great powers of limited liability—powers much larger than he thought right—that it was absolutely necessary some provision should be made of an analogous nature for smaller partnerships. If that were so, and if there were a general dissatisfaction—which he knew there was—in the legal world with the extreme extent to which the existing law was carried, then the House had a sufficient and conclusive reason why it should pass the second reading of the present Bill. With respect to how the Bill ought to stand, he thought that, if he had accurately gathered from the mover and seconder of the Amendment, as well as from other sources, what were the opinions of the commercial world, especially as expressed in the petitions to which allusion had been made by both of the hon. Members, it was not that they desired to continue the law precisely as it at present stood, but that they objected to the measure proposed by the right hon. Gentleman the Vice President of the Board of Trade in the absence of certain guards and protections which they had pointed out in their petitions. Those guards were three. The commercial community thought that when an individual engaged in a private partnership and had covered himself against unlimited liability by means of this Bill, it was right and proper they should have notice that the partnership gave that peculiar privilege. They thought, secondly, that the person who enjoyed the profits of the partnership was bound to be responsible to some extent for its losses, and that, having the advantage of knowing the state of the concern, he should not, when its affairs became disastrous, be able to set his house in order, and to make himself a creditor to the prejudice of the other and more general creditors. They thought, thirdly, that in the case of insolvency, if the dormant partner had recently withdrawn any money, either in the shape of profit or capital, he should be compelled to restore that money to the assets of the concern. Now, there were great authorities in favour of a Bill so drawn. A Committee, after sitting two Sessions, had reported in favour of such an arrangement, and a Commission being appointed two years ago, in pursuance of the recommendations of that Committee, though the majority of the Commissioners were opposed to limited liability in general, yet they were equally divided in respect of such an arrangement as that to which he had referred. They had the authority of petitions from Glasgow, Liverpool, Manchester, and other large mercantile places, and also the authority of the right hon. Gentleman (Mr. Lowe) in favour of such an Amendment of the law. It would be their duty when the Bill was in Committee to examine whether the law of America, of Belgium, and of France, was left in the state in which this Bill left it, without any guards or protection whatever, and if not, the authority of those countries would be of no avail in support of the present measure. These changes could all be moved in Committee, and after it had been decided either to introduce them or not, those who thought them expedient would still be quite at liberty to take, on the future stages of the Bill, what course they thought desirable for the promotion of the commercial interests of the country. Having these views, he should certainly vote for the second reading of the Bill, and he hoped those who were disposed to agree with him would not think it necessary, on the present occasion, to divide the House.

Mr. T. BARING said, he was opposed to the second reading, for the plain reason that the principle of the Bill was, that all publicity should be excluded, all registration omitted, and all limit denied. The right hon. Gentleman (Mr. Lowe) had said that, seeing the difficulties of publicity, registration, and limit, it was best to allow parties to arrange with one another without restriction. If they were dealing only between the several parties, he quite agreed that they should be allowed to make arrangements without publicity, registration, or limit; but when the public were concerned, there was surely some necessity for safeguards, which this measure most studiously excluded. He did not understand the reasoning of the right hon. Gentleman (Mr. Cardwell), that the repeal of the usury laws rendered a change of the Partnership Act necessary, as it appeared to him that for all purposes of commerce the repeal of the usury laws made a change less requisite. The right hon. Gentleman also said that the Joint Stock Companies Bill, which they had just passed through Committee, rendered it necessary to make such a change, whereas he thought that Bill, going down as low as the number of seven, would meet every case in which the capital of the partnership was insufficient for the purposes of business. His idea of a partnership was the union of several persons, when one man had not the power, the capital, or the means to carry on the business, and if so, a partnership ought to resemble as much as possible the individual replaced, and in that resemblance there should be the same identity of interests, the same union of action, the same complete and entire liability. It was impossible to suppose a partnership ought to exist without each and all of the partners being equally liable to the engagements of the concern. Hardships had no doubt arisen, but the right hon. Gentleman (Mr. Lowe) did not avoid those hardships, because, although a share of the profits was to be no proof of partnership, in case of failure there would be hundreds of little things ferreted out by learned lawyers, some act of correspondence, interference, or control, to bring the monied man who had lent his money under the definition of a partner. He did not think the Bill could be so modified in Committee as to make it a desirable piece of legislation, or that it could ever be rendered beneficial to commerce. He certainly did not think it would improve the tone of mercantile feeling, or raise the reputation of this country throughout the world. This country was the clearing house of the world. The great portion of the business of the world was carried on by credit, and they should be most careful how they sanctioned any measure which could in any way affect the credit of the country. This Bill required no declaration that the money was to be lent for a certain period. There was to be no publicity as to the amount lent, and no prohibition that money should not be lent at one moment and taken back at another. There assuredly was no precedent for this Bill. In what country had a similar law been adopted? It was not the law in France, it was not in the *Code Napoleon*, it was not the law in America. The theory of the right hon. Gentleman was indeed opposed to the law of every other country, which was hedged round with safeguards against fraud, deception, and speculation. The present Bill was not the Bill of the right hon. Gentleman's own Government. The Bill of last year was full of provisions against fraud and imposture. It was not the right hon. Gentleman's own Bill of last February, for the right hon. Gentleman's Bill came out from Committee an entirely different measure. If, then, there were so much doubt in the mind of the Vice-President of the Board of Trade himself, ought the House, without great deliberation, care, and caution, to agree to the second reading of the Bill? He entreated the House not hastily to pass a measure which, by affirming a principle, might have the most serious effects upon the commerce of the country. It might be too late in the Session to refer the Bill to a Commission or a Select Committee, but he could not sanction the Bill by his vote, and he despaired of making it a safe measure for the commerce of the country. He should, therefore, in the present state of the Bill, support the Amendment of the hon. Member (Mr. Hastie).

MR. BAXTER said, he was quite unable to comprehend the force of the arguments which had been urged against the Bill. It had been argued by the hon. Member for Kendal (Mr. Glyn) that a Bill like the present would open the door to fraud by allowing persons to carry on engagements under the idea of a registered capital after that capital had long been withdrawn from the concern. But he would ask was there no fraud of a similar kind practised under the present system, and had not examples occurred in the highest circles of the metropolis of firms trading on the faith of capital which had been withdrawn for years? The law of unlimited liability frequently led persons retiring from business to withdraw their capital altogether, when, under a law of limited liability, they would gladly leave a portion in the hands of their successors in order to give the new firm a good start. All that was wished was to adopt in England a principle which had long been working most advantageously in France, in Holland, in the Hanse Towns, and in the United States of America, and to which many flourishing towns, Mulhausen, for example, owed their prosperity. It was said that limited liability had occasioned many evils upon the other side of the Atlantic. He examined into the facts narrowly when he resided in the United States, and he found that the evils complained of did not arise from the limited liability law, but from the law of bankruptcy there. In the United States a preference could be given to one creditor above another. This Bill, however, did not appear to be founded upon limited liability, but on no liability at all. What the country wanted was a virtual adoption of the *commandite* system obtaining in France, or the system of general and special partners obtaining in America—in other words, a recognition of the principle that a person may invest a certain sum in business, and be responsible to its creditors for that sum only; but the right hon. Gentleman the Vice President of the Board of Trade proposed to go much further, and to place such person in the position of a creditor, just as if he had lent money on a fixed rate of interest or had furnished goods. A and B might be said to have a right to lend and borrow on whatever conditions they pleased, but it was not the less the duty of Parliament to see that nothing was done by them against the rights of the other creditors, or which might in practice lead to deception and fraud. He would now say a few words in favour of registration and publicity, in connection with the system of limited partnership which he had endeavoured to defend. Many of the arguments used against limited liability seemed to him to be more applicable to the want of these safeguards to the creditor and the public. Mr. Torr, at the special meeting of the Liverpool Chamber of Commerce, held on the 23rd of February, 1856, said:—

> "He therefore would ground his first objection to the measure on this point—that there was no publicity or registration required as to who the party was who advanced the money, what was the amount of the money he so advanced, and for how long such sum of money was to be advanced; and that, consequently, he was playing fast and loose with the party to whom the money was so advanced. His second objection was, that there was no notice of withdrawal required, and through it the greatest opportunities would be afforded to commercial dishonesty and to the breaking down of that confidence between the banker, the merchant, and the trader in their dealings, from the simple fact that the lender, having withdrawn his money, the ostensible party would be trading on a false capital and under a false name."

Mr. Bushel, Mr. Torr's seconder, used almost the same words, and the latter clause of the Amendment moved to the Resolution of that meeting recommended provision to connect responsibility strictly with ostensibility, and to give facilities to the public for ascertaining when loans were withdrawn. Now, he thought it could scarcely be disputed that parties dealing with a limited co-partnercy should have some information in regard to the terms of that copartnercy, and he could not conceive that any honest and respectable firm should object to the public knowing all about them. On this subject he adopted the words used by the hon. and learned Solicitor General in July last year with reference to joint-stock companies, but which were just as applicable to partnerships. "It was impossible," the hon. and learned Gentleman said, "to establish the principles of limited liability without a registration of the shareholders, which would show the amount of their shares and of their liabilities." The House was, besides, aware that though France was at first without a system of registration, the want of it soon became apparent, and it was supplied by the *Code de Commerce*, as, indeed, it was proposed in the Bill introduced by the right hon. Member for Kilmarnock (Mr. Bouverie) last year. Now, as to the general law of the United States and its practical bearing, he wished, if the House would permit him, to read two short extracts from letters which he had received on the subject, and to the correctness of which, from what came under his own observation while in the United States, and from the experience of his own business with that country, he could personally testify. The first was from a British merchant many years resident in New York:—

> "As to the Special Partnership Law, with limited liability, and its working in the United States, I unhesitatingly state that it works admirably, and that all classes are in favour of it. I presume you are acquainted with its details, but it may do no harm if I mention the practical part of it, and which is what I have daily to do with. Every merchant having to deal with a house where there is a special partnership, on opening an account, ascertains and enters in his 'reference of standing' book the name of the special

partner or partners, and the amount of the special capital, and the term or length of copartnercy, all of which information is to be found in the newspapers, and which must be advertised for a considerable period."

The second was from the Consul of the United States at Dundee, a gentleman of extensive acquirements and knowlege of mercantile law:—

> "When a special partnership is formed under the statute in one of the United States, the names of all the partners are published, showing who are general and who are special partners, the day of the commencement of the partnership, and the day it ends. This advertisement may be ordered to continue for so long a time as may be necessary; with us it is usually six weeks. This notice is not republished upon the date of dissolution; but, if the partnership is continued after the date fixed in the original notice, such notice must be republished, or all will from that time be general partners. Notice that the time of association, *i.e.*, length of liability of special partners, is fixed and recorded, and published before they can begin business. The law, so far as my knowledge extends, is everywhere acquiesced in, and is not considered to lead to 'fraud.' I do not know that I entirely apprehend the meaning of your last question—'Has it been proposed that the special partner should rank as a creditor for the sum invested by him, in case of bankruptcy?' That would be limited liability with a vengeance. Any legislator who would propose such a law would be a veritable 'Knownothing.' So far as I know, the law works well with us, and I imagine you will find that here it is the great capitalists who oppose it."

He hoped the House would consent to the second reading of the Bill, and amend it in Committee in the manner which he proposed, and which, he believed, would prove acceptable to the people of this country.

MR. MASTERMAN said, he viewed the Bill as a most mischievous measure, and calculated to affect injuriously the commercial interests of the country. He was sorry he could not support the Motion for the second reading of the Bill, nor could he agree with the observations of the right hon. Gentleman the Member for Oxford (Mr. Cardwell). He did not approve of the principle of limited liability, and he hoped the House would pause before it gave its assent to the Bill. He thought that the hon. Member for Huntingdon (Mr. F. Baring), who was a good authority on this subject, had given them sound advice which they ought to follow. He was quite sure that the Bill, if passed, would do great injury to the commercial classes.

MR. KIRK moved the adjournment of the debate.

MR. W. BROWN said, he should support the Motion for adjournment, as he thought the measure of too great importance to be hurried through its stages.

Motion made and Question put, "That the debate be now adjourned."

The House *divided*:—Ayes, 75; Noes, 110; Majority, 35.

MR. LOWE said, that before the House went to a division he wished to say a few words, as his Bill had been very much misrepresented by the right hon. Member for Oxford; and he himself was, he thought, by no means liable to the homily which had just been read him by the hon. Member for Montrose (Mr. Baxter). The operative clause of the Bill was this:—

> "No person making a loan to any trader shall be deemed to be a partner of, or to be subject to, any liabilities incurred by such trader by reason only that he receives as a compensation for such loan a portion of the profits made in any business carried on by such trader."

Now that really was the only important part of the Bill. The Bill was not a Bill to alter the law of partnership, properly so called, at all, and all that had been said about the law of partnership that evening was totally beside the question. A partnership (which was only a contraction of "part-ownership") properly so called, existed where persons entered into a joint undertaking, and were joint proprietors of the property of the undertaking, where there was a *delectus personæ* as to who should associate, and when those associated jointly trusted each other. Undoubtedly it was an incident of such an association that the persons associated should share the profits, but the existing law had taken hold of that single incident—perhaps the least characteristic of a partnership—had made it the criterion of a partnership, and had applied it to several other relations in which persons might stand to each other, and in which there was no real partnership at all—where there was no joint partnership—no *delectus personæ*, and no joint trusting of each other. What ought to be done with the law of partnership properly so called, he did not at that moment say. In the Bill before the House he had made no proposition on the subject at all. It was highly desirable that the whole law of partnership should undergo a strict and searching inquiry, and he should be very glad, if the House honoured him with its confidence, to undertake such an inquiry in the course of the next Session. The law of *commandite*, which was a modification of the law of partnership properly so called, had nothing to do with the Bill; nor did he at the present moment enter into the question whether that system or the American system should be introduced into this country. The question which the Bill intended to solve was how to get rid of the perverse ingenuity which had attached the liabilities of partnerships to certain contracts which were not partnerships at all; and the best way of doing that seemed to him to be to say that a mere participation in a share of the profits should not make persons partners where there were none of the incidents of partnership properly so called, such as those he had already enumerated. What the Bill was intended to do was to restrict partnership within its proper limits, to separate that which was a partnership from that which was not a partnership, and to relieve persons not really partners from the liabilities attaching to partners. He proposed that a man should not be rendered a partner either by lending money to another on condition that he should receive a share of the profits, or by contributing his services on the same terms, or by lending money on the understanding that he should be paid an annuity out of the profits. There was nothing of the nature of a partnership, he contended, in any of the above transactions. Many hon. Gentlemen had declared that they did not object so much to the principle of the Bill as to the absence of all safeguards; but the object of the Bill being to do away with a great injustice inflicted by the rule of law, which fixed upon certain contract interpretations and consequences which they ought not and were never meant to have, it was by no means incumbent on him at the same time to provide safeguards. There was nothing in the clearing away of an injustice which at all called upon him to provide safeguards. The principle upon which he had proceeded was to do justice, and then let things take their natural course. If hon. Gentlemen would go the length of saying that a man who lent money to a partnership should have his claim postponed to that of the other creditors, he could understand that, though he could conceive nothing more absurd; but he could not understand how it could be right that a man, who lent money to a partnership at a higher rate of interest, perhaps, than the concern could afford, should enjoy the advantage of having his claim preferred to that of all the other creditors, while he who lent money, receiving as interest a share of the profits, should be postponed to all the others. The attempt to make a distinction between loans made at a fixed rate of interest and loans at a fixed share of the profits was a mere commercial superstition. He would ask the House just to take a practical view of the question. Supposing he wished, under the Bill, to place an old servant in business, and to lend him money for the purposes of establishing it, his right hon. Friend the Member for Oxford (Mr. Cardwell), he supposed, would say, "If you do that on terms of sharing the profits you must be postponed to the other creditors." Now, what would be a fair argument in such a case? His (Mr. Lowe's) notion was, that, in the first place, all outgoings should be paid; next, that a certain sum should be allowed as wages to the man who conducted the business; and that then the surplus of profits should be divided in whatever ratio might have been agreed upon. "But," said the right hon. Member for Oxford, "if you do that we shall postpone you to all the other creditors, and you may deem yourself fortunate if we do not confiscate your money altogether." The right hon. Gentleman urged that in such a case, the lender should require a certain profit—say 10 per cent; that he should insist upon receiving that amount, whether the poor wretch who managed the business was able to provide for his own subsistence or not; and, if he was ruined, the lender would then come in and be treated *pari passu* with the other creditors. Now, the Bill provided for the case of loans calculated upon a principle different from that of a fixed rate of interest. The hon. Member for Huntingdon (Mr. T. Baring) and some other hon. Gentlemen had spoken of the Bill as if it were a bold, wild, and revolutionary measure. Now, it appeared to him (Mr. Lowe) to be an exceedingly moderate measure, for it did not touch the subject of partnership at all, but dealt only with that of loans, leaving the question of partnership, with regard to which great difficulty existed, for subsequent consideration. He believed that what the Bill proposed to effect was at present the law of the land. The Bill might be objected to on the ground that it only proposed to establish what was now the law, but although he believed it to be the law it had not been so declared by the judicial tribunals. A bank had recently been established upon the principle of giving depositors a share of the profits of the concern by way of interest upon their deposits; and according to the opinions of high legal authorities, which had been taken by the projectors of the bank, such a participation in the profits would not render the depositors liable as partners. The question had not, however, been decided by the judicial tribunals, and the Bill would remove any doubts which might exist upon the subject. He, therefore, hoped the House would assent to the second reading of the Bill.

MR. HINDLEY said, if he required any justification for having voted with the minority in favour of the adjournment, he found it in the extraordinary speech of the right hon. Gentleman who had just sat down. He had listened with great attention to that speech, but he could not understand it, and he thought that was an excellent reason for adjourning the debate. He did not object to the principle of limited liability, but he did entertain the strongest objection to the principle involved in the third clause of the Bill under consideration. He believed that clause would inflict a most serious blow upon the commerce of the country, and he trusted the House would carefully consider the subject before they gave it their assent. He thought the speech of the right hon. Gentleman was calculated to excite great alarm in connection with the question, and he hoped the House would not now agree to the second reading of the Bill.

MR. KIRK said, he should oppose the second reading of the Bill, as it stood, for he thought that the right hon. Gentleman the Vice President of the Board of Trade should have adopted the course suggested to him by the right hon. Gentleman the Member for the City of Oxford. It was, he thought, but fair that a person who participated in the profits of a business should also share in its liabilities; but the effect of the present measure would be that, when a party having a claim against a firm applied for payment to the person whom he might think responsible to him, he would find him a creditor equally with himself.

MR. HORSFALL said, that the right hon. Gentleman (Mr. Lowe) had told them the object of the Bill was not to alter the law of partnership, but he found in the preamble these words—"Whereas it is expedient to amend the law relating to partnership." If the Bill had been a final measure, he (Mr. Horsfall) would have been disposed to support it, but after the threat of the right hon. Member for Kidderminster, that next year another alteration in the law of partnership was to be proposed, he (Mr. Horsfall) would give his vote against it. If another Bill on the subject were to be brought forward next Session, why should not the present measure be postponed and amalgamated with it?

Question put "That the word 'now' stand part of the question."

The House *divided*:—Ayes 97; Noes 66; Majority 31.

Main Question put, and *agreed to.*

Bill read 2°.

## SIR WILLIAM FENWICK WILLIAMS'S ANNUITY BILL.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER said, he would now move the second reading of this Bill, which was to give effect to the Resolution of the House passed in pursuance of a message from Her Majesty providing a pension of £1,000 a-year to Sir William Fenwick Williams for his gallant conduct in the defence of Kars.

MR. WHITESIDE said, he must express a hope that the services of the other gallant gentlemen who acted with Sir William Fenwick Williams would not be forgotten.

Motion *agreed to.*

Bill read 2°.

## JOINT-STOCK COMPANIES' WINDING-UP ACTS AMENDMENT BILL.

On the order of the day for the second reading of this Bill,

MR. MALINS moved its postponement till Friday.

MR. SEYMOUR FITZGERALD said, he must complain that a Bill of this importance, hurried through the Lords as it had been, should be fixed for a Government night, when, if it came on at all, it must be discussed at so late an hour that any satisfactory consideration of the matter would be out of the question. The measure was a special piece of legislation intended to meet a particular case, and there were many grounds why the House should devote particular attention to it.

MR. LOWE said, he must explain that the fixture had been made to meet the views of the hon. and learned Gentleman who had charge of the Bill.

MR. MALINS said, he could assure the House that his only object in bringing forward the Bill was to amend what appeared to him and other Gentlemen of the Bar, as well as to a large portion of the community, to be serious defects in the existing law. He would name Friday for the second reading, with a view of giving himself an opportunity of then naming a future day, which he did not feel at liberty to do without consulting with some gentlemen with whom he was acting in the matter.

MR. WHITESIDE said, that the Bill was looked upon in Ireland as one framed for the purpose of screening from their lawful responsibility the shareholders of the bank of the late Mr. John Sadleir, who had once been a Lord of the Treasury. He had received several communications, stating that the Bill, which had been passed through the House of Lords, was one calculated to still further swindle the depositors in a concern which the Master of the Rolls in Ireland had declared was the greatest swindle he had ever known, his Honour basing that statement on a document published a few days before the stoppage of the bank—a document, he (Mr. Whiteside) was sorry to say, signed by a Member of that House. The Master of the Rolls had stated that that document contained some of the foulest statements he had ever read. The depositors in the country parts of Ireland had presented a petition to the House praying to be heard by counsel, and proposed to show that every shilling which the shareholders possessed ought to be made available before the victims were swindled out of all their deposits by that swindling concern. Was that House prepared to pass a Bill *ex post facto* to screen the bank of Mr. John Sadleir? If his hon. and learned Friend imagined that such a Bill as that was to be passed by that House he was greatly mistaken. At all events it was too serious a matter to be entered into at two o'clock in the morning—a favourite hour for considering Irish Bills. [An Hon. MEMBER: This is not an Irish Bill.] That is quite a delusion. It is an Irish Bill.

SIR GEORGE GREY said, he hoped that a discussion would not now be entered into on a measure for the consideration of which the hon. and learned Gentleman the Member for Wallingford (Mr. Malins) had expressed his intention to give time.

MR. I. BUTT said, he did not think that those hon. and learned Members who had expressed their opinions as to the objects of this Bill were entirely to blame, seeing the circumstances under which it was introduced to the House, and the early day named for the second reading. He would have been perfectly satisfied with the assurance of his hon. and learned Friend the Member for Wallingford that abundant time would be given for the consideration of the proposed measure were it not for the qualification which he annexed to that promise—namely, that he would give time so far as was consistent with the object which he had in view. That qualification of his hon. and learned Friend was of very little value if his object were to press on the Bill. The Bill had come down from the House of Lords. ["Order, order!"] He hoped he was not out of order in saying that the Bill had come down from the House of Lords; and, further, that it was a measure which should not be pressed through the House of Commons without due consideration, having regard to the feelings entertained in Ireland in respect to the effects which it would have in that country.

MR. MALINS said, he hoped it was unnecessary to assure the House that his object in taking charge of the measure was not to screen the concern alluded to, or to work injury to any person. He believed that the measure was called for, but he had no desire whatever to press it hurriedly through the House. As he had before stated, his reason for wishing to have it placed on the paper for Friday was, that some day for the second reading might then be fixed, so that the Bill might be duly considered; but in the absence of those with whom he was acting in the matter he did not now feel at liberty to name any day beyond Friday.

Second Reading deferred till *Friday.*

The House adjourned at Two o'clock.

## HOUSE OF LORDS,

*Tuesday, May* 27, 1856.

MINUTES.] PUBLIC BILLS.—$1^a$ Annuities (No. 2); Reformatory Schools (Scotland).
$2^a$ Fire Insurances.

### THE TREATY OF PEACE—THE DANUBIAN PRINCIPALITIES.

LORD LYNDHURST said, that in putting the question of which he had given notice to the noble Earl the Secretary of State for Foreign Affairs respecting the Danubian Principalities, it would be necessary to say a few words to explain its purport and object. By the 23rd Article of the Treaty of Peace, it was stipulated that a Commission should be appointed for the purpose of regulating and reforming the laws and institutions of the Principalities, and subsidiary to that Commission two representative bodies were to be appointed, which were to represent the feelings and wishes of all classes in the Principalities. The object of their appointment was to ascertain with as much precision as possible the wishes of the inhabitants with regard to the definitive organisation of the Principalities. These bodies were to report to the Commissioners, and the Commissioners were to report to the Powers who were parties to the Treaty of Paris. That course of proceeding would, if honestly pursued, have been most satisfactory, not only to the House and the country, but to the people of the Principalities themselves. But one of the most important things to secure was, that the persons who were to compose these representative bodies should be free from any extraneous influence; and therefore it was understood that they were not to commence their proceedings until the Austrian troops had been removed from the Principalities, or at all events to such an extent that their presence could exercise no influence on them. Another point which was considered equally important was, that the Hospodar, whose term of office would expire in June, should not be re-appointed to the office before the sittings of the representative bodies commenced. This was deemed essential both from the influence of the Hospodars and from the notorious connection which existed between Prince Stirbey, the Hospodar, and the Austrian Government—indeed, if he used the right term, he might say the notorious subservience to and absolute dependence of Prince Stirbey. Accordingly it had been arranged with great propriety that a council should be held at Constantinople, at which it should be determined when the Hospodar should be removed, and when the proceedings should commence. That, he was told, was most satisfactory to the population of the Principalities, but not at all to Austria, which, as he had been informed, had desired to vary the mode of proceeding for the purpose of producing an influence on the population. A council had, however, been held at Constantinople, at which it was determined that the Hospodar should be removed before the sitting of the representative body commenced; but the representative of Austria had exerted various means of influencing persons at Constantinople, and a second council was held, at which he was led to believe that during the absence of the Grand Vizier in England the former decision had been reversed. That, as he had been informed, had been approved by Austria, and was not disapproved of by France; but our own Ambassador, Lord Stratford de Redcliffe, most distinctly disapproved of it. What he wished to know from his noble friend was, whether there was any foundation for this report, and whether any assurance could be given to the House that the proceedings under this Commission and the subsidiary representative bodies would take place without any undue influence over them, so as to realise the expectations that had been formed on the subject. This country, he could assure his noble Friend, felt a deep interest in the welfare of the Principalities.

THE EARL OF CLARENDON: My noble and learned Friend has correctly stated what took place at the Conferences in Paris with respect to the Principalities and with regard to the objects which the representatives of the contracting Powers had in view. We determined not to settle anything finally, because it was impossible to obtain sufficient information then to enable us to form new institutions; we therefore, as my noble and learned Friend has correctly stated, determined that two Divans should be formed for that purpose, which should act without check or control, and which should honestly represent all classes of the community. We made the condition that those Divans should not commence their proceedings while any foreign occupation of the Principalities existed, and that no influence should be held over their deliberations. We agreed that the firmans for convoking those Divans should be agreed upon by the representatives of the contracting Powers at Constantinople, in order that we might know that our object—namely, that of securing the free representation of the Principalities—was likely to be attained. I have no knowledge of the circumstance to which my noble and learned Friend has alluded, although yesterday I saw a similar account in a newspaper. The letter in which that account was contained was dated Constantinople, May 12. Now, we have despatches from Lord Stratford de Redcliffe up to the 15th, in which no mention is made of any circumstance of the kind, and I had last night an opportunity of inquiring of the highest Turkish authority now in this country as to the truth of the statement, and he informed me that he was quite sure that no such arrangement had been made. The attention of my noble Friend our Ambassador at Constantinople shall be called to the subject, and I am sure that he will not allow any arrangement to be made which will defeat the intentions of the Conference without offering such protests as he is so well able to make.

THE EARL OF MALMESBURY inquired whether the arrangements regarding the Principalities included a provision that the fortresses in the territory to be ceded by Russia to Turkey in Bessarabia, should be given up in their present state. The fortresses of Ismail and Kilia were of very great strength. He had seen in the public papers that morning, that Ismail was about to be dismantled by the Russians. That might be a mere newspaper report; but he wished to know of his noble Friend what were the provisions of the Treaty with regard to these fortresses—whether they were to remain as fortresses, and if so, whether they would be garrisoned by Turks or Moldavians; or were they to be wholly razed and the territory merely given up to the Ottoman Porte?

THE EARL OF CLARENDON replied that the territory in question was to form part of Moldavia, which was considered to be an integral part of the Turkish dominions. No stipulation was made as to whether those fortresses were to be dismantled or not. He scarcely thought the statement in question could be true, for if they were dismantled, there was nothing to prevent the Turks from re-erecting them.

LORD LYNDHURST asked the noble Earl whether it was intended that the Hospodars should remain in office after the expiry of their present term, which would terminate at the close of next month?

THE EARL OF CLARENDON: It was proposed to the Turkish Plenipotentiaries that the Hospodars should not continue in office after the end of June. They agreed that that would be the proper course to take, but stated that it would be necessary to appoint Kaimakans in the place of the Hospodars. He felt that it would be impossible at that moment to say exactly what arrangement should be adopted, and resolved to leave it to the Porte to determine what should be done in order to secure the tranquillity of the provinces during a state of crisis.

LORD LYNDHURST: Will the noble Earl say whether, in the event of the Hospodars being removed from their offices, they were likely to be placed in the situation of Kaimakans? That was an inferior office, but still one of considerable influence, and, filled by the present Hospodars, would be open to the same objections as the existing order of things.

THE EARL OF CLARENDON: When the Hospodars' term of office expired it would be for the Porte to name the Kaimakans. It did not at all follow that the present Hospodars would be chosen. It would be open to the Porte to appoint whom it pleased.

## FIRE INSURANCES BILL.

Order of the Day for the Second Reading read.

LORD STANLEY OF ALDERLEY moved that this Bill, the object of which, he observed, was to render liable to duty all property in this country insured abroad, be now read a Second Time.

THE EARL OF MALMESBURY said, he thought we had abandoned protection four years ago, but here was a Bill which was the very incarnation of protection. No proposition had ever issued from the Opposition side of the House more imbued with protection than this was. But, putting that aside, he asked how the Bill was to be practically carried out. He did not see how it was possible to prevent evasion of its provisions.

LORD MONTEAGLE was surprised to hear this measure decided as one of protection. In one sense, no doubt it was a Bill for protection, but it was the protection of Her Majesty's revenue from smuggling. It was no interference with the freedom of trade, nor was it to protect particular interests, but the revenue of the State.

THE EARL OF DONOUGHMORE said, the object of the Bill was to prevent French capitalists from coming over to insure property in this country. They desired to employ their capital in this way, and here it was proposed to enact a measure of protection against them. It did not appear to him to signify whether corn or money was the article affected. In either case it was a measure of protection.

LORD STANLEY OF ALDERLEY thought there would be some force in the objection taken if French capital were now subjected to the same conditions imposed on English capital; but the fact was it paid no duty in the case of insurances in this country, while English capital paid a duty of 3*s.* per cent. The proposition now made was the same as that of imposing a duty on French corn brought to this country if it was converted into English malt.

The Earl of MALMESBURY said, they had been told that nothing was to be protected, that no speculation whatever was to be interfered with, as it would be contrary to the principle of free trade. The true way of settling this question would be to take the duty off insurances in this country.

Motion *agreed to;* Bill read $2^a$ accordingly and *committed* to a Committee of the whole House.

## MILITARY ESTABLISHMENTS IN THE NORTH AMERICAN COLONIES.

The Earl of ELGIN moved—

"That an humble Address be presented to Her Majesty for Copies of any Despatches from the Secretary of State for the Colonies to the Governor General of Canada, or the Lieutenant Governors of Nova Scotia, New Brunswick, and Prince Edward's Island, on the Military Establishment to be maintained in those Colonies, of a later date than the Despatch of Earl Grey to the Earl of Elgin, of the 14th of March 1851; and the Copy of the Report of the Commissioners appointed by Letters Patent under the Great Seal of the Province of Canada, dated the 27th of October 1854, to investigate and report upon the best Means of re-organising the Militia of Canada and providing an efficient economical System of Public Defence, and to report upon an improved System of Police for the better Preservation of the Public Peace; and a Copy of any Act or Acts passed by the Parliament of Canada in pursuance of this Recommendation."

The noble Earl said that he did not know whether it was the intention of Her Majesty's Government to grant these returns or not; but in either case he thought it would be only respectful to the House that he should briefly state the grounds upon which he submitted the Motion to their Lordships. He had thought it right a few weeks ago to call the attention of the noble Secretary for War to certain rumours which were then current respecting an alleged intention on the part of the Government to make a very considerable addition to the military force maintained in the British North American colonies, and to make that addition with certain unusual accompaniments of parade and ostentation. He believed that some of the reports then very extensively circulated by the press went the length of stating that a certain portion of the magnificent fleet, at that time assembled at Spithead, was to be employed to convey 10,000 men from the Crimea to Quebec or Halifax. Having had some experience of the state of feeling in America, he thought that if rumours of this kind were transported across the Atlantic without a single word of denial, qualification, or explanation, they might produce very uneasy feelings both in the British provinces and in the United States; and they might perhaps have the effect of inducing the Congress of the United States—which, he hoped he might say without offence, sometimes acted rather upon impulse in such matters—to adopt, as it had done in a corresponding case, countervailing measures of precaution or of menace, which might still further complicate the relations subsisting between the two countries. Since that time he had received an American newspaper, in which the reports to which he referred were republished, with such comments as they might fairly expect. These reports commenced with the following extract from *The Times*:—

"We believe we may state with certainty that General Eyre's Division of 10,000 men is to go direct from Balaklava to Canada. Such a measure will, no doubt, be variously interpreted. We are not in the secret. and can only discuss it as any Canadian or American politician might do. It will of course be set down by some people at once as a threat, or at least a measure of precaution; indeed, we do not see how, just now, it can escape the latter character, as the Canadians themselves show no sign of disaffection, and in the present temper of the British people on colonial affairs it is doubtful whether we should take the trouble to coerce them if they did. If it be, then, a measure of precaution, the citizens of the United States, as they have just voted a million of money for war steamers, will not be surprised at our sending 10,000 men to the support of our loyal fellow subjects. Canada was stripped of all her disposable forces for the service of this war, and as our republican neighbours have taken the opportunity of making a disturbance, it is a matter of course that, as soon as our forces are released, a portion of them should return to the colony. For our part, we much prefer this solution to another which may suggest itself—namely, that we are to make a rule of maintaining a large force in Canada. The colonists don't want it themselves. Indeed, they asked permission to raise a regiment for the war in the Crimea, and thought themselves not very respectfully used when the offer was declined. We trust, indeed, that we are giving up the absurdity of an immense and costly army, in the most unavailable and unimprovable form, spread in small detachments over half-a-hundred colonies."

There were some passages of that extract in which he most cordially concurred, but at the same time it must be admitted that the article was not written in a very conciliatory spirit towards the United States;

The American journal to which he referred also contained the following extract from another metropolitan newspaper (the *Morning Chronicle:*—

> "No one is deceived by this declaration. Were nothing meant, it would have been as well to have done nothing. But, first to send a fleet, then munitions of war, and then an army, has certainly no very great appearance of pacific intentions."

He thought these reports, when they were brought together in such a shape, presented a somewhat formidable appearance, and justified the course he had taken in bringing the subject under the consideration of the Government, and inviting them to give some explanation of their intentions. He took the liberty of adverting to this point, because it was of great importance, in their discussions with America, that they should bear in mind the fact, that Great Britain and the United States possessed in the highest perfection the advantages of a free press. It was, therefore, impossible in either country to prevent the measures of Government from being criticised, and their motives, real or supposed, genuine or putative, from being canvassed and scrutinised. Moreover, the presses of both countries, being vastly influential within their own respective spheres, and also—he said it to their honour—eminently patriotic, were apt in these international discussions, like the knights in the legend, to look a little too exclusively to their own side of the shield. This imposed upon men who were earnestly desirous to preserve peace between the two countries and to promote the interests of both or either—and, he believed, it would be very difficult to promote the real interests of one without promoting the interests of both, so intimately connected together and so dependent upon each other were they—this imposed upon public men the duty of striving to remove any causes of possible misunderstanding, and that they should not shrink from suggesting means of conciliation, although occasionally the attempt to discharge those duties might expose them to misrepresentation and reproach. It was with these views and feelings, and not with any intention of causing embarrassment to the Government, that, three or four days ago, he had asked the noble Earl below him whether a letter which had appeared in the American journals, purporting to be a copy of one written by the Under Secretary of State for Foreign Affairs in this country, in reply to a request from the Government of Costa Rica for a supply of arms, was genuine or not. He knew that this letter, under the circumstances of the war now raging between Nicaragua and Costa Rica, in which a number of citizens of the United States were engaged, had produced a great effect in the States, and he, therefore, thought it most important that an opportunity should be afforded to the noble Earl of giving to the public a true version of the transaction. He did not intend to comment upon the reply which was given by the noble Earl to his inquiry; but he believed the noble Earl's statement that, in point of fact, no arms had been sent to Costa Rica afforded very general satisfaction. He (the Earl of Elgin) might be permitted to say that, having seen a great deal of the people of the United States during his residence in America, and having had numerous opportunities of intercourse, official and non-official, with the leading men of that country, and speaking moreover in the interest of those North American colonies, which would be the first and perhaps the greatest sufferers if hostilities were to break out between the two Powers, he deeply regretted and deplored the extent to which an impression was gaining ground in this country, that an unfriendly feeling existed among the citizens of the United States towards Great Britain—he deeply regretted the suspicion and distrust which that feeling—a feeling which he believed was totally erroneous—was imparting to the political relations of the two countries. There was, no doubt, a disposition among certain classes of persons in the United States—classes composed in a much larger proportion of foreigners than of natives—to view the proceedings of this country with unfounded jealousy, and to put an unjust construction upon the motives by which it was influenced; but he entertained a firm conviction that the better classes in the United States, were animated with the most kindly feelings towards this country, and that the people generally were desirous that friendly relations should be maintained with us, and conscious that any interruption of those relations would entail upon both countries the most serious calamities, without being accompanied by any compensatory advantages. He believed there never was a time, since the Declaration of Independence, when the substantial interests which bind the two countries together were so manifold and so important, and when the differences between them were so trifling and puerile as at the present moment. He believed that, were it not for the point of national honour, which they believe to be engaged because the Government tells them it is so, the people of this country would not take much interest in any of the pending questions, and would not care whether they were settled one way or the other. He deeply deplored the continuance of angry discussions between the Governments of the two countries: because he was confident that if the British people were once brought to believe that a collision with the United States was sooner or later inevitable, and if the Congress of the United States continueed its military and naval preparations in order to be prepared against such a contingency, it would be impossible much longer to maintain peace between the two countries. He also deprecated the continuance of these angry discussions for another reason—because he thought that, with reference to the disputes now pending between the two Governments, we had been led in our controversial zeal to assume positions diametrically opposed to those which a consideration of our real and permanent interests would have induced us to occupy. It was our interest, for instance, that the neutrality laws of the United States should receive the widest interpretation, that that disposition which existed in some portions of the population of the United States to carry on war on their own account should be checked, and that the Government of the United States should be led to recognise the obligations which it owed in this respect to the other Governments of the world. But in our late controversy with the United States we had been led to contend for the narrowest interpretation of their neutrality laws, we had been led to maintain the right of persons resident in the United States to enter into the service of foreign belligerents at their will, and that it was not a fair subject for remonstrance that diplomatic agents of a foreign Power should make themselves, directly or indirectly, parties to such proceedings. This view of the case had been most ably put in the last despatch of the noble Earl the Foreign Secretary to Mr. Marcy. The noble Earl said—

> "In Great Britain the law not only prohibits recruiting or enlisting within the British dominions for the service of any foreign State, without the permission of the Sovereign, but it goes further and prohibits any subject of Her Majesty from so enlisting, even elsewhere, without the Royal permission. The policy of Great Britian hence appears to be to prevent British subjects from entering at all into the service of foreign States without the permission of the Crown. The law of the United States appears to be different. Her Majesty's Government understood, and that understanding is confirmed by Mr. Buchanan's note of the 6th of July, that the law of the United States only forbids enlistments, recruiting, and contracts or engagements within the United States, and hiring or retaining persons to quit the United States with intent to be enlisted elsewhere; but it does not forbid citizens of the United States, who may have used their natural right of quitting the United States, to enlist into the service of a foreign State when they have left their own country. The sovereign power of the United States might, if it had chosen to do so, have followed its citizens with a prohibitory enactment beyond the territory of the United States; but it has not thought fit to do so, and the just and inevitable conclusion is, that what it might have forbidden, but has not forbidden, it has designedly allowed; that is to say, in other words, that it is the policy of the United States to prevent foreign enlistments within the United States, but that it is not the policy of the United States to forbid the citizens of the United States to enlist, when out of the United States, into the service of foreign States, if they should choose to do so."

That was a most temperate statement of the case, but such an argument would have come more naturally from an American than from a British Minister. Their Lordships would remember, moreover, the lowered tone and the bated breath with which the noble Earl had read a portion of a despatch from Mr. Marcy in the course of the late discussion on the maritime code. The noble Earl on that occasion read the following quotation:—

> "It is not apprehended that there will be any attempt to violate the laws; but should the just expectation of the President be disappointed, he will not fail in his duty to use all the power with which he is invested to enforce obedience to them. Considerations of interest and the obligations of duty alike give assurance that the citizens of the United States will not compromise the neutrality of their country by participating in the contest in which the principal Powers of Europe are now unhappily engaged."

He could quite understand that the noble Earl, when he was reading this passage, felt that a British Minister was placed in a very false position by being obliged to employ all his ingenuity to weaken and extenuate the force of the valuable pledge which had been given by the American Government. Then with reference to the Central American question. No doubt it was the real interest of this country that the independence of the Central America

States should be preserved, and that no one great Power should obtain an overweening influence in that territory, which was destined probably to become the highway of the commerce of the world. It was with this view and intention that the Bulwer-Clayton Treaty was entered into, and it was in pursuance of this view that a very valuable assurance was obtained from Mr. Abbott Lawrence on behalf of the United States, in a despatch from that gentleman to Lord Palmerston, dated November the 8th, 1849—to the effect that the American Government had no ulterior objects to serve, and that they had no intention whatever of occupying or colonising that territory. In our zeal, however, to maintain certain rights in Central America—which he felt bound to say he believed to be entirely worthless—we had been led to put a most restrictive interpretation on that treaty, and to extend to the utmost the limits within which the parties to it might exercise powers of protectorate or quasi-sovereignty in that territory. He very greatly feared that the able arguments which we had employed in this discussion would be turned against us with effect in yet more serious discussions which might arise between us and the United States; but, in the meantime, all the friends of both countries must agree in earnestly desiring that the present controversy should be put an end to at the earliest moment. But a few days ago an American gentleman of great eminence had expressed to him his conviction that if Lord Clarendon and Mr. Marcy were half an hour together in some room they would settle the whole question in a manner most satisfactory to all parties. Now that the noble Earl was released from the overpowering labours which had been lately pressing on him, he hoped he would turn his great abilities and powers of conciliation to this important subject, and by putting an end to the dissensions between America and England add another to the many claims which he had established upon the gratitude of his country. To revert, however, to the question of the transmission of troops to Canada. The noble Lord the Secretary of State for War, in reply to the inquiries which he had addressed to him on a former evening stated, that the reports to which he had called attention were exaggerated, that the addition which was to be made to the military force in the North American provinces was not so great as it was represented to be; and, above all, that it was not intended for aggressive purposes in America. That declaration was most explicit and emphatic, and must have given great satisfaction to all persons whose confidence in the discretion of the Government was of that somewhat qualified nature which rendered such an assurance desirable. He himself was not one of that number, for it had never occurred to him to suppose that it was even possible that the Government would be guilty of the imprudence of undertaking an aggressive movement in America. He confessed, however, that judging from past experience and a little influenced also by those reports, he had felt at the time when he put the question some little anxiety upon another point, which was not wholly removed by the answer which he had received. He had thought it just possible that Her Majesty's Government, conscious that they had at their disposal one of the most powerful fleets and one of the best appointed armies which this country ever possessed, might have conceived the opinion that something in the nature of a demonstration of force, something which their admirers might vaunt as a display of vigour, might be serviceable to them in the negotiations which they were then carrying on with the United States. He was glad to say, however, that a statement more recently made by the noble Lord at the head of the Government, in answer to an inquiry addressed to him in another place, went far to remove the apprehensions which in common with others he had entertained on this point. That statement, however, and the inquiry which led to it, went very far to justify the observations which he had already made, and to illustrate the advantage which a Government enjoyed, from the opportunities of explanation, of self-vindication—perhaps he might say, of reflection and reconsideration which were afforded to it—when Parliament was sitting. That illustration, in the present case, was the more complete and the more instructive because it contrasted in a very marked manner with what had occurred in a case almost exactly similar not many months ago. Their Lordships could not have forgotten the circumstances attending an addition made some short time ago to our naval force on the West India station. At that time Parliament was not sitting; no Member of either House could rise in his place to ask the Ministry to explain the motives of their proceeding, or to undertake the still more thankless office of warning them of its too probable consequences. The result was that the public, both in America and England, were constrained to put upon that proceeding the construction which was put upon it by the press of this country—and more particularly by that portion of the press which was supposed, universally supposed in America, whether rightly or wrongly, to enjoy, to a certain extent, the confidence of Her Majesty's Government. Their Lordships could hardly have forgotten the tone in which the people of the United States were reminded that as their community comprised many lawless individuals whom their Executive was either unwilling or unable to restrain, it became necessary for our Government to take measures to guard against the possible remissness of the Government of the United States. It was a very significant fact, however, that the pretext for these warnings was furnished, not by the proceedings of native-born Americans, but by the idle ravings and the wild projects of apostate subjects of the Queen of England —of men who had fled to the United States to seek a refuge from real or fancied oppression, and whose acts were a scandal and a reproach rather to the country of their birth than of their adoption. He did not pretend to say that the intentions imputed to the Government were correct. On the contrary, he thought it probable, nay, he was confident—and he should be glad to be informed now that his confidence was not misplaced—that if the Government had had the opportunity of explanation which the sitting of Parliament afforded, they would have been able to explain away what appeared offensive in this proceeding. He admitted, moreover, that the proceeding might have been attended with some appearance of temporary success; but, if the Government had been careful in watching the signs of the times, if they had watched the proceedings of the American Congress with due attention, they must have learnt by this time to appreciate the cost at which such successes are achieved. They put arms into the hands of a party in the United States, small in number and contemptible in influence and character, but noisy and active, who found in denouncing the so-called overbearing policy of Great Britain a theme of perpetual declamation; and they also furnished with arguments, unhappily for America and England, as well as for the peace of the world and all those transcendant interests of freedom, civilisation, and progress which were bound up in a good understanding between these two kindred nations, that class of persons in the United States who found, or imagined they could find, their account in the maintenance of expensive military and naval establishments; and those who achieved such successes were therefore, unconsciously no doubt, but not the less surely, conspiring to call into existence the material force of that New World which might yet be destined to realise the prediction of a celebrated statesmen of this country, in a sense little meant by its author. But the reply of the noble Lord (Lord Panmure) to the question put to him the other night raised a question of domestic policy of great importance, on which the returns for which he had moved might throw considerable light. The noble Lord said, that the addition to be made to the military force stationed in British North America, was intended only to replace the amount removed thence since the commencement of the war. It might be inferred from that statement that the reduction of force in the North American colonies of late years had been the result of accidental or temporary circumstances; whereas, the returns he now moved for, would show that it had been the result of a policy deliberately adopted and steadily and consistently carried out, and would have taken effect even if the late war had not occurred. The object of that policy was twofold. In the first place, its object was to relieve the mother country of a portion of the expense hitherto borne for the military protection of those colonies. In the second place, it was to call forth in the colonies a certain amount of military spirit and material force, which should be available in peace, for the preservation of internal tranquillity, and in war be of assistance to the mother country. He did not make the present Motion with any intention whatever of occasioning embarrassment to the Government or placing any obstacles in their way, in making such a disposition of the military force which on grounds of general policy they might think it necessary to maintain as a peace establishment, as they deemed most advantageous and conducive to the interests of the country. What the amount of that force should be, and how economy and efficiency might be reconciled in its composition and distribution—these were, no doubt, important questions well deserving consideration, but which he did not propose to raise on the present occasion. Least of all was it his intention, in inviting their Lordships to accede to his Motion, to say one single syllable calculated to raise a doubt among our fellow-subjects in the colonies as to the deep interest this country took in their welfare, or as to its readiness to support them with the whole might of the empire against aggression or wrong; but he did think it very important at the present time more especially, and in the existing state of our relations with the United States, to call their Lordships' attention to the elements of strength which this country possessed in the devoted loyalty and perpetually increasing resources of the great colonies with which he had been for many years connected—to the power and consistency they were of late assuming under the influence of a wise administration of colonial affairs by successive Governments; and to implore their Lordships to interpose their high authority, if necessary—though he did not assume that it would be—to prevent the adoption of measures which might have a tendency to arrest the work now in progress, which promised, if perseveringly carried out, to render those colonies in time to come a support instead of a burden to the empire. He knew how prone individuals were to exaggerate the importance of subjects to which their attention had been long directed, and he was sensible that in pressing this matter on their Lordships' consideration he might seem to be yielding to that infirmity; but he could not help thinking that the subject was one really deserving the attention of the Parliament of this country. England possessed some forty-five colonies. Whether that was an advantage or an evil was not now the question, but he believed it rested with the country to render the possession of those colonies either the one or the other. But that the colonies existed was certain, and no less certain was it that their existence imposed on this country certain obligations and responsibilities, of which it could not, if it would, divest itself. Among them, perhaps the most onerous, the most delicate, and the most difficult of adjustment was this very question of the military protection of the colonies. He made bold to say, after an experience of thirteen years in the colonial service, that, until a very recent period, this country dealt with this question on a principle which involved the monstrous absurdity that, in proportion as the colonies increased in wealth and extent, the burdens incurred by the mother country in their behalf should increase. However, with regard to colonial administration, he believed that the example of our North American colonies was very apt to prove contagious. It was hardly seven years ago since their Lordships were told on high authority that the constitutional system given to those colonies was unworkable, and that the attempt to carry it out would tend to abet treason, discourage loyalty, and sacrifice the interests of the colonies to faction. Well, that system was now in full and healthy operation, and was spreading itself over the whole colonial empire; and he ventured to say that, in every colony where it had been faithfully applied and carried out, it had produced an abundant return of loyalty and attachment to the mother country, and of prosperity, happiness and contentment, among the inhabitants of the colony. But on this question of military protection, the example of the North American colonies was calculated to be especially instructive, because owing to the contiguity of the United States it had presented difficulties there which it could not carry with it elsewhere. Therefore, their Lordships might be sure, that if in those colonies the difficulties had been surmounted, the same difficulties elsewhere would not be insuperable, and perhaps not formidable. He did not presume to speak on these subjects with anything like authority, but perhaps he might be listened to when, as a witness, he detailed simply the result of his own experience in Canada. When he went there in 1846 he found some 8,000 troops stationed in that colony alone. They were scattered in small detachments all over the colony, and, as a matter of course, the whole duties of police devolved on them. Under these circumstances, it was quite impossible to induce the local Legislature to do anything towards the establishment of a local force; and the military force was viewed with mixed feelings by the colonists—with favour on account of the expense incurred by the mother country, and with great and not unfounded jealousy, because it was supposed to be maintained for imperial, distinct from colonial interests, and that its influence was used for the support of that party which had the favour of the Home Government for the time. Consequently there was little disposition on the part of the local administration to do anything to relieve the mother country from any portion of the burden on this account, and he found that it was actually the practice to charge with duties articles purchased by the money of this country and imported into the colony for the use of the troops maintained there. He sometimes mentioned this fact to Americans, but with all their appetite for the marvellous, they thought it so extraordinary that he could hardly get any of them to believe it. In 1846, the number of troops in Canada amounted to 8,000 men, who were scattered over the country, while at present there were only 1,880, who were concentrated in two or three garrisons; and the consequence was, that the responsibility of maintaining the internal tranquillity of the province devolved upon the inhabitants and upon the authorities in different localities. A commission of four most able men, at the head of which was Sir Allan M'Nab, had been occupied in preparing a plan for the establishment of a local force; and their report, and the Act of Parliament that had been founded upon it, formed part of the papers for which he had moved; because he was anxious that it should be generally known that measures of economy in matters of military protection had been carried out in such a way as to increase, and not impair, the defensive strength of the colony. Those measures of concentration were carried out, he was bound to say, under the instructions of the Secretaries of state, under whom he was serving, the noble Earl below him (Earl Grey), and the noble Duke (the Duke of Newcastle); but at the same time, notwithstanding those instructions, he had felt that a considerable amount of responsibility rested upon himself personally, because he was well aware that if any injury had happened to British interests, or if there had been any disturbance of the internal tranquillity of the colony, the blame would have been laid upon the local governor; for it would have been said that it was his duty to have foreseen the danger and to have forewarned the Home Government of the danger which attended carrying their instructions into execution. That weight of responsibility fell upon him more heavily on account of the crisis through which Canada had then lately passed, and because the very eminent man who preceded him (Lord Metcalfe) held views with respect to the condition of the colony and the state of feeling which existed among the colonists, which, if they were sound opinions, would have rendered any material reduction of the military force in the colony an act of insanity on the part of the Government of this country. Now, he entertained the highest possible respect for that distinguished personage, but he could not assent to his views as to the feeling of the colonists. He believed, and had always believed, that the utmost reliance could be placed upon the loyalty and good feeling of the people of Canada, and therefore he had no doubt as to the propriety of carrying out the instructions of the Secretary of State, and of adopting the policy of placing the protection of the colony to a considerable extent in the hands of the colonists themselves. That was a policy which was not only, he thought, a just policy, but it was actually essential to the development of a sound moral condition among the colonists themselves. What he had said referred chiefly to a state of peace. He was prepared to admit that in a state of war the responsibility of a country with regard to her colonies was much more extensive; and that was one good reason, even if there were no other, why England should always, if possible, keep out of war. In a despatch which he had written to the Secretary of State at the close of his administration he had expressed his views upon the subject, and he would trouble their Lordships with a short extract from it, because it entirely expressed his present views. In that despatch he said:—

> "Although I hold that so long as the colonists have no voice in the Imperial councils, they are entitled to look to the Imperial authorities for protection against hostilities which they have no share in provoking, and that it is therefore fitting that Imperial garrisons should be maintained at certain important military stations, such as Quebec, as a pledge that this protection, when the contingency occurs, will not be invoked in vain, I am confident that nothing will more effectually tend to the security of the empire, or to the establishment of a high standard of national and manly morals among the colonists, than the assumption by themselves of some portion of the responsibility in respect of self-defence and the preservation of internal tranquillity, which has heretofore been cast upon the mother country."

He could only now say, in conclusion, that if the intention of the Government in sending troops to the North American colonies was to man the garrisons there, in order to give to the colonists the pledge and the assurance that if future protection were required, it should not be wanting, he not only should not oppose it, but, on the contrary, he would be prepared to defend the measure to the utmost. If, upon the other hand, these troops were sent out for purely Imperial objects, in consideration of the convenience or the salubrity of the North American colonies, or for some motive of economy to conveniently maintain a portion of our standing army in those colonies, provided that it was done on the understanding that the charge should be borne on account of the general interests of the empire, neither would he then oppose such a course; but he should be disposed to the very utmost of his ability to protest against and to oppose any policy which would tend to reverse the work which had been in operation during the last few years. He would do so, because he thought that it would be unjust towards the mother country, and also because, although it might be a boon to the colonies, in the first instance, it would be a boon followed by a speedy reaction, and would put an argument in the hands of those who were disposed to denounce our colonies as burdens. The noble Earl concluded by moving the Address.

THE EARL OF CLARENDON: My Lords, I am anxious to make some observations on the early part of the speech of the noble Earl, but they shall be very few, because I am deeply convinced of the inconvenience, and possibly the danger, of such a discussion at the present moment. Indeed, so deeply convinced am I of this that I shall refrain from making even a single observation on several remarks which fell from the noble Earl, and which I had heard with regret; but, still, I am so anxious that there should be no mistake as to the feelings of Her Majesty's Government with respect to the United States, or as to the policy which they have pursued, and which they will continue to pursue, that I must address a few words to your Lordships. And, my Lords, I will, in the first place, say that, as far as I myself am concerned—and I speak also in the name of all the Members of Her Majesty's Government—I do not believe there can be the slightest doubt of my and their desire to maintain unimpaired the closest, the most cordial, and the most sincere relations with the United States. I believe no men can be more convinced than we are that it is both our interest and our duty to maintain those friendly relations with the American Government and people; and, as far as I am concerned, having filled the office of Foreign Secretary for some years, I can conscientiously affirm that neither by word nor by deed has anything been done which would create a just feeling of irritation between the two countries.

My noble Friend has alluded to the two points of difference between the United States and Great Britain under two heads—namely, the recruiting question, and the question of Central America. With regard to the recruitment, that question entirely arose from proposals made to us, in the first instance, by persons desirous of entering into the Queen's service. We did not even contemplate accepting any of those offers without due reference to the neutrality laws of the United States, which, I entirely agree with the noble Earl, it is as much our interest and duty to uphold as it can be those of the United States themselves. It is our duty, indeed, not to violate or infringe upon the laws of any other country; but we have an interest—a British interest—in the neutrality laws of the United States being maintained. The maintenance, therefore, of those laws was our first thought, as they constituted the principal part of our instructions; and the moment we ascertained that the recruitment could not be carried on without the danger—not on the part of our own agents, but of persons who assumed to be our agents—of violating the neutrality laws of the United States, we agreed to relinquish the whole scheme. Your Lordships have seen from the papers which have been laid on the table that there is nothing which could be expected from one nation towards another—from one Government towards another—from one gentleman towards another—that we have not done, or offered to do, in order to afford reparation to the United States for any offence—however unintentional on our part, real or imaginary—which they can conceive has been committed. My Lords, the last despatch that was written on this subject, which was a *resumé* of the whole matter, in answer to the long despatch of Mr. Marcy, can hardly yet have reached the United States, and therefore upon the question of the recruitment I am exceedingly anxious not to say any more at present. But, as far as I have been able to ascertain what are the impressions which that despatch has produced in this country, I think the general opinion is, that we have offered a complete satisfaction to the Government of the United States, and that the only thing which we certainly have not done has been to recall Mr. Crampton and the Consuls, because we do not think they have merited that censure and that punishment. There would have been no shortcoming on the part of Her Majesty's Government if we had seen reason to adopt a contrary course, and no hesitation to deal severely with any agent who should so far have forgotten his duty and been unmindful of his instructions as to violate the laws of the United States; but being convinced that that had not been done, and having in our possession the means of proving to the United States that it was not done, I think nobody will require of us to sacrifice our agents and to purchase a conciliation with the United States by doing that which would be both shabby and dishonourable.

With regard to the Central American question, your Lordships know what were the terms of the Clayton-Bulwer treaty. I think it impossible that language could be more clear or more precise in its meaning than the language employed in that instrument. The treaty sets forth that there should not be in future any colonisation, any occupation, any fortifying or strengthening of places not already in the possession of either country. I do not see how there can be two interpretations of its terms. It was prospective, and it was intended for a specific object—first, the construction of a canal, and then its maintenance free for the use of the world, prohibiting any encroachment on the part of the United States and Great Britian, which were the contracting and guaranteeing parties; but all its provisions were prospective, and there is certainly nothing in it which implies that we were to give up Honduras and Ruatan, or to evacuate or alter our position in any respect from what it was before the conclusion of the treaty. It is impossible that the very able man—Sir Henry Bulwer—who negotiated the treaty on the part of Great Britian, could have taken upon himself, without instructions—even without the knowledge of his Government—to abandon any portion of British territory or British interests; and so far from having done anything of that sort, he made a stringent proviso, which was acknowledged by Mr. Clayton, that the treaty should not touch Honduras, or affect any of its dependencies. When Mr. Buchanan came over to this country, we heard for the first time that there was an entirely new interpretation to be put upon the treaty. It was no longer to be looked upon as a prospective arrangement, but one for the evacuation of British territory; and we were told that we were to blame, and were the cause—I will not say of a quarrel between the two countries, but—of irritation and complaint on the part of the United States, because we had not fulfilled the engagements of the treaty by evacuating all the territory we possessed in Central America. I told Mr. Buchanan—what was the perfect truth—that that was the first time I had heard such an interpretation put upon the treaty. He replied that in his country there was no doubt upon the subject. I then said that—however clear the terms of the treaty might appear to me—to call in a third party, an impartial judge, to determine what should be the interpretation of the treaty, would be the fairest course to pursue between Governments as between individuals. I also added, that we certainly had no wish to possess territory in Central America; that we did not desire to extend our influence in that part of the world; that we were perfectly ready to enter into such engagements as would satisfy the United States, and even our own people at home upon that score; that it was therefore indifferent to us who was called in to arbitrate; that we should be prepared to abide by the decision, whatever it was; but that to do what was not contemplated by the treaty, because we were told that a certain interpretation was put upon it which we could not admit, was not a course which one Government should propose to another, and to which certainly no independent Government would submit. I therefore proposed—what is by no means uncommon in such cases—that the matter should be referred to arbitration. To that proposal, although it has been so long before the Government of the United States, we have as yet received no answer. My Lords, upon this question also I do not wish to enter farther, because I am convinced that, when the subject really comes to be considered in the United States—when the public opinion of that country is brought to bear upon it as it is upon all other political questions — when the American people are made acquainted with our assurances as to having no desire to extend our territory or our influence in Central America, and as to our sincere wish to enter into engagements sufficient to satisfy every reasonable man, our offer of accommodation will not be refused.

My Lords, I have only to say, in conclusion, that I have heard with the greatest satisfaction from the noble Earl, who is a far better judge of these matters than I can be, that among all classes in the United States there exist the most friendly feelings towards this country. I say I heard that statement with the greatest satisfaction, because by certain public men in the Senate and in Congress—by certain official men—there have been language held and acts performed which, if held and done by any Member of this House—not to say any Member of Her Majesty's Government—would be justly denounced both by your Lordships and the people out of doors as the language and acts of a man who desired to embroil the two countries in hostilities. Therefore it is that I heard with peculiar satisfaction from the noble Earl of the friendly feelings entertained by the great mass of American citizens towards this country. I think the people of the United States can have no doubt of the existence of similar feelings here. I believe there never has been in England any hostile feeling towards the United States; and notwithstanding the clouds that have appeared on the horizon, the manner in which the recruitment and Central American questions have been treated by the press of that country has produced no real—certainly no lasting—feeling of irritation here. I believe that the people of England are as anxious as the noble Earl can be that all these disputes should be brought to an end. I can assure the noble Earl that, as far as it depends upon me, they shall be brought to an end. Nothing shall be wanting on the part of Her Majesty's Government to bring them to a close: and, if the information be correct which the noble Earl received the other day, that Mr. Marcy and I might settle our differences in half an hour, I can only say that I am ready to meet him for that purpose on some island halfway between the two continents.

LORD PANMURE: My Lords, the noble Earl who introduced this subject to the notice of your Lordships divided his address into two parts. He first spoke of the policy pursued by this country with reference to the United States of America, and then addressed himself to the notice which he had placed on the papers. With regard to the first of those points, he has been answered by my noble Friend behind me; and the duty now devolves on me of making a few remarks on the second part of his speech, which related to the troops Her Majesty's Government had recently thought it desirable to send to the North American provinces. But before doing so, I must take the liberty at once to state that this step has been taken with no desire whatever to overturn the policy to which my noble Friend has alluded, which policy was more particularly referred to by my noble Friend as having been pursued by successive Secretaries, and to which it is the object of Her Majesty's Government most strictly to adhere. I have to state that it did seem expedient to the Government to add to the force at present in the British American Provinces, and that not only on colonial but on Imperial grounds; but I may be here permitted to say to my noble Friend that I think the exaggerated accounts which have been given of the amount of the force sent to Canada were hardly the ground on which he should have assumed that the policy of several years past was about to be overturned, inasmuch as he might have ascertained that the number of troops sent thither from the Crimea amounted to five regiments, and that they were conveyed not in Her Majesty's fleet, but in the usual manner, by the transports of the British navy. The policy pursued in Canada of late years is simply this. Formerly it was the practice to maintain in the British North American Provinces a considerable body of troops, which did not only all the military service in these colonies, but also all the police duties that were involved in the maintenance of the public peace. I readily admit that the latter is not a duty in which the British army ought to be employed. I maintain that both at home and abroad the purpose of the British army is higher and more distinguished than is implied in the mere administration of police duty; and it is in following out this doctrine that we have thought it right to concentrate in British North America a body of troops which shall be exercised in military duties, and which shall chiefly garrison the important town of Quebec and one or two other stations. There the troops will present an example of military education to the people of Canada, and the Militia, which they are daily becoming more and more able to form, will receive from soldiers under the command of such a man as Sir William Eyre a knowledge of military movements which will be to them of the greatest advantage if at any time they are unfortunately called on to defend their hearths and altars. But what, after all, is the great increase of troops which we propose to send to British America? We propose to send at this moment five regiments; the utmost strength of each regiment will be 800 men, and it is quite possible they may be reduced under that number. These are to be spread over Canada, Nova Scotia, and New Brunswick, but chiefly gathered together in garrisons in Quebec and Halifax. In 1853, as appears by a return I hold in my hand, the force in Canada amounted to 4,166. The force at this moment, including the five regiments to which I have referred, will be under 4,000; and, therefore, it can hardly be said that the number of troops to be sent is either such as to damp the energies of the colonists on the one hand, or create the least alarm in the breast of any sensible citizen of the United States on the other. To show how far the policy advocated by the noble Earl has been carried out, I may observe, that there is hardly one principle he has laid down that has not been almost fully carried into execution. In the first place, the military force of the country has been gathered and concentrated upon the points to which my noble Friend has referred. A provincial militia has been formed, and to a great extent organised and drilled, and is now efficiently at work for the purpose for which it was created. Then, this country, instead of bringing home the material which it had collected from the various colonies, has made over a vast amount of supplies to the colonial Governments as an encouragement to them to take into their own hand the defence of their own land; and if we have a brigade of the British army assembled in that country, it is for nothing more than an encouragement to the Canadians to undertake for themselves their own defence, should such ever become necessary, and to show them that we are prepared, in the event of war occurring, to use every effort in our power to defend a colony that will not, I trust, soon be separated from this country. It is, in my opinion, necessary that we should maintain in Canada and the other colonies a body of troops, who should be accustomed both to foreign and colonial service. One of the most useful lessons that can be imparted to our soldiers is to teach them how to serve abroad—to let them see other countries, to learn the art of war there—to accustom them to transport by sea and land, and in this way to acquire all the duties belonging to their profession. And one of the advantages of the Colonies of this country is, that you have an opportunity of sending out troops to them, to enable them to see the operations of our army, and to tempt them to enter into the service of the mother country with readiness and zeal. I cannot omit this opportunity of alluding to the deep interest Canada has taken in the war in which we have been engaged. No part of Her Majesty's dominions at home showed a deeper interest in the success of Her Majesty's arms than the North American Colonies. Not less than £40,000 came from the North American Provinces to relieve the distress caused by the war, besides what was sent from Lower Canada to our Allies — for, not forgetting their origin, the inhabitants of that province sent £10,000 to France. I can assure my noble Friend that it is not the intention of Her Majesty's Government to reverse the policy we have been pursuing, and that the force sent to Canada is for Imperial purposes, coupled with those advantages to the Colonies to which I have already adverted. I believe that the army of England will not be used for mere police purposes in Canada. It will be used to garrison the extensive and valuable fortress of Quebec, which mounts about 160 guns, and where there are now, I believe, only 160 artillerymen to take care of the guns and ammunition. This force has also been sent out in order to form a nucleus for that portion of the British army which is stationed in Canada, and to afford means for that instruction in the duties of brigade which the British army so much requires, and which will, I trust, be provided for by all future Governments.

Earl GREY said, he rose only to express his gratification that the noble Earl (the Earl of Elgin) had elicited the explanation which had been given by the noble Secretary for Foreign Affairs. He (Earl Grey) thought that explanation was absolutely necessary, for he deemed it most important that the country should clearly understand the extent and objects of that increase of force in our North American Colonies, which, as they had learnt from the newspapers, was now taking place. He attached the utmost importance to the explanation which had been given upon both the grounds stated by his noble Friend. He conceived that any departure from the policy which had been acted upon for a considerable number of years by this country, of reducing the charge for colonial garrisons, would have the worst effect upon the interests of the mother country and the colonies. He thought, however, that it was still more important, at the present moment, that an assurance should be given —as he trusted they might consider it had been given—that the increase of force had no reference whatever to any recent discussion with the United States. In his opinion this was the more necessary, because on the last occasion when this subject was discussed the noble Secretary for War used a somewhat unhappy phrase in saying that the force which had been sent to Canada was not intended for "aggressive" purposes. No one supposed the United States was to be invaded by an army of 10,000 men; but considerable alarm would have been excited in his mind, after the recent discussion with America, if he had been informed that the increase of force had any reference to either aggressive or defensive purposes. It seemed to him, however, quite impossible that the discussion with the United States could lead to any serious results. He had heard with great pleasure many of the observations of the noble Secretary for Foreign Affairs. He certainly thought that, in the first instance, Her Majesty's Government committed a great error with reference to enlistment in the United States. He did not see how it was possible that diplomatic servants of the British Crown could be employed in any manner with reference to recruiting in North America, without affording some justification for the complaints that had been made by the United States Government. Even the issuing of instruction by Mr. Crampton in reference to recruiting could not be defended; because such an act was a total evasion of the law of the United States. He thought that, even if the proceedings of Mr. Crampton and the British Consuls had been confined to making known the desire of the British Government to raise a force for the Russian war in the British provinces of North America, and to the annunciation that parties by applying at such and such places, would obtain a free passage to England for that particular purpose, it would still have been virtually an infraction of the laws of the United States, and an infringement of the neutrality of those States, we could only judge of such a case by considering what our own feelings would be under similar circumstances. He knew what would have been the feeling excited in this country if the Russian Ambassador and the Russian consuls in Prussia had been allowed to spread information that immediately beyond the frontier of Prussia a depôt had been opened, at which any persons who could find their way from Prussia would be enlisted in the Russian service, and that was a case which seemed to him to differ very slightly from what had been attempted by our agents in the United States. He also thought that, at the commencement of the discussion, the tone of the despatches of Her Majesty's Government was not so conciliatory as it ought to have been. In his opinion the manner in which the maxim "*Civitas non carcer est*" was quoted, and indeed the whole tone of the despatches, was anything but conciliatory to the United States. He was, however, happy to find that the latest despatch of the noble Earl (the Earl of Clarendon) was written in a very different spirit, and he could not believe that there was even the possibility of a quarrel with the United States. With regard to the Central American question, he agreed with the noble Earl (the Earl of Elgin) that the interests of both parties were of the most trivial description, and, provided the national honour was maintained, he believed nobody in this country cared for anything else. He strongly approved the proposal that the questions in dispute should be referred to arbitration. Considering that every day the civilized world was declaring itself more and more generally in favour of the principle of arbitration, and that there was a general concurrence in reprobating the conduct of nations or of statesmen who, rejecting that means of arriving at a pacific solution of disputes, would plunge into the dreadful alternative of war, he could not believe that from the trumpery questions relating to Central America any real danger could arise. He trusted and believed that there were no prospects of anything like war; but though that might be the case, yet he thought it was of the utmost importance that an assurance should be given that the despatch of troops to the North American provinces had no reference whatever to the unhappy disputes which had occurred. It was unfortunately the fact that, among high-spirited nations, when measures were adopted by one party on the ground that they were precautionary or defensive, similar measures were almost invariably adopted by the opposite party, and were pushed a little further; passions became excited on both sides; and when nations were thus armed, although there might have been no real ground of quarrel in the first instance, there was great danger that the dreadful calamities of war might ensue. They knew the effect produced upon the United States by the measures which Her Majesty's Government adopted in the month of November last. The papers laid before Congress contained a despatch from Mr. Buchanan to the Secretary of State for the United States, in which he said that great jealousy and alarm would be excited in the United States by the intimation that the British Government were about to increase their naval force in the Western Hemisphere, and they knew that this feeling led the Congress to vote a very large sum of money for extending the naval force of the United States. He was persuaded, unless the good sense of the two Governments interposed, and unless the tendency to a mutual increase of armaments was checked, that—even if war should be ultimately averted, of which he would not like to speak too confidently if the process of arming once began—many of the evils, and much of the expense of war, would be incurred, and strong feelings of hostility would be excited between the two countries. It was this view of the matter which induced him to consider that the explanation which his noble Friend had elicited from Her Majesty's Government was most important, and he trusted that the country and the world would assume, after what had passed that night, that in taking these measures the Government neither intended, on the one hand, to depart from the policy of redeeming the charge of our colonial establishments; nor, on the other, that the measures themselves had the remotest reference to the differences which unfortunately existed between England and the United States.

Motion *agreed to.*

House adjourned to Friday next.

## HOUSE OF COMMONS,

*Tuesday, May* 27, 1856.

MINUTE.] PUBLIC BILL.—3° Annuities (No. 2).

### ALLEGED EVICTIONS IN IRELAND—CASE OF MR. POLLOK.

On Motion that the House at its rising do adjourn till Friday—

SIR MICHAEL SHAW STEWART said, that it was with very great reluctance that he rose, pursuant to notice, to call the attention of the House to the petition of Mr. Allan Pollok. He regretted that he should have had to do so; but that gentleman had been placed in such a position in Ireland by the imputations with regard to his management of his property and treatment of his tenants, that he had found himself compelled to appeal to Parliament for redress. He (Sir M. S. Stewart) admitted that he was a friend of Mr. Pollok, and avowed that he regarded him with respect. Against Mr. Pollok, however, the most serious charges had been made; he had been held up to execration by the public press to an extent of which hon. Members might not be aware; not only in Ireland, but in Scotland, where statements most derogatory to his character had been publicly circulated. If he (Sir M. S. Stewart) believed those charges to be true, he certainly would not stand up to defend Mr. Pollok; but convinced as he was that Mr. Pollok was accused most unjustly and most cruelly, he should be ashamed of himself if he had not the courage to rise in his defence, and endeavour to remove the prejudice which had been created against him, by making a simple statement of the facts. He regretted that he had not been aware of the nature of the charges against Mr. Pollok at the time the petition which contained those charges was presented, as that would, of course, have been the most appropriate occasion for his vindication. The accusations against Mr. Pollok were summed up thus in the petition that had been presented against him;—that he had purchased, in 1853, property comprising 7,000 acres, with about 500 tenants and 2,500 souls upon the estates; that he had been guilty of a series of indiscriminate evictions, and of causing wholesale depopulation of the country; and the petitioners prayed the House to interfere and save them from extermination. Now, there were two estates of which Mr. Pollok was proprietor in the county of Galway. As to the first, called the West Estate, when he purchased it he proceeded to make arrangements with the tenants for their giving up occupation of their tenements on receiving compensation; all but nine acceded to these arrangements, and these nine had certainly been evicted, but they were immediately replaced in their houses as "care-takers," and were now in Mr. Pollok's employment, except two, who had voluntarily left. In the advertisement of the property comprising the other estate, put forth by the authority of the Incumbered Estates Commissioners, at whose sale Mr. Pollok bought it, it was stated that there were no leases, and that the greatest portion of the land was held by tenants from year to year, and he was told that this would be a great advantage, as it would enable him to settle the estates as he pleased. When Mr. Pollok obtained possession of this estate, he endeavoured to make the same arrangements as on the other estate, and the tenants were at first ready to enter into such arrangements, but had afterwards been deterred from so doing, and had refused to give up their holdings. Upon this, Mr. Pollok had resorted to legal proceedings—not to eject the tenants from the country, but to show that he was legal owner, and had legal rights. Owing, however, to informalities, these proceedings had not been carried out; and, therefore, on the estate the tenants were almost in the same position now as they were when Mr. Pollok purchased it. It had been said that Mr. Pollok had "exterminated" the tenantry. But he was prepared to prove that this was very far from being the truth; so far from the population upon his property having diminished, it had increased not less than 25 per cent since he had it, and was one-fourth greater now than when he purchased the property—the best possible proof of the falsehood of this charge. It had been said that if the system Mr. Pollok pursued were continued, the country would be depopulated, and that the only way to prevent him from pursuing it would be to make him support all the poor upon his property who were driven to resort to parish relief. But the fact was, that on the estate where Mr. Pollok had been able to carry out his plans, not one person had been compelled to seek such relief. He (Sir M. S. Stewart) had numerous letters from clergymen of the Church of Ireland, from landowners, land agents, and others resident in the vicinity of Mr. Pollok's property, and they testified strongly in his favour. He would not read those letters, but there was one document to which he must call the attention of the House. It had been said that the population on Mr. Pollok's estates had been exterminated. The fact was, that on one estate the population had increased from 1,200 to 1,500 souls since he had it; and the following was a memorial agreed to by 742 persons upon the estate:—

> "Honoured Sir,—Having seen and heard of so many false statements made in London as to your conduct towards us, we have deemed it our duty to write to you how much we are grieved at such a report, as we can satisfy the public that the reverse is the case. Most of us were tenants of yours at the time you became proprietor of the West estate. When we gave up our holdings you dealt liberally with us, and have found us liberal employment, at higher wages, and more regularly paid, than we have experienced before. We are all comfortable, contented, and happy, and should be very sorry if a stop were put to the present system of management. We return you thanks for your regular and good employment of our labour, and remain your humble servants."
>
> (Signed by 742 persons.)

He (Sir M. S. Stewart) had shown this to the hon. Member for Wexford (Mr. M'Mahon), who had brought the petition against Mr. Pollok before the House, and the hon. Member who had stated that Mr. Pollok had "exterminated" his tenantry would be happy to find that the persons exterminated were thus happy and contented. It was said, that although the tenantry might now be contented, yet that it was intended to turn the property to grazing purposes, and that that would entail the removal of the tenants; but he (Sir M. S. Stewart) would call the attention of the House to the farm buildings which Mr. Pollok had erected on his estates. He had made it his business to inquire particularly into that subject, for, although he was a friend of Mr. Pollok, he would not say a word in his defence he did not believe to be true. Now, he had been informed by persons well qualified to judge, that the farm buildings on Mr. Pollok's property were superior to anything in Ireland or Scotland. Any one would see at once that such farm buildings would become useless if the land were turned into pasture. Further than this, Mr. Pollok had erected a vast number of cottages on the estates and was building more. He was anxious to show that Mr. Pollok was not indeed, as he had been represented—

"A monster reared on Scottish soil,"

and he would, in a word or two, just state who that gentleman was. Mr. Pollok was certainly possessed of vast wealth, which he had, however, acquired in a very honourable way, and he was not a man to use his wealth merely for the purpose of making others miserable. He was possessed not only of the estates in Ireland which he had purchased, but of an estate in Renfrewshire, which had been in his family for a great many years, and he was universally regarded as a good neighbour and a practical agriculturist. He was not the man to resort to legal proceedings to exterminate his tenantry uselessly and cruelly. If Mr. Pollok were only met in the same spirit which he desired to evince towards his tenantry, there would be no complaint, but the people of Ireland would only be too happy to have a few more landlords such as Mr. Pollok. He thanked the House for their attention; but it was only just to Mr. Pollok that this explanation should be given.

MR. M'MAHON entreated the indulgence of the House for a few minutes, as it was he who had brought forward the case of the conduct of Mr. Allan Pollok. The subject was one of considerable difficulty, as he was a total stranger to the county of Galway, to the petitioners whose case he had been requested to bring forward, and to every one connected with the estates of Mr. Pollok. In bringing forward the Motion he did not, therefore, make himself responsible for a single fact. He quoted from the petition of the tenants of Mr. Pollok, which had been presented to the House twelvemonths since, which many Scotch Members had seen, and which he had great difficulty in getting printed, observations being made by some Scotch Members of the Printing Committee, which he had perhaps better not mention. Upon two or three occasions he had postponed the Motion, in hopes that Mr. Pollok and his tenants would come to some amicable arrangement; but when the assizes were approaching, and these unfortunate tenants might have been evicted, he should have laid himself open to the charge of betraying their interests had he longer abstained from bringing the matter before the attention of the House. He would state nothing of his own knowledge. ["Oh!"] He begged the House to decide upon the admissions made by both parties. He did not know that Mr. Pollok would rest the defence of his conduct with regard to the tenants of Ballynakill upon the management of his West estates, and the statement as to the West estates had certainly come upon him with surprise. Mr. Pollok stated in his petition that he was charged with intending to evict by wholesale the whole tenantry of his estates. It was a grave and serious charge, and why, instead of this special pleading about the management of the Cornborough and West estates, did not Mr. Pollok say he did not mean to evict these 500 people on Ballynakill? With regard to the Cornborough and West estates, occupied by 246 tenants, Mr. Pollok had made a clearance of every tenant, except a few who held leases upon lives, and he admitted that he had now in hand the whole 1,200 acres of which those estates were composed, with the exception of about 200 acres so leased on lives. The petition of Mr. Pollok would lead the House to suppose that no dwellings on those estates had been destroyed; but from a letter received on Saturday from the Rev. Father Derry, parish priest of Ayrecourt, it appeared that as many as two-thirds of the houses had been at once levelled to the ground. If that were so, what had become of these 246 tenants? He could believe that Mr. Pollok, coming from Scotland, where there were numerous manufactories and plenty of work, was not half so conscious as persons better acquainted with Ireland would be of the positive ruin which followed eviction in that country. It was his own statement, however, that when he took the estate, there were 246 tenants upon it, and in compensation for all these evictions on the West estate, Mr. Pollok had erected nine farmsteadings, twenty cottages, one cornmill, and one mansion-house. Instead of the 246 tenants, there were now only a number of labourers. The West estate was one of the best managed in Ireland, and even during the famine the tenants paid their rents; when they were evicted none went to the poor-house, and that of itself was an admission that they were a respectable class of tenantry, and not poor squatters or cotters whom it would be undesirable to keep on the property. With regard to the petitioners of Ballynakill, Mr. Pollok alleged that they had paid no rent. Mr. Pollok purchased the estates in December, 1853; he commenced ejectments in the spring of 1854; no rent was then due, and no opportunity had been afforded the tenants of making payment. There was not a single allegation that Mr. Pollok ever expressed his willingness to receive the rent. The rent would be paid now if he would accept it. The tenants were ready to pay it. Why was not the hon. Baronet authorised to say Mr. Pollok would accept it? The reason was that if he had offered to receive his rent it would have been considered as a waiver of ejectment. Mr. Pollok wanted the land and not the rent. Mr. Pollok gave the

House to understand that the people upon his estate were quite happy and comfortable; but if that were so there would have been no necessity for an increase of the police force. Mr. Pollok said that any additional police force upon his property had been paid for by him. Now, the Irish constabulary were paid out of the Consolidated Fund, and it was worthy of inquiry whether a special portion of that force ought to be placed at the disposal of any private gentleman for the purpose of enabling him to effect evictions. He (Mr. M'Mahon) had brought the conduct of this gentleman before the House on the ground that it was calculated to disturb the public peace, and Mr. Pollok had given a proof that this was the tendency of these evictions by increasing the police force at his own expense. He hoped that he should be encouraged to bring this subject forward again, and that such proceedings as those of Mr. Pollok would not be tolerated or encouraged by the House. He trusted that Mr. Pollok, in mercy to these people, and out of consideration for the peace of society, would abandon his proceedings, and come to reasonable terms with his tenants, who were ready to meet him upon a fair understanding.

Mr. LIDDELL said, that the hon. and learned Gentleman left the House to infer that the Scotch Gentlemen upon the Printing Committee had allowed national feelings to influence their proceedings. He was acting with those hon. Gentlemen, and he could not believe that any such idea had occurred to the Scotch Members of that Committee. The sole reason why the Committee hesitated to print the petition of the tenants was that it contained language that was unparliamentary. If any one had acted from national feeling, he would rather say it was the hon. and learned Gentleman (Mr. M'Mahon). If he had taken the trouble to get up his brief with a little more care, he would have acted a more friendly part towards those whom he represented, and more justly towards a gentleman whose conduct and character would not justify the aspersions of the hon. and learned Gentleman.

Mr. M'MAHON had not imputed to the Scotch Members that they had acted from national feeling—one of them, indeed, had expressed himself in strong terms upon Mr. Pollok's conduct. He had purposely stopped himself when adverting to the Scotch Members of the Committee.

Sir JOHN PAKINGTON said, he could not help expressing his regret that the hon. and learned Member for Wexford, when unable to contravene the main facts alleged by Mr. Pollok, in his petition, and in the printed papers, had not met the question with greater frankness, and admitted that he had been led to make, unintentionally, erroneous statements. There could not be a stronger contrast than in the course taken by the hon. Gentleman the Member for Renfrewshire (Sir M. S. Stewart) and the hon. and learned Gentleman. The former hon. Gentleman had come forward in a manly manner, and had brought forward this question with a propriety, a moderation, and a good feeling which had been acknowledged on all sides of the House. He (Sir John Pakington) had made himself acquainted with these papers, and his conviction was that Mr. Pollok deserved to be ranked amongst the greatest benefactors of Ireland. He was sorry that a gentleman who had done so much to mitigate the demoralisation which prevailed in portions of that unhappy country should have been exposed to so much obloquy. If he recollected rightly, on a former occasion he had understood the noble Lord the First Minister of the Crown to have expressed feelings strongly adverse to Mr. Pollok; but he trusted that after what had taken place to-night, both the noble Lord and the House would be convinced that Mr. Pollok was not amenable to the charges brought against him.

Viscount PALMERSTON said, he had expressed no opinion whatever with regard to Mr. Pollok; but he did express his entire concurrence with what had fallen from an hon. Gentleman on that side of the House as to the system of depopulation which Mr. Pollok was charged with having exercised, without expressing any opinion whether that charge were just or not. He rather thought that the right hon. Gentleman the Member for Buckinghamshire, whom he did not see in his place, did express an opinion with regard to Mr. Pollok, but certainly, he (Viscount Palmerston) did not.

Mr. DUNCAN said, he would join the hon. Member for Northumberland in assuring the House that the Printing Committee were most anxious to meet the views of every Member, and that it was only the strong wording of the petition that prevented them from printing it. The right hon. Gentleman in the chair was consulted on the subject, who said that the petition might be printed, if necessary, for the use of Members alone.

MR. G. H. MOORE said, this was a question on which no special pleading should be resorted to on either side. Since the question had been mooted in this House he had had an interview with Mr. Pollok, and that gentleman had evinced such a thorough and rightminded sense of his duty towards the people on his property that he (Mr. Moore) scarcely thought it necessary to make any remarks on Mr. Pollok's vindication. The case, however, was this:—Mr. Pollok had taken possession of a large property; he had converted the inhabitants into farm labourers; but he paid them well and treated them handsomely. Mr. Pollok had adopted the system of high farming on a large scale, and no doubt, as long as the great expenditure which he had entered into continued, the people would be well paid and comfortable; but, like most other gentlemen who had tried high farming, he was becoming tired of the system, and was about to relet this property in large farms. The question then arose what, if the land should be laid out in grass cultivation to any great extent—as would probably be the case—what would become of the people who had been dispossessed? Such a system was, in his (Mr. Moore's) opinion, highly dangerous to the population of the west of Ireland. He hoped, however, that the ultimate result would be an arrangement satisfactory to all parties.

MR. A. HASTIE said, it was a mistake to suppose, as had been done, that the tenants on the estate in question had all been in comfortable circumstances before Mr. Pollok became the owner of it. The hon. Member then read part of the report of Mr. Michael Kelly, the receiver of the Court of Chancery, to show that the tenants who had been described as in affluent circumstances owed large arrears of rent. Mr. Kelly described them thus—

> "The great bulk of the tenantry are persons in a humble rank of life, and for the most part persons in doubtful and in very many instances insolvent circumstances."

MR. NAPIER said, it had been represented that his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) had expressed an opinion unfavourable to Mr. Pollok; but if his right hon. Friend had done so, his opinion was merely founded on the *ex parte* statements contained in the petition presented by the hon. Member for Wexford. He (Mr. Napier) thought, after the statement of the hon. Baronet (Sir M. S. Stewart), that it was not necessary for him further to vindicate the conduct of Mr. Pollok.

MR. BELLEW said, that, although minor points in the petition might have been exaggerated, he thought it but fair to declare that the main statements contained in that petition, when he seconded the Motion brought before the House on the subject, were known by him to be true. Mr. Pollok did not in the least intend to contradict the main facts alleged—namely, that of having ejected a great many persons. He admitted that he had ejected 177 tenants from their holdings on the estate to which the petition referred. He did not wish to prejudice the House against Mr. Pollok. The complaint which he made was against the system, and not the individual. It could not be denied that a system of eviction had taken place in Ireland to a very great extent. The object of Mr. Pollok was to introduce the system of large farms on his estates in Ireland, but there was no guarantee that high farming would pay in that country. It involved the necessity of converting small tenants into farm labourers; but those farm labourers would have no security of being permanently employed. They might have work this year and next; but what would be their condition five years hence? Mr. Pollok was a man of capital, and was no doubt anxious to do good; but he (Mr. Bellew) wished to impress upon the House this fact, that changing tenants of the soil into farm labourers was a hazardous experiment, for though they might be employed to-day this day fortnight they might be houseless and penniless. He hoped that nothing more would be said about this individual case; but that the House would direct its attention to the working of the system on which Mr. Pollok was proceeding, and that an inquiry would be made into the effect which that system was likely to have upon the condition of the population of Ireland.

SIR ARCHIBALD CAMPBELL said, the inevitable conclusion of all those that were acquainted with the actual circumstances of the case from what had been stated by some hon. Gentlemen, must be that Mr. Pollok had perpetrated wholesale evictions. Now, he (Sir A. Campbell) begged to state that not a single person had been evicted upon one of the estates. The fact was, that, influenced by the results of his experience with reference to an estate which he had formerly possessed, Mr. Pollok was anxious to put in force a system of improvement grounded upon the same plan in the case of his new purchase. With that view he entered into communication with his tenants, and for some time he was led to believe that they would cheerfully come into his arrangements. However, in the course of time a change came over the feelings of the tenantry, and then Mr. Pollok took out summonses of eviction. Nevertheless, those summonses had never been acted upon, nor did he (Sir A. Campbell) think they ever would be. But the hon. Member for Wexford (Mr. M'Mahon), in speaking of another of the estates, mentioned sundry tenants as having been evicted from their homes, and turned loose upon the wide world. Now the fact was undoubtedly that certain houses had been pulled down; but then those who resided in them were located in other houses on the estate. And let him add that a great number of the people thus referred to were included in the petition presented by the hon. Member for Wexford. They had no right therefore to say that those people had been turned loose upon the world. Let him also observe in passing that the greater part of the petitioners were parishioners of the Rev. Mr. Derry, and certainly they might be considered to be as good judges of their own position as the rev. Gentleman. However, what he mainly wished to impress upon the House was, that no evictions had actually taken place. At the same time he thought the general feeling of the House seemed to indicate that the case had been taken up against Mr. Pollok upon insufficient grounds; but if such was not the case he was quite sure that nothing would be more in consonance with Mr. Pollok's feelings than that there should be a searching investigation at the hands of the House into all the circumstances of the case.

Mr. DRUMMOND: I rise, Sir, to protest against the whole character of this discussion. I do not do so on the part of either Scotch or Irish landlords—I do not do so on the part of Mr. Pollok, with whom I have no acquaintance—but I say on behalf of landlords in the abstract, that it would be impossible to devise a more tremendous inquisition than this House will become if it allows of statements being made in reference to the management of our estates in the absence of every one capable of meeting them. The very idea of the thing is perfectly monstrous. The hon. Gentleman the Member for Mayo (Mr. Moore) told us that there were two facts upon which the whole case rested, and that he did not want special pleading. Neither do I want special pleading; but I do want facts. And what were his two facts? Why, one was that there had been a depopulation on these estates; the other that the estates had, under the former proprietor, been better managed. Yet it now turns out that there are actually a greater number of persons on the estates at this moment by twenty-five per cent than there had been at any time previously. So much, therefore, for the cry as to depopulation going on. Now, as for this admirably-managed estate, that was in such fine condition before Mr. Pollok got it, what became of its owner? Why, he ended in the Insolvent Debtors' Court. And who is the person that takes the lead in raising this outcry? Why, Mr. Kelly, the late agent of the estates. My impression is, that these estates are now in a much better condition than they were, and that they are in a far better state than almost any other property in the county Mayo. I therefore think it would be wise for gentlemen to encourage such a landlord as Mr. Pollok, and to copy his example, instead of raising a clamour against him. But you say that Mr. Pollok knew that this petition would be presented a year and a half ago. Now, that is not true; for the printer did not print it until a month ago, and it was not until within a few days that Mr. Pollok received a copy of it. To the petition there are only three names appended, namely, those of two priests and Mr. Kelly the manager. All I will say is this, that I have had under my own eyes the instance of an estate in Scotland managed upon the plan adopted by Mr. Pollok. That estate, a very large one, had been even worse managed than the estate purchased by Mr. Pollok. Nevertheless, it was taken in hand by a nobleman of great wealth, who divided it into large farms. That happened twenty years ago, and the estate is now a most productive one, and I doubt not that Mr. Pollok's efforts will be attended with a similar success. However, no matter whether that gentleman's experiment is a good or a bad one, I do trust this House will never again hearken to such a discussion as we have had raised in this instance.

Mr. E. ELLICE, (*St. Andrews*) explained that his observations on a former evening had been founded upon the statements which had been made in that House, on the understanding that the petition had been presented a year ago, and its statements had not been controverted. Upon that faith he expressed a very strong opinion respecting wholesale evictions and depopulations such as had been productive of very great distress and suffering in Scotland. It appeared now that this was not a case of that wholesale eviction which he had imagined it to be; but at the same time the facts had been fairly stated by the hon. Member for Mayo. No doubt the system of Mr. Pollok would ultimately produce great advantages to the district; but it would easily be conceived that any attempt to change the condition of the population, made suddenly, and without sufficient consideration for the feelings of that population must entail very great distress and dissatisfaction. It did appear that there had been a considerable number of evictions which had led to much dissatisfaction; but after the statements which had been made that night the matter had assumed a totally different aspect to that which induced him to make the observations which he had done on a former evening.

MR. MAGUIRE: I venture to detain the House for a short time, while I offer a few remarks rendered necessary by the observations of the hon. Member for West Surrey (Mr. Drummond). That hon. Member has, in the first place, charged my hon. and learned Friend the Member for Wexford with having brought his accusation forward without due notice, and thereby taken Mr. Pollok by surprise and at a disadvantage. Is that the real fact? By no means; for I hold in my hand a letter written by Mr. Allan Pollok, who, as I am informed, was the purchaser, and is the real owner of these estates; and in that letter, which is dated April, 1855, or a period of thirteen months since, this Mr. Pollok alludes to the fact, of which he states his knowledge, that my hon. and learned Friend had the charge of a petition on this very subject which he was about bringing before the House of Commons. How then can it be fairly said that Mr. Allan Pollok has been taken by surprise, when he, as well as his relative, was fully aware of the determination to bring the petition of those unhappy people before this House, as the great court of appeal in all matters of public wrong? But the hon. Member for West Surrey has gone farther still; he has ventured to represent Mr. Allan Pollok as the great regenerator of Ireland—such a benefactor as that country has not seen for a hundred years. Now as an Irish representative, I most solemnly express my conviction that such men as Allan Pollok are the greatest curse with which the country and its people could be inflicted. God knows—and I use the name with every reverence—I believe in my soul and conscience that the system pursued by this gentleman, whatever may be his intentions, or his motives, is one that is the most mischievous and fatal that could be conceived, not merely to the district in question, not even to the prosperity of the country and the population thus experimented upon, but to the strength and stability of the empire. For what is it? It is simply converting the farmer, who enjoys at least a position of comparative independence, into a day-labourer, who is not only in a position of complete and total dependence, but whose means of existence depend upon the chance of accident or the calamity of sickness. I ask the House, is that the way to regenerate Ireland?—is that the mode by which its people can be rendered self-supporting, and raised in the social scale? Of Mr. Pollok I know nothing, neither am I acquainted with Galway, or with the circumstances of the particular property; but in the very reply of Mr. Pollok himself, I see quite enough to condemn him and his system, and to vindicate the petitioners who protest against both. Just take his own admissions—that from one estate of 12,000 acres, he removed 240 tenants, some of whom, or the most of whom, he converted into day-labourers. Will any Gentleman have the goodness to divide the number representing the tenants into the number representing the acres of land which they occupied; and he will see that, taking into account the fact that many of the tenants on that estate occupied but small holdings, say of ten and twenty acres, there must have been tenants on the property who held, not ten and twenty, but 100, and perhaps 150 acres of land. If this be so—and it must be so—for the average is over fifty acres—I ask any hon. Member, was Allan Pollok the benefactor of the tenant of 100 acres of land, when he turned him out of his farm-house, removed him from the farm which he had cultivated, and turned him into a day-labourer, no matter how well he paid him in that capacity? If this is being a benefactor to Ireland, I say, God forbid that we should have many more Allan Polloks in that country. If this example, which we are told is so valuable—in fine, such a blessing—were imitated by all purchasers in the Incumbered Estates Court, the result would be a scene of wide-spread misery and ruin. ["No, no!"] What else could it be, when by it you degrade and destroy the class you should render independent, and should cherish, as the best strength of the nation? If this is to be the principle on which foreign capital is to be introduced into Ireland, I hold, as an Irishman, that it is a cause of congratulation that so little of that capital has been introduced; and that out of £17,000,000 of property purchased in the Incumbered Estates Court, not much more than £2,000,000 or £3,000,000 has been purchased by strangers—in fact, that we have imported so few Allan Polloks. It is also a source of congratulation that those Irishmen who have purchased the property so sold—whether they be of the ancient proprietary class of the country, or men who have honourably acquired capital in trade —have not adopted this system, which hon. Members represent as such a blessing, but have adopted a system which, in my mind, much more entitles them to the name of benefactors. When coming into the possession of large estates, and to the control of numbers of human beings, they do not clear off every farmer, and tumble down his house, and degrade him into a day-labourer; no, but they give his land at a fair rent—they encourage him by kindness and liberality—they stimulate his industry by counsel and example—they assist him to a better mode of farming—they endeavour to raise him and his family to a condition of independence; and, in return, they get their rents well paid, and, by their ample returns for their capital, justify the wisdom of their investment. I know several purchasers myself who have carried out this system of managing their new estates; relatives and friends of my own have so managed them, and the result is that they have the best possible interest for their money, and the satisfaction of knowing that those under them are prosperous and happy. Mr. Pollok got 12,000 acres of land into his hands by amicable arrangement, and he is attempting to get thousands of acres more by the same amicable arrangement. I know what this "amicable" arrangement adopted by Scotchmen means; it is the same "amicable" mode by which thousands of poor Irish are amicably deported from Scotland to their own country, by benevolent Scotch parishes. It does not in the slightest degree alter the mischievous character of the system, which, however attempted or carried out, is an injury to the people and a curse to the country. Gentlemen hope it may be imitated; but if it be, I may with safety predict that neither the noble Lord at the head of the Government, nor any Member of his Government, will soon be able to congratulate the House on the improvement in the state of Ireland which is mainly idebted to the change of property from the hands of bankrupt proprietors to men of a different stamp from Allan Pollok, its greatest modern benefactor. I do not say that making a new division of an estate, or taking some portion of land from one tenant, who has too much, to give it to another who has too little, may not be wise and useful on certain properties; but I do protest against this wholesale, this reckless mode of dealing with the land and the people; and while I give every credit to the hon. Baronet who has brought the matter forward, for his good feeling and admirable temper, I defy him, or any man, to prove, even by the petition on which he relies, either that Allan Pollok is a benefactor of, or that his system is a blessing to, Ireland.

House at rising to adjourn till Friday.

## MR. MIALL'S MOTION (ESTABLISHED CHURCH, &c., IRELAND).

MR. STAFFORD said, he was very glad the House had agreed to the Motion of the noble Lord without any discussion. He thought it very desirable that, just previous to, and during the rejoicings for peace, they should not only show no animosity towards their late enemies, but should exhibit as much as possible harmony among themselves; but, unfortunately, the first Motion this evening, the importance of which he did not wish to underrate, the discussion of which he was ready to allow, and which could not be brought forward with more ability than by the hon. Member for Rochdale (Mr. Miall)—was an old battle-field in the House. It appealed to feelings most discordant, most at variance with peace, and most bitter because the worst of all bitterness, religious bitterness, was excited; and he thought no constituency, however strongly interested, would fail to see the motives of their representatives who should on this occasion consent to postpone the consideration of such a question. The discussion would go forth to-morrow awakening angry and rancorous feelings in this country, and the day after reach an island where the subject was intimately connected with old and unhappy divisions, so as to mar the full enjoyment of the holiday which they wished consecrated to the forgetfulness of old disputes. Therefore, though not wishing to avoid the discussion, and not wanting in respect to the hon. Gentleman (Mr. Miall), he thought he was justified in taking the unusual course of moving that this House do now adjourn.

MR. MIALL said, he was somewhat taken by surprise at the very extraordinary course pursued by the hon. Gentleman, who, intending to take that course, might at least have had the courtesy to give him some intimation of it. If it were so necessary to cultivate feelings of amity and good will upon the eve of the day when they were going to celebrate the return of peace, it would have become the hon. Gentleman to have displayed that kind of feeling, and not to have attempted, without previous intimation, to snatch from him an opportunity, for which he had long been waiting, of discussing this question before the House. The hon. Gentleman seemed to take it for granted that the question which he was about to raise could not be discussed without exciting bad temper. For his own part he could safely say he could discuss the question in the most perfect good humour, and if bad temper were excited, he must think it could only be excited among those who were conscious of practising injustice, and who did not like to have that injustice exposed. He hoped the hon. Gentleman would allow the discussion to proceed. He had not selected this day in preference to all others for bringing forward his Motion. He obtained a first place in the Votes a month ago, but the Government moved the adjournment of the House over that day. Again, by good fortune in the ballot, he had obtained the first place for that day, and if he were not even allowed to bring before the House the Motion of which he had given notice, it would be said the House did not like discussion at all, and would not enter on the consideration of the question if anything whatever, fair or unfair, could be found by which the discussion could be avoided.

MR. G. H. MOORE had only caught the concluding sentence of the hon. Member for Northamptonshire in which he deprecated any discussion upon the point in question lest it might give rise to any religious exasperation in that part of the United Kingdom to which he (Mr. Moore) belonged, but he could inform the House that if anything was likely to excite such a feeling, it was the manner in which the hon. Member had proceeded.

MR. HADFIELD said, the Motion of his hon. Friend the Member for Rochdale involved a question of the deepest interest to millions of Her Majesty's subjects. The grievance of the Irish Church had excited more ill-blood in the sister kingdom than any other, and that country would never be satisfied until it had been removed. The whole machine of the government of Ireland, both ecclesiastical and political, was wrong, and demanded the attention of the House, and he therefore trusted that they would not allow the Motion of his hon. Friend to be postponed.

VISCOUNT PALMERSTON confessed that he was of the same opinion as the hon. Member for Northamptonshire (Mr. Stafford), with regard to the wish that the subject which the hon. Gentleman had brought forward should not be discussed in the present state of things. It was impossible for hon. Members to conceal from themselves that the subject was one that had stirred up strong feelings of opposite kinds which it would be well for the moment to allow to drop. But as the hon. Gentleman had given notice of his Motion, after having tried before and failed, and as there was no other business to interfere with it, he thought it would not be becoming in the House to deprive the hon. Gentleman of his opportunity. If, therefore, the hon. Gentleman thought it his duty to bring his Motion before the House, he thought it would not be fitting in the House to interpose between the hon. Gentleman and his Motion.

MR. NAPIER said, that he would ask the hon. Member for Northampton to withdraw his Motion of adjournment, with a view of hearing the remedy of the hon. Member for Rochdale for the grievances of Ireland: for he did not think that this sentimental interference on the part of the hon. Gentlemen and his friends would do much good. He was quite ready to meet the Motion of the hon. Member for Rochdale.

MR. STAFFORD said, after the observations made by the nol `tLord, and the appeal of his right hon. and learned Friend, he would withdraw his Motion. He did not, however, regret having made it, but rather that he was obliged to withdraw it.

Motion by leave *withdrawn.*

## ESTABLISHED CHURCH, &c. (IRELAND).

Mr. G. A. HAMILTON moved that before going into the Motion of Mr. Miall respecting the Established Church in Ireland, that the 5th Article of the Treaty of the Union of Great Britain and Ireland, embodied in the Act of Union, 40 *Geo.* III. c. 67, be read by the Clerk.

Motion agreed to; and the said Article read by the Clerk, as follows—

"That it be the Fifth Article of Union, that the Churches of England and Ireland as now by Law established, be united into one Protestant Episcopal Church, to be called, *the United Church of England and Ireland;* and that the Doctrine, Worship, Discipline, and Government of the said United Church shall be and shall remain in full force for ever, as the same are by Law now established for the Church of England; and that the Continuance and Preservation of the said United Church, as the established Church of *England* and *Ireland*, shall be deemed and taken to be an essential and fundamental part of the Union; and that in like manner the Doctrine, Worship, Discipline, and Government of the Church of *Scotland*, shall remain and be preserved as the same are now established by Law, and by the Acts for the Union of the two Kingdoms of *England* and *Scotland.*"

Mr. MIALL:* Sir, I am very glad that, in discharge of the duty now before me, I shall not need to utter a word offensive to the religious feelings of any hon. Member of this House. I am very glad that the Motion with which I shall have the honour to conclude does not require me to canvass the merits or demerits of any Church, either in respect of its creed, discipline, or ethics—to assail the character or efficiency of any body of clergy whatever—nor to cast aspersions upon any ecclesiastical community, Protestant or Roman Catholic, Episcopalian or Presbyterian. The arguments I shall adduce in support of the Motion will be based exclusively on principles of justice and considerations of State policy; and as they will be urged, I trust, in a spirit of moderation and catholicity, I venture to hope that the House may find it practicable to debate an important religious question without even a momentary excitement of sectarian animosity.

Sir, I shall probably, and very properly, be expected to state the reasons which have induced me just now to bring under the consideration of the House the vexed question of our Irish ecclesiastical policy. I may be told, possibly, that I am taking an officious and obtrusive course, and one that the state of feeling which has prevailed of late years in Ireland does not demand. The policy I am about to criticise and arraign, it may, perhaps, be urged, if not theoretically defensible, has been practically acquiesced in—if it does not square with principles of abstract justice, it is productive of no very grievous oppression; for under it Ireland is as tranquil as could well be wished—is blessed with a yearly diminution of sectarian strife, and rejoices in a rapid development of social prosperity. You may ask me, and you have a right to ask, why not let well alone? At a time when religious feuds in Ireland are visibly subsiding, why launch again a question which has stirred such stormy passions? Why waste time in exposing discrepancies which have almost ceased to attract attention, and in meddling with anomalies which it is easy enough to render irritating, but not by any means so easy to remove?

Now, Sir, without denying that interrogations of this nature have some force, I presume to think that in this instance they may be successfully answered. I venture to suggest *in limine* that they take a great deal too much for granted in regard to the present state of feeling in Ireland. Indeed, I feel pretty sure that hon. Members from that part of the United Kingdom will be very far from unanimous in endorsing as correct so flattering a description of the ecclesiastical truce established there.

Moreover, it would be childish to shut our eyes to the obvious fact, that it is only a truce. Why, Sir, the man who walks amongst explosive materials with a naked candle in his hand has as good a right to reckon on complete personal security as we have to calculate upon permanent tranquillity in Ireland under our present ecclesiastical policy. It is true that of late unusual care on the part of the Executive, whether Whig or Conservative, coupled with an unprecedented combination of peculiar circumstances affecting the social condition of Ireland, has produced an unwonted calm. But it would be but poor statesmanship to mistake a temporary lull of agitation for settled popular contentment. Is the calm such as may be relied on? Are our existing ecclesiastical arrangements so well suited to the temper and wants of the Irish people, and so firmly grounded in their convictions, as to warrant the hope that the "great difficulty" of Sir Robert Peel has at length and for ever ceased to exist? Will the right hon. Secretary for Ireland undertake to assure us that the religious strife which for three centuries has been the bane of that country is at last effectually quelled? that there can be no reasonable fear of its resuscitation, and that rival sects in that part of the United Kingdom are so far satisfied with their respective relationships to the State that no apprehension need be felt of their contentions in future? Sir, it would be idle to conceal from ourselves the fact that our Irish ecclesiastical policy is not satisfactory to the great bulk of the inhabitants of Ireland. Left as it is, it cannot, in the nature of things, be satisfactory, and if the Irish people cherish any self-respect, as I believe they do, it ought not to be satisfactory. Therefore it is, I think, that this House, warned by the past, and reasonably apprehensive of the future, may be very properly invited to avail itself of the present interval of popular quiet to lay the foundation of a more stable order of things.

But, Sir, this is not the main consideration by which I have been moved to bring this subject before the House at the present moment. I place my chief justification in the fact, that existing ecclesiastical arrangements are in imminent danger from another hand. If it were true that the Roman Catholics of Ireland were disposed to acquiesce in them, it is notorious that the Protestants of Great Britain are not. Every Member of the House must be aware how impossible it will be to preserve inviolate that compromise on which our Irish ecclesiastical policy is based, in defiance of the strong Protestant feeling which pervades the constituencies of England, Wales, and Scotland. The hon. Member for North Warwickshire, the representative of that feeling, has already obtained the assent of the House to the introduction of a Bill for the repeal of the Maynooth College Endowment Act. No doubt that assent was most reluctantly given, and was wrung from the House by the extreme pressure of constituent bodies. Very likely the hon. Gentleman may find it impracticable to carry his measure through all its stages in the present Parliament. But if it should be so, the difficulty is only evaded for a season. The same strong feeling which has compelled you to assent to the preliminary Resolution, may also compel you to pass the Bill. Even if the present Parliament should contrive to avoid giving legislative effect to their own Resolution, the next Parliament will, in all probability, be returned upon a clear understanding that the compromise shall be put an end to, and the question settled.

Well, but should such be the case—should Parliament withdraw a small State endowment from a Roman Catholic institution, the only one it grants to that body, leaving its endowment of other religious bodies untouched—where will be the boasted tranquillity of Ireland? Can you hope to maintain it? I speak not now of physical violence—that, I rejoice to believe, you would have no reason to apprehend. But are there not consequences of a more subtle, but not less mischievous character, which would flow from the success of the hon. Member's proposition, taken alone? Sir, we have already had ample experience of the social devastation wrought by the demon of religious discord, even where it stops short of actual outrage. We have seen how, wherever it fairly gets head, it withers as with a cleaving curse, all a nation's better capabilities—how it loosens all the ties by which society is held together—how it dries up the kindly feelings which spring out of the common relationships of life—how it weakens mutual confidence—discourages enterprise—checks industrial development—and substitutes for the glow of a healthy national activity, the wasting fever of popular excitement. It is among the greatest calamities which can befall a nation. You can attempt nothing hopefully for the social amelioration of a people among whom this spirit is rife. But this is the spirit that you must look to see evoked, by carrying, as an isolated measure, the disendowment of Maynooth College. Sir, spite of these consequences, I believe the Protestant feeling of this country will compel you to disendow that institution. I believe you will have to do it at no distant date. I believe, further, that it is in the category of things which ought to be done. And because I am convinced that it cannot safely be done alone—because I think that the real difficulty in the way of dealing, not only with it, but with the bitter sectarian animosity which the Maynooth grant was meant to allay, lies coiled up in the very core of our Irish ecclesiastical policy, I have felt not merely justified, but constrained, to invite the House to go into Committee on religious teaching and worship in Ireland.

And now, Sir, having accounted to the House for moving at all in this matter just now, I am bound to say that, in my opinion, even as matters now stand, it would be worse than useless to go into Committee, unless with a firm determination to reconsider our Irish ecclesiastical policy in its essential principle, as well as in the various forms of its application. Few men of observation, I imagine, will be disposed to deny, that whatever may be said in favour of the Church Establishment theory, the test to which we have put that theory in Ireland has been uniformly and deplorably unfortunate. There are three different phases in which the Church Establishment principle may be exemplified—that of persecution—that of ascendancy—and that of indiscriminate endowments. If, then, I can show you, as I hope to do, that you have tried each of these in your ecclesiastical government of Ireland, and in each have signally failed, I shall have made my ground good for asking you to review, with an eye, if need be, to its abandonment, the primary principle of a policy so invariably unsuccessful.

Sir, the rudest form in which the authority and power of the State can be applied in support of the Church with which it may chance to be united, is that of prohibiting, punishing, and crushing adherence to and profession of any creed and discipline but its own. This is persecution; and this your Imperial policy formerly tried in Ireland with savage and relentless vigour. The time comprised in this trial ranged from the earlier part of Elizabeth's reign down to the battle of the Boyne. The problem which your policy attempted to solve was, how to transfer from Roman Catholic to Protestant hands the ownership of the soil in Ireland, together with all political influence, all social distinctions, all the ordinary powers of achieving gain, all the potentialities of civilisation, comfort, and affluence. The agencies chiefly relied upon in solving this problem were arbitrary laws, wholesale confiscation, cold steel, and gunpowder. And what are the staple materials which make up the history of that period? Robbery by the civil power, and retaliation by the outraged people; tyranny without limit, followed by insurrections without pity; desperate sieges and hideous massacres; a country laid waste; a population alternating between the extremes of rage and terror; a priesthood hunted down like noxious vermin; a whole race crushed beneath a heavier doom than slavery! Sir, seldom, indeed, has a bloodier drama than this been played out upon God's earth. You cannot read it, even at this distance of time, without feeling your blood curdle in your veins. And in what did it all issue? Why, in this: that, in the reign of William III., Protestantism had got possession of the wealth of the country, while Roman Catholicism still retained its hold on the hearts of the people.

Such was the first great failure of your Irish ecclesiastical policy. I will give but a hasty glance at the next. The second phase of the Church Establishment principle is that of ascendancy—that is, the application of the power of the State to the elevation of the Church with which it is united above all others in worldly position, privilege, and security. You tried this modification of the State-Church theory in Ireland, from 1689 down to 1829. Your attempt was to foster Protestantism into strength by privilege—to depress and weary out Roman Catholicism by civil proscriptions and penal laws. The story of that period is a very familiar one; but, familiar as it is, it falls within my purpose to repeat it—and it may be condensed into a very few sentences. I will not go into detail to show the peculiar favour your policy displayed towards Protestants—how you allowed them to appropriate to their exclusive advantage the land, the Church, the franchise, the Parliament, the municipalities, the learned professions, the university. Let us see what were the tender mercies of that policy to Catholics. They may be read in the Irish statute-book, from 1690 to 1790. Well, look first at the disadvantageous position in which Irish Roman Catholics were placed by law, as respects the offices and ministrations of their own Church. Their higher ecclesiastics were sentenced to perpetual exile, and large rewards offered for their discovery within the kingdom. The parochial priests were compelled to register themselves, as a kind of ticket-of-leave functionaries, to give heavy bail that they would not go beyond the limits of their respective counties, and to engage that they would never exercise their functions out of their own parish. They were forbidden to assume any ecclesiastical title and to wear any professional dress—to erect any steeple, to toll any bell, to officiate in any graveyard. Their images were to be destroyed, their crosses thrown down, and their pilgrimages prohibited. But, on the other hand, handsome annuities were offered by law to those priests who should apostatise from the Romish faith. How were the Irish Roman Catholics treated in regard to education? Every Catholic school was closed, every Catholic schoolmaster subject to transportation for life, with the penalty of death in case of his return. No child of Catholic parents could be sent abroad for education without a special licence—and, lest the Act should be evaded, any magistrate might at any moment demand that the child should be produced in his presence. What was their case in regard to the ordinary occupations of life? They were incapacitated from holding any commission in the army or navy, and from serving in any office under the Crown. They were excluded from every liberal profession but that of medicine. They could purchase no landed estate, nor occupy any farm the profits of which exceeded a third of the rent. If they betook themselves to industrial or commercial pursuits, they were literally at the mercy of Protestant municipalities. If, in spite of these restrictions, they acquired some property, what was their control over it? It was taxed, *ad libitum*, by the State, county, municipal, and parochial authorities. No one belonging to the discouraged sect was allowed even to possess a horse of above £5 value. He could receive no real property from Protestants, either by deed of gift or by bequest; and if, during his lifetime, his eldest son turned Protestant, he lost all legal control over him, and became incapable of charging his estate with portions for his other children. Finally, in regard to the general privileges of citizenship, no Roman Catholic could marry a Protestant lady, nor entrust, at his death, the guardianship of his children to his wife or friends, nor exercise the elective franchise, nor sit in Parliament.

Well, Sir, what was the issue of this execrable system of legal and political ascendancy in regard to the rival Churches? Dead failure—worse than failure. Roman Catholicism grew, as all persecuted religions will, the more it was trampled upon—grew until its resentment became formidable. When once it became necessary, either for her own purposes, or for the resistance of foreign invasion, to unite the whole population of Ireland, this elaborate framework of ecclesiastical tyranny was obliged to be pulled to pieces more rapidly than it had been put together. During the last decade of the last century most of these penal laws were repealed; and, in 1829, at the bidding of an inexorable necessity, you condemned the very principle of Protestant ascendancy by passing the Catholic Emancipation Act.

Sir, I say you gave up the principle of Protestant ascendancy, because you surrendered the only means by which it could be effectually maintained. But, Sir, it was impossible for you to rest there, for you had in Ireland an exclusive Church Establishment, endowed with national funds; and, as you still held firmly by the principle of a State-endowment of religion, you were compelled to entertain various propositions tending to place the Church of the majority in a relation of approximate equity, at least, towards the Church of the minority. Slowly and cautiously your policy took a direction towards the third and last development of the State Church principle—namely, equality of favour by means of indiscriminate endowments. By the Church Temporalities Act of 1833 you professed to cut down the Protestant Church Establishment in Ireland to the wants of the Protestant inhabitants. By the abolition of church-cess you recognised the inexpediency, not to say injustice, of levying upon the members of one Church a direct tax for the exclusive benefit of another. By removing the charge of tithe from the Roman Catholic occupier to the Protestant landowner, you sought to veil the hardship of quartering the clergy of the few upon the resources of the many. All these, however, were but negative changes—changes calculated to tone down into harmony with the milder spirit of the age, a harsh and indefensible expression of the State endowment policy. But, in 1845, you deliberately took your first positive step towards establishing equitable relations between the two Churches and the State. It was only a first step—for the Maynooth College Endowment Act was not regarded by anybody as a full realisation of the principle it embodied. It only showed—it was only meant to show—that you had turned your faces in a new direction. It was a tentative measure, accepted and supported by the great Liberal party in this House, as an earnest of something more to come. I could prove this, if it were necessary, by numerous quotations from the debates on the Bill in both Houses of Parliament. I will trouble the House with only one. It is from a speech of the noble Lord the Member for the City of London. He is reported to have thus expressed himself—

> "I think the right hon. Baronet, in his opening speech on this subject, showed very clearly the grounds of this grant. But I must confess that when hon. Gentlemen who oppose it urge the argument that both in the proposal itself of settling the grant by a Bill making it a permanent endowment, and in the reasons the right hon. Gentleman gave, as the organ of the Government, for that endowment, there is the indication of further measures than he himself has proposed to-night, or than the measure itself contains, I am inclined to say I agree with them in this opinion. That is a ground of opposition with them, but a ground of concurrence on my part."

The noble Lord presently added—

> "But this I say, that the arguments which are so sound, and, as I think, so incontrovertible to induce this House to found an endowment for the education of the Roman Catholic priesthood, will prove, upon another occasion, as sound and as incontrovertible with respect to an endowment for the maintenance of that priesthood. For my own part, preferring more and more strongly, and more and more by reflection, a religious establishment to that which is called the voluntary principle, I am anxious to see the spiritual and religious institutions of the great majority of the people in Ireland endowed and maintained by a provision furnished by the State."

Now, it is well known that the noble Lord spoke on that occasion the sentiments of the bulk of the Liberal party in Parliament; and in those sentiments, I believe, some Members of the Conservative party concurred. At any rate, when, at a subsequent period, the noble Lord intimated his desire to see the government of Ireland placed upon a broad and comprehensive basis, the country gave the noble Lord credit for the intention, whenever the reins of power might be again entrusted to him, to propose a general plan for the endowment of the Roman Catholic clergy of Ireland. But the noble Lord's scheme never saw the light; for, in addition to the fact that the Irish Roman Catholic hierarchy were indisposed at that time to become the stipendiaries of the State, popular opinion in this country was too unequivocally expressed against taking any further step in the direction of indiscriminate endowments. The policy initiated by the Maynooth College Endowment Act was nipped in the bud. Then came the absurd excitement on the subject of ecclesiastical titles, in which the noble Lord took a conspicuous part; and out of it grew that determination on the part of the public to withdraw the endowment recently settled on Maynooth College, before which, I am convinced, you will be compelled, sooner or later, to bow.

Assuming that such will be the case, let the House consider how our Irish ecclesiastical policy will then stand. It is clear, I think, that in passing the Maynooth Endowment Act, Parliament meant to recognise the principle of equity, as the principle which ought in future to determine the relation of the State to the great ecclesiastical sects in Ireland. It is no less clear, I submit, that Parliament intended to proceed in the development of that principle, as opportunity and the feelings of the British people, would allow. And I believe it is by this time equally evident that your attempt to realise that principle by means of indiscriminate endowments is perfectly hopeless. You find yourselves unable to follow up your first tentative step—you are called upon to retrace it. If, as I hope, you should be compelled by the pressure from without to give practical effect to the demand of the constituent bodies, then the third and last form in which the endowment principle can be practically applied, will have turned out to be inapplicable to the circumstances of Ireland. You will have exhausted the experiment. And then, Sir, I would ask, what next? You cannot if you would, you would not if you could, go back to the old, exploded, and disastrous policy of Protestant ascendancy; and you are barred by insuperable obstacles from following up the principle of equity by the path you would have preferred—I mean that of indiscriminate endowments. Now, what I ask of you is this,—that you should pursue that policy of equity by another and a surer path—that you should aim at the same noble object by simple and more effective means.

What is that path? What are those means? I will tell the House in a few sentences. I respectfully submit, then, that inasmuch as the divided religious feeling of the country prevents you, and ever will prevent you, from placing the different sects in Ireland upon an equitable footing, as it regards the State, by means of indiscriminate endowments, you should accomplish it by means of impartial disendowment; and that, as you cannot hope to render justice to the Irish people by a public support of the religious institutions of all sects, you should withdraw that support alike from all. And here let me say that in recommending the

House to adopt the policy of impartial disendowment, I am far from desiring a hasty, sweeping, inconsiderate application of that policy. When I come to lay before you an outline of the plan I would suggest for carrying this policy into effect, I think you will see that it is quite possible to combine with the disendowment policy, the most scrupulous regard to the equitable rights both of religious communities, as such, and also of individuals.

But, Sir, saving all such rights intact, I own that my proposition would be worth nothing, unless it covered the entire ground—unless the policy of disendowment reached everything which the State has an equitable right to deal with. A simple and determinate principle of this sort appears to me to have an immense advantage over every kind of compromise. The statesmanship of the present day, I am aware, is adverse to this simplicity of purpose, and aims rather at producing a kind of composite policy, by an amalgamation of conflicting principles. Well, Sir, I am not very confident in the superior wisdom of that statesmanship. I admit, indeed, that political changes, involving a great variety and extent of interests, ought to be very carefully and cautiously effected. That is one thing. But it is another and very different thing to produce a conglomerate of heterogeneous principles, none of which are consistently carried out. Such is not the course I venture to recommend. I am anxious that the House should express itself in favour of religious equality in Ireland, by the only practicable means—namely, impartial disendowment. I wish you to let the people of Ireland understand that this is to be your future policy, pure and simple. This resolution will not preclude you from taking whatever time you may think necessary for effecting your object with safety—nor from using whatever precautions you will, to avoid or surmount the practical difficulties lying between you and your object—nor from displaying all the qualifications of true statesmanship in your choice of opportunities and means. The vote which I ask to night is, in fact, a vote pledging you to complete religious equality in Ireland, by the only means in your power.

Sir, I venture to think that the slight historical survey I have just taken of our Irish ecclesiastical policy is itself the most decisive condemnation of employing the authority and resources of the State to force upon an unwilling people a Church with which they have no sympathy. I have no need, on this occasion, to discuss the abstract principle of a Church Establishment. I content myself with the simple avowal that I regard it as essentially unsound, calculated to involve the civil power in numberless embarrassments, to degrade the Church into humiliating bondage, and to injure religion by misrepresenting the true secret of its strength. But I rest my argument to night upon no such abstract opinion. Because, if the theory of a State Church be ever so tenable, the application of that theory to Ireland has been proved by the issue to have been a profound mistake. To it, without doubt, that country may trace much the greater part of the wretchedness it has endured. For surely, if there be any one thing in respect of which a dominant nation ought to be forbearing and indulgent, it is the religion of the people subjected to their control. This wise maxim of State policy you have all along set at nought in your government of Ireland. You thrust into the midst of a people whom your arms had subjugated, a Church with which they could have no communion, and you endowed that Church with property snatched from a communion to which they were ardently attached, and which received their implicit confidence. State necessity may be pleaded in excuse of the original perpetration of this political crime, but cannot be accepted as a justification of it. Nor can it be said, as it may of some crimes, that time has transmuted its results into a blessing. The original vice remains. The great bulk of the people of Ireland—the peasantry—the poor—for whom, if for any, a Church Establishment should be maintained, are not, even after the lapse of three centuries, benefited by the spiritual teaching and offices of your Establishment. It is still maintained for the Saxon rather than the Celt, for the gentry rather than the humbler classes, for the well-to-do minority rather than the helpless majority. Such a system as this can only be regarded by the people of Ireland, as it is by all disinterested on lookers, as at once the offspring of tyranny and the badge of conquest. Nothing on earth can justify it. We may disguise it as we will, but in the eyes of man and of God it is not the less a crime.

That existing ecclesiastical arrangements in regard to Ireland ought to be, or can be, permanently maintained, is a proposition which I imagine no one will undertake to affirm. The choice of the House will eventually lie between dealing with them separately, or, as I suggest, with all together. The practical question with the House will be, no doubt, whether the remedy I propose is not more violent than the disease? Well, Sir, as far as Ireland is concerned, the effect of applying the policy of disendowment will not be by any means so extensive as it seems. It can hardly be pretended, for instance, that you would thereby leave the bulk of the people destitute of religious teaching. Probably five-sixths of the inhabitants, comprising, too, the lowest and most needy classes, are shut out already from the benefit of your existing endowments. Whatever may be the case on this side St. George's Channel, in Ireland the Established Church can hardly be looked upon as "the poor man's Church." The extinction of the Maynooth College endowment, one of the objects I propose, would not touch those means which the Roman Catholics have found adequate to maintain their religious institutions for the last three centuries. The discontinuance of the *Regium Donum* would cut away a portion only of the stipends of Presbyterian ministers—a portion which the wealth of the Presbyterian body in Ireland is well able to supply. Even your disendowment of the Irish Church would affect but a small minority of the people, constituting, moreover, the wealthiest section of society in Ireland. And, therefore, although it is true that in this last case you would have to deal with a large amount of property at present set apart for religious purposes, it is equally true that you would thereby disturb but a comparatively small amount of spiritual means. The policy I recommend would derange but to a trifling extent the machinery of religious instruction in Ireland; and in that regard, therefore, the great bulk of the people would be quite as well off as they are at this moment.

Sir, I am fully convinced that the judgment and the conscience of the majority of this House will go along with me in affirming the desirableness of the policy I recommend, considered in itself. I am quite aware, however, that it is not sufficient to present to this House a case unanswerable in the abstract, nor to assume a position logically impregnable to prevail upon the House to adopt it as their own. The House is accustomed, in all matters of grave importance, to look not only at what might be best if it should chance to become an actual fact, but also at the difficulties and obstacles, whether of a constitutional or a practical nature, which must first be overcome in order to realise it. I feel bound, therefore, to look two or three of the graver objections, which may be urged against my proposed line of ecclesiastical policy for Ireland, fairly in the face.

The first serious objection which will doubtless be urged in condemnation of that policy, is indicated by the ceremonial which preceded my speech—that it is barred by the Fifth Article of the Act of Union. Sir, I gather no such conclusion from the words of that article. I will read them to the House, for I look upon them as specially significant. They are as follows:—

> "That the Church of England and Ireland, as now by law established, shall be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland; and that the doctrine, discipline, worship, and government of the said United Church shall be, and shall remain, in full force, for ever, as the same are now by law established."

Well, Sir, I do not propose to interfere, in the slightest degree, with either the doctrine, discipline, worship, or government of that Church. I wish to deal only with the temporalities, about which there is no mention whatever in the article. And the omission from this article of the word "temporalities," is, as I have already intimated, peculiarly significant. Did Mr. Pitt, who framed the Act, foresee the inconvenience which might result from the insertion of that word? Judging from his correspondence on the subject, I apprehend he did, and that he meant to leave the Imperial Legislature free to deal with these temporalities, as future circumstances might require. But be this as it may, the words of Lord Brougham, uttered in this House in 1825, seem to me to be pregnant with reason.

> "Taking into consideration," he says, "the state of the Church in Ireland, and the state of the population which, though obliged to support that Church, received no benefit from it, it was monstrous to assert that such a system should never undergo legislative revision."

But, Sir, in this instance, I am not driven to shelter myself under the authority of great names. I stand upon the ground of what the Imperial Parliament has already done. I say, the abolition of church-cess, and the application of the revenues resulting from the extinction of ten bishoprics in Ireland to make good that loss, give me a right to plead Parliamentary precedent in favour of the view I take of the Fifth Article of the Act of Union. If you tell me that this was but a redistribution of the temporalities of the Irish Church, what will you say of the actual extinction of twenty-five per cent of the tithe property of the Church, effected by the Tithe Commutation Act? As a matter of State policy you gave up one-fourth with a view to secure the other three-fourths. Now, I do not ask you to extinguish, but to reappropriate—to extinguish only so far as ecclesiastical purposes are concerned—and the right which you have already asserted to deal with twenty-five per cent of these revenues, notwithstanding the Act of Union, you may justly assert, if you will, to deal with the whole.

The next objection which I apprehend will be urged against the policy of disendowment, impartially applied, is, that in regard to the Church Establishment of Ireland it would amount to nothing less than wholesale confiscation. The revenues, it will be said, that I seek to withdraw from the Irish Church, are her own by the same right as that by which a gentleman holds his estate—her title to them, indeed, is older than can be produced for any private property, and can only be set aside by an act of legislative spoliation. This, Sir, is a grave objection—fatal, if well founded—and therefore the House will bear with me, I trust, if I examine it somewhat closely.

The broadest and most obvious reply to this assertion of exclusive and inherent right on behalf of the Irish Church is, that it rests entirely on a fiction. For, what is the implication contained in the plea that the title of the Irish Church to her revenues dates further back than that of any private property? Manifestly that the Church holds her estates in right of donations and bequests made to her some ages back. Sir, I call this a miserable fiction, because it is notorious that between the donors of these estates and the present beneficiaries there is no line of equitable and moral connection. If a valid title to these estates can be traced back by any party to the will of the original donors, then they belong of right to the Roman Catholics. Such an inference, however, which I should have supposed no one acquainted with history would deny, has been set aside by a quibble. These revenues, it has been said, were originally bestowed on the Church of Ireland, and by the Church of Ireland they are still possessed. It was competent to that Church to reform herself, and to purge out the errors which had grown up within her, without forfeiting her claim to her property. She has never lost her identity, though she has undergone a reformatory process. Sir, this is a mere play upon words falsified by all the known facts of Irish history. When did the Roman Catholic Church of Ireland, to whom these revenues were given and bequeathed, reform herself? At what period did she change her views and become Protestant? Never! No, Sir, she was ejected—forcibly, ruthlessly ejected by the State, and another tenant put in. She was thrust forth without ceremony, and her inheritance given to a stranger. There never was a grosser perversion of historical fact than that which represents the Church of Ireland before the Reformation, and the Church of Ireland after the Reformation, as one and the same body. The one was indigenous—the other was an importation. The only semblance of identity between the two was, that the Protestant Church took possession of the title and the property of which the Catholic Church had been in previous possession.

The only title, then, which the Protestant Church of Ireland has to her revenues is to be found in the will of the State—a good and valid title, in my opinion, so long as it lasts. Apart from the will of the State she has no proprietary rights. There may have been the essential substance of Protestantism in Ireland before the Papal authority was for the first time recognised there, at the Synod of Kells, in A.D. 1152. But will any man pretend to find in it the germ of the Protestant Church as it now exists? No, Sir, the Church of the Thirty-nine Articles, the Church of the Common Prayer-book, the Church of the Protestant Episcopal hierarchy, never had a being in Ireland apart from the Legislature. It was the civil power that said "Let it be!" and it was. It never had an independent existence. It was, I may say, born a State Church—it did not become so. State policy was its parent, and, apart from State policy, it never had and never can have a claim to its revenues. And so the State has ever dealt with it—most constitutionally and most justly, Parliament has imposed the conditions under which the Church of Ireland should enjoy her property, has freely regulated the distribution of it, and within the last thirty years, as I have shown, the State surrendered and extinguished not less than a fourth of the entire income with a view to the easier collection of the remainder.

But there is another aspect under which this question may be viewed. And it may be viewed most advantageously, because most simply and clearly, in the case of a single parish rather than of the whole Church. Take now any one parish in Ireland, and try to satisfy yourselves to whom the ecclesiastical property of that parish legally and morally belongs. There is the sacred edifice—there is the glebe-house and land—and there is what was formerly the tithe, but is now the rent-charge. Whose are they? I suppose it will be admitted on all hands that they are not the clergyman's. He has but a life-use of them, and his use of them is associated with a trust. It will not be pretended that they belong to the bishop of the diocese. He may have the privilege of collating to the living, but he also is under conditions prescribed for him by others; he is but a life-tenant, and the property does not exist for his sake. Does it then belong to those of the parishioners who, being Protestants, worship at the church? It is true that by State regulation they have the exclusive advantage of it; but it is only because the regulations of the State happen to be in accordance with their ecclesiastical views. But the property is, both in theory and right, the property of the parishioners at large, and for their supposed benefit it exists and is maintained. Until a recent period they were taxed to keep the buildings in repair. The rent-charge, which goes to the support of the clergyman, is a charge upon the entire produce of the parish, and, subject to State supervision and control, the ecclesiastical property of the parish belongs to the parishioners. But now suppose that, with the consent of Parliament, the parishioners in vestry assembled should agree to apply their parish ecclesiastical property to other parish uses, preserving inviolate, of course, all existing life-interests. Who would be entitled to complain that he had been robbed? Recollect that the question now is not a question of the extinction of property, but of its application to other purposes, for the benefit of the same parties. Well, but the Irish Church is but the organised aggregate of Irish parishioners. In other words, the property which is said to belong to the Church is that portion of the property of the whole Irish people which the civil power, acting on their behalf, has hitherto applied to the spiritual instruction of that people in a particular faith. But if the civil power, otherwise the Legislature, should resolve that the property can be more wisely, more impartially, and more beneficially employed for the advantage of the Irish people, by a totally different mode of applying it, no portion of the community would have just ground of complaint that their property is being wrung from them by confiscation. Looking, then, at the undeniable historical fact, that the Protestant Episcopal Church of Ireland did not derive her revenues from the original donors—looking at the fact that she never existed except as a State institution, and never had a farthing of property except by the will of the State—looking at the fact that the object of that property has always been, or is supposed to be, the benefit of the people at large—I contend that a re-appropriation of that property to purposes in which, not a small minority only, but the whole nation is interested, so far from being confiscation, would be but a tardy return to the policy of justice.

But I shall perhaps be told that it is impossible to deal as I propose with the temporalities of the Irish Church without exposing those of the Church of England to danger; and that even if in all respects the one Church does not fulfil the functions of a national institution, it must be religiously preserved to shield the other from the operation of a bad precedent. Sir, I ask whether this objection is founded in fact? Do the two Churches really rest upon the same, or even a similar basis? Why, Sir, our Irish Ecclesiastical Establishment is condemned by almost every one of those arguments by which the Establishment in England is usually justified. It is not the Church of the majority. It is not the instructress of the poor. It does not live in the affections of the people. It is connected with no glorious historical associations. It has ever been as a sharp thorn in the side of Ireland, irritating and inflaming her whole political and social constitution. Is it, then, meant, that in respect to any of these characteristics, the cases of the two Churches are at all similar? And if not, why attempt to confound that which is obviously exceptional with that which is, according to your own theory, normal? You made this mistake for many a long year with regard to the Church of England in Canada, and whilst that mistake prevailed Canada was never quiet, prosperous, nor happy. You kept watch over the Clergy Reserves, because you were told that to surrender them would strike at the very principle of Church Establishments. But, as a matter of fact, are the endowments of the Church of England one whit the less secure, because you have seen fit to give up the Clergy Reserves in Canada? Oh, if Ireland had but been 3,000 miles away, how differently would her case appear at this moment! But, I ask again, is it wise thus to identify the rights and interests of the two Churches? Is it prudent in regard to Ireland? For what is it you tell her but this—that she must be content to submit to a galling anomaly and injustice, not for her own ultimate advantage, but for the security of an English institution? What stronger argument than that could be put forward for the repeal of the Union? Is it prudent in regard to England? No powers of this House can conceal from unsophisticated minds the fact that the Irish Church is an enormous social wrong. Well, you have but to familiarise the minds of the people of this country with the assertion that it embodies the same principle and policy as the English Church, to involve the latter in the same condemnation with the former. The Church Establishment of this country, Sir, will stand as long as it is sustained by public opinion. But public opinion will be all the less likely to shield it from attack, if it is associated with an institution which nobody can justify.

Lastly, my proposal will, no doubt, be denounced as calculated to inflict upon Protestantism in Ireland "a heavy blow and sore discouragement." Sir, in my conscience, I do not believe it. But, Sir, I draw a wide distinction between Protestantism as a spiritual principle, and Protestantism as a political institution. This House may rest assured that the strength of Protestantism does not reside in wealth unjustly obtained, nor in State favour improperly bestowed upon it. I assert that your policy has weakened Protestantism in Ireland, by placing it in a false position. You have sent her upon a mission of love, in a garb which does not belong to her—a garb of exclusiveness, insolence, and enmity. If she is not heeded, the fault is yours, not hers. You have done your best—unconsciously, of course—to render her odious to the population; and your mistaken policy has but too well succeeded. Sir, I have faith in her principles—I have faith in her clergy—I have faith in her members—but I have no faith in your preposterous arrangements on her behalf. Hitherto those arrangements have resulted in nothing but failure; and it appears to me that Protestantism in Ireland has infinite reason to pray that above and beyond all things she may be "saved from the folly of her own friends."

And now, Sir, although I am conscious of having trespassed upon the patience of the House at too great length, I feel myself bound to present a rough sketch of the plan by which I conceive the principle of impartial disendowment might be reduced to practice. The House will allow me, I hope, for the sake of showing the entire extent of that plan, to suppose that I am free to deal with all existing State Endowments of religion in Ireland. I am aware that such is not the case at the present moment, the abolition of Ministers' Money having been negatived by a vote of the House during the present Session, and the Maynooth Endowment having been taken out of my hands by the Bill of the hon. Member for North Warwickshire. Still, for the sake of unity, I will assume that I have to make provision for carrying into effect the policy of disendowment in all the directions in which Parliament can now apply it.

Well, Sir, I would suggest, with a view to this, the constitution of a special Court—for a limited term—analogous to the present Encumbered Estates Court, and having at once the powers of an executive Commission, and also of a Court of Equity. I would vest in that court the fee simple, if I may so call it, of all State Ecclesiastical Endowments in Ireland. It would take possession at once of the fund standing in the name of the Ecclesiastical Commissioners in Ireland, and to it would be annually paid the sum charged upon the Consolidated Fund for the endowment of Maynooth College, and the grants voted by this House for Belfast Professors and Nonconforming Ministers. But in the case of the endowments and property of the Protestant Episcopal Church, with the exception I have already named, it would come into possession only upon the decease of each existing beneficiary.

The first claimants upon the funds thus accruing would be those clergymen who, in case of the abolition of Ministers' Money, the repeal of the Maynooth Endowment Act, and the discontinuance of the *Regium Donum*, are entitled to receive whatever they now receive from the State during the remainder of life. This list, of course, would be gradually cleared off by the death of the recipients. The second class of claimants would be the private patrons of livings, who have a right to expect full compensation for the somewhat anomalous, but yet legally recognised, property which State policy would extinguish. They, however, do not number in Ireland above 300 altogether. The third class of claimants would be Protestant congregations, who have voluntarily expended their own money in the improvement of the Church property of their respective parishes. I suggest that the Court should act as a Court of Equity in determining the validity and amount of such claims, subject to appeal, if it be wished, to a superior tribunal, and that it should be authorised to pay over, to individual claimants, or to trustees on behalf of Protestant congregations, such compensation as may be legally awarded. The property left in the hands of the Court for the benefit of the Irish public would comprise church edifices, glebe houses, lands, rents, rent-charges, &c. With respect to sacred edifices, I think, perhaps, the most satisfactory arrangement would be to leave Protestant Episcopalian congregations in undisturbed possession of them; and in respect of lands and glebes, the Court would have the power of sale. The rent-charges would constitute the main difficulty; because, if left in their present shape, it would be necessary to maintain an extensive and costly machinery for their collection. I would suggest that power be given to the landowners to redeem them at—say ten or twelve years' purchase.

Well, Sir, the whole of the net property thus accruing to the proposed Court, by the falling in of life-interests, ought, I think, in common fairness, to be expended in Ireland. I suggest that this property should be made available, in the first place, to the founding and supporting of infirmaries, hospitals, lunatic asylums, and reformatories; and that what is not required for these objects should be laid out, under the direction of a Board of Works, in the construction of piers, harbours, light-houses, and quays—in providing arterial drainage, in deepening rivers, and in such other public undertakings as would best develop the great natural resources of the country.

Sir, having thus submitted a rude outline of the plan which I should recommend as the fittest for carrying the policy of impartial disendowment into effect, I am most anxious that the House should understand that I do not ask the House to pronounce any opinion on that plan, by the vote which it will give to-night. But it would hardly be candid to conceal from the House the resolutions I should propose in Committee, if the House should consent to resolve itself into one. I have no need to include the question of Maynooth—a Bill on that subject being already before the House. I cannot, in accordance with the forms of the House, embrace the abolition of Ministers' Money—that matter having been decided by an adverse vote of the House this Session. The three Resolutions I should propose would be the following:—

"1. That it is expedient to make provision for the application to other than ecclesiastical uses, of all sites, glebes, tithes, rent-charges, and estates, at present enjoyed or received by any clerical person of the Protestant Episcopal Communion in Ireland, for the support of Divine worship according to the rites of the said communion—but so as not to affect in any manner existing life-interests, and to pay due regard to any equitable claims which may arise out of the secularisation of such property.

"2. That it is expedient to exclude from the estimates annually presented to this House on account of the grant commonly called the *Regium Donum*, all sums on account of new congregations—and also to reduce the said grant, and the grant now annually made for the professorships of the Belfast College, according as the lives fall in of any persons at present in the receipt of any monies out of either of such grants.

"3. That the Chairman ask leave to bring in a Bill to carry these resolutions into effect."

And now, Sir, my whole proposition is before the House. I cannot adequately express my gratitude for having been permitted to make it, and for the patience and kind indulgence with which I have been listened to. I will not further abuse that patience by making any appeal. What I ask for is, in one word, justice—justice to a people whose long endurance of wrong entitles them to this reparation. And I venture to add the expression of my belief, that in doing justice to Ireland, you will at the same time gain the respect and subserve the best interests of the people of England. Sir, I move the Resolution I have placed in your hands.

Motion made, and Question put—

"That this House do resolve itself into a Committee, to consider the Temporalities of the Irish Church, and other pecuniary provisions made by Law for Religious Teaching and Worship in Ireland."

MR. KIRK said, that he had hesitated to present himself to the House in the hope that some hon. Member connected with the Established Church in Ireland would have replied to the speech of the hon. Member for Rochdale. That Church, no doubt, would find abler defenders among hon. Gentlemen opposite than he could be; but as the Church to which he belonged had been attacked by a side wind, he wished to say a few words on the present occasion. As regarded the Established Church in Ireland, he would content himself by simply observing that she was established on a basis from which she would not easily be overthrown. Her vast revenues might, no doubt, be more evenly distributed and more wisely applied; but that was a matter of internal regulation with which he had nothing to do. As to the *Regium Donum*, he could not but feel that the facts which he was about to state to the House fully justified him in opposing the Motion of the hon. Gentleman. This sum of £40,000 a year was a grant to the Presbyterians in Ireland in lieu of tithes of which they had been dispossessed—in fact, it ought rather to be considered in the light of a restitution, than of a grant. There was no doubt that the money thus bestowed was well applied, for it was applied to the maintenance of ministers who were labouring amongst the poorest, and, at the same time, the most orderly, industrious, and peaceful subjects of the Crown. It was said that the Presbyterians in the north of Ireland were rich. This was not so. It was true that Belfast was a flourishing town; but even there it was a proverb that when a Presbyterian became rich and set up his carriage, he drove not to the meeting-house or chapel, but to the Established Church. In fact, the Presbyterians were by no means rich, and stood in great need of this grant. So far, therefore, from admitting that the grant should either be reduced or taken away, he would say that by so doing they would deprive themselves of machinery most valuable to the empire. By voluntary exertions chapels were built, manses were erected, and missionaries were supported; but this could not be done if the grant was discontinued. It certainly was much better to pay this sum of £40,000 for the prevention, than paying double that sum for the repression and punishment of crime. £5,000,000 a year were remitted from Ireland to absentee landlords in England, who were consuming exciseable articles here. These gentlemen spent here the money which they drew from poor Ireland — a state of things which was the natural result of the Union. £275,000,000 of Irish money had been spent here since the Union. He had at one time thought the late Mr. O'Connell was dishonest in advocating repeal, but he now believed that O'Connell was far nearer being right than he had supposed him to be. Let the English pay their own local taxation—let Ireland pay hers, and see who would be the gainers. He believed this grant of £40,000 a year was well spent among the Presbyterian clergy. The Presbyterians of Ireland maintained their missionaries and Scripture-readers, built and supported chapels, erected manses and purchased the sites for them, and paid the rent for the lands around them; but whilst they did this there were a number of congregations constantly springing up in various parts of the country, and they were obliged to pay annually considerable sums for the maintenance of their ministers while these congregations were in course of formation. The Presbyterian Church in Ireland was altogether in a different position from that of the voluntary Churches of this country. According to the rules of the Presbyterian Church, every minister must not merely preach and perform Divine service twice on the Sunday, but visit from house to house on the week days; and his visits were not confined to the houses of his stated hearers, but extended to every person who was willing to receive them. Those alone who were aware of the working of such a system as this could fully appreciate its valuable effects upon the religious and moral tone of society. They built their chapels, then, and kept and maintained them free. But how did voluntaryism proceed here? Generally the chapel was built as a matter of pecuniary speculation. The chapel being built, the next thing was to let the seats at a rent, out of which the minister received his stipend, and if there were any balance, which was seldom or never the case, it was applied, with the collections made at periodical intervals, among the congregation, in defraying the cost of public worship, the payment of interest so long as a debt remained on the building, and to meet what was, in short, generally known as the "incidental expenses." Of the two systems judged by the results, and the standard of morality existing in the two countries, as tested by the criminal statistics of both, there could be no doubt that the voluntary system in England was vastly inferior to the Presbyterian system in Ireland. It was true, agrarian outrage existed in Ireland, and not here; but what was needed to produce a better state of things in Ireland, than at present existed, was not so much the change proposed by the hon. Member for Rochdale as the settlement of the relations between landlord and tenant on a footing suitable to the country. He would tell the hon. Member for Rochdale and his friends there to begin their reforms at home, among their own people, before they showed such anxiety to carry the reformation to India, China, and Ireland. There was a fearful depravity in this country, and the fatal evils of the system of betting had arisen to a terrific height. He, therefore, upon those grounds, felt that it would be far better for English Members to turn their attention to their own country, and try to elevate its social and religious condition, rather than to be continually intermeddling in Ireland. Let Englishmen reform themselves, and then reform Ireland.

Mr. LINDSAY, as an instance of what voluntaryism did in Scotland, would refer to the Free Kirk, which, in 1855, raised no less a sum than £307,653 by voluntary contributions. Then, again, compare the United Presbyterian Church in Scotland with the Presbyterian Church of Ireland. The Presbyterian congregations in Ireland amounted to 518, which in one year had raised only £21,471, while the 504 Presbyterian churches in Scotland had raised, in the course of one year—1853, to which year the last return applied—£156,000, by voluntary contributions. This showed what a people, though poor, could do when left to themselves in support of the Church and its ministers, and how State aid chilled and repressed charity. True, the people of Ireland were poor; but so, in many districts, were the people of Scotland, who, however felt it to be a duty to support their own clergy. The fact was, that wherever religion had most spread it had been owing to voluntary exertions. If ministers of the Church of England sent missionaries abroad they adopted the voluntary principle, and he believed that if the Presbyterian Church in Ireland were to give up these endowments, and depend on their own exertions, it would, in the end, be better for them. He hoped the House would give its support to the proposal of his hon. Friend the Member for Rochdale.

Mr. NEWDEGATE: Sir, it was with deep regret that I listened to the speech of the hon. Member for Rochdale (Mr. Miall), for it was with pain I found that the Roman Catholic Members had persuaded a Protestant to make an attack on the property of the Church. It is more seemly, at all events, that Members of the Roman Catholic persuasion, after the engagements they contracted by oath on their admission to this House should, when Motions are brought forward calculated to destroy the Established Church, encourage a Protestant to make the attack, rather than violate all decency by doing so themselves. I hope they will at least adhere to the silence they have hitherto (with the exception of three) observed; and that they will leave their case to the championship of such nominally Protestant Members as may be found to support it. Sir, I was struck with the course of the argument which the hon. Member adopted. He said he was stimulated to this attack upon the Irish Church by the fact that the House had consented to the abolition of the Maynooth grant. It appears that this movement has alarmed him. He fears this success of Protestantism. It is painful to him that the Church of Ireland should continue to diffuse her benefits in that country, while the Roman Catholic establishment at Maynooth is no longer to be enabled to provide more priests than Parliament ever imagined would be necessary for the population of that country at the time the grant was sanctioned. It is painful to him that Maynooth should not continue to provide, not that number of priests which Parliament originally contemplated, but one-third more. And this earnest Protestant has now adopted, as a substantive Motion, that old-fashioned Amendment which those who defended the College of Maynooth always moved on the Motion for the discontinuance of the annual grant, but which the House never allowed to be imposed upon it, in order to divert its attention from that object. The hon. Member, actuated by his fears for Protestant success, has now determined that as Protestantism has advanced in that House, he will, if possible, import some element of disunion which may defeat those who object to the Maynooth grant by diverting public attention from it, so as to save the College from the fate that hangs over it. Sir, there are some Nonconformists whose Protestantism I cannot understand. They are resolved that either all religions shall be endowed or that all shall be disendowed; and the hon. Member would apparently, consider it just that Nonconformists should be endowed by the State. For the scheme proposed by the hon. Gentleman at the end of his speech, provided that a portion of the funds to be taken from the Church of Ireland should be devoted to the construction of Nonconformist schools or churches. [Mr. MIALL: I never entertained such an idea.] Then the hon. Member is so far consistent. But he certainly urged that the Church of Ireland should be disendowed unless all other sects were endowed. And I hope the House will mark with reprobation this attempt to disendow the Church of Ireland at the very time when, as the hon. Member himself acknowledges, that country is in a state of quietude and improvement. The hon. Member could not deny the fact that the efforts of the Protestant missionaries and the exertions of the clergy of the Irish Church are being crowned with success—that in large districts in Ireland the Protestant faith is disseminated ["Oh, oh!"] It is no use to deny it; I boldly state it as a fact, that not only has there taken place a great diminution of the number of Roman Catholics in Ireland from the effects of famine, fever, and emigration, but a simultaneous increase in the numbers of the Protestants is occurring. This is shown by the report of the Church Missionary Society. At the same time we hear from the United States great lamentations of the decrease of Catholicism among the Irish who emigrate there, corresponding with its diminution at home. And this is the time selected by a Protestant Member for a Motion to disendow the Protestant Church, covering his assault under the shallow profession of a belief, that the disendowment he proposes will not at all impede the usefulness of the Church; this at the very time, too, that he is labouring to the utmost to deprive the sister Church of England of the means of support for the fabrics of her sacred edifices. Sir, there is a certain section of Protestant Dissenters whom I never see act on such occasions as the present, except in concert with the Church of Rome. We have this evening a remarkable instance of this, when we see a Protestant dissenter labouring for the destruction of the Church of Ireland, which is the object of the Roman Catholics. And it was so in the reign of Elizabeth. I have a little book published by the Protestant Association, which I have long preserved on account of the value of the references it contains, and which shows this was so. It is entitled *The Jesuits*, by Mr. Dalton. It gives an account of the proceedings of that remarkable body —one of the most powerful organisations the world ever saw—at no time more active than now. Dominant at Rome, triumphant in many Roman Catholic countries, established in Austria to the surprise and consternation of all who prize religious freedom, even in the modified form in which any Roman Catholic nation is capable of it—this little work gives an account of the machinations of this body in the reign of Elizabeth. The author said that, in Elizabeth's time, when Parsons and Campion came to this country, "they changed their habits and apparel in order that they might remain unknown." He next quoted from Richard Baxter, who said that the Jesuits "crept into all societies and acted all parts." After quoting various other authentic words to the same effect, the author writes—

> "That there were disguised Jesuits in the time of Elizabeth who pretended to be Protestant ministers, and who excited Churchmen against Dissenters, and Dissenters against Churchmen, and there could be little doubt that in our own times the same work had been carried on by Jesuits in the reign of Victoria."

The author concludes his chapter with an anecdote to the following effect:—

> "A Dominican friar, of the name of John Commine, preached against the Pope and railed against Popery in the Church of England. John Clarkson and his wife deposed that Commine was not a true Protestant, but a false impostor, and a sower of sedition amongst Her Majesty's subjects. He was examined before the Council, when he said that he was a preacher of the Gospel, and that he only wished to make the Church of England more pure. He escaped from England and went to Rome, where he was first imprisoned for having reviled the Pope. He was taken before the Pope, when he stated that he had been actuated by a very different motive from that which was supposed. He said, 'Your Highness will think that I have done you a most considerable service, notwithstanding that I have reviled you.' 'How, in the name of Jesus, Mary,

> and all the Saints?' inquired the Pope. The reply was, 'I preached against set forms of prayer, and called the English Prayer the English mass, and thus it was made distasteful to the people.'"

Upon hearing which the Pope richly rewarded him. Let the House mark the parallel here presented to what is now occurring. The hon. Member (Mr. Miall) has often distinguished himself by his denunciations of the Church of England and her ordinances [Mr. MIALL: No, no.] Now the hon. Member doubtless desired to be deemed a good friend of the Church of England, in advising her to desert and separate herself from the Church of Ireland, yet every Motion directed against the Church of England has the hon. Member's most earnest support. Sir, the Church of England may well beware of advice offered to her by such friends. Let her adhere to her sister Church, which is now extending her sphere of usefulness, and for that very reason is subjected to these attacks. Sir, it will be long before the conduct of the clergy of that Church during the famine is forgotten in Ireland. The people of England remember that conduct with pride, and although the Government as yet are silent, I cannot believe that they so misinterpret the feelings of the great body of the people as to think that it will be in accordance with their wishes to abandon to the attacks of her enemies a Church which has conferred such benefits on Ireland. Sir, I hope the House will mark their sense of the Motion of the hon. Member, who is here the advocate of the Roman Catholic views. Disguise it as he may, he here represents those views. It was not necessary for me to observe the quarter from which the cheers that greeted him chiefly came; my experience in this House leaves me no room to doubt the true character of this Motion, and I hope the House will reject and resist this Roman Catholic attack upon the Church of Ireland.

MR. POLLARD-URQUHART:* Sir, as the principle involved in the Motion of the hon. Member for Rochdale has come before the House in various forms during the four years that I have had the honour of having had a seat therein, and as it has been my lot to have taken part in it on more than one occasion, and as the hon. Member himself, in the masterly speech you have just heard, has so completely exhausted the subject, I should not now have troubled the House with the very few observations that I intend to make relative thereto, if the question did not now appear to stand in a totally different light from that in which it did before the division on the Motion of the hon. Member for Warwickshire. I would now ask the hon. and right hon. Gentlemen on the Treasury Bench, and others on this side of the House, who have so long endeavoured to parry or to fence with this question, what single argument now remains in favour of the existing state of religious endowments? One by one, as the hon. Member for Rochdale has shown you, have the defences of the present Ecclesiastical system in Ireland been carried. Year after year, Session after Session, Parliament after Parliament, I might almost say generation after generation, have the reasons that were so long urged with great plausibility, and which for a time found some degree of favour even with the reflecting and sensible portion of the public, either been utterly refuted, or been shown to be quite inapplicable to the existing system of Government, or to the existing state of religious opinion. There was a time when even liberal and enlightened men thought that there was something in the Roman Catholic religion, and more especially in the religion of the Roman Catholics of Ireland, that rendered it necessary that its adherents should be treated in a different manner from that in which others who differed from themselves in religious opinion should be treated,—when liberal and enlightened men, who would place every denomination of religious dissenters, every sect of Anabaptists, Independents, Socinians, Arians, or Unitarians, on a perfect equality as regarded all political, religious, and even ecclesiastical advantages, thought nevertheless they were doing God a service by endeavouring to exterminate the Irish Papist by a slow persecution. Yet, withal, the Roman Catholics continued to gain strength in Ireland like the Israelites in the land of Egypt. After that came a long denial of civil and political privileges. These times have likewise passed away. Still it was thought the duty of the English Government to maintain, in the midst of this Roman Catholic multitude, one pure Catholic Apostolic and reformed Church, with four Archbishops and sixteen Bishops, and a goodly staff of other dignitaries, with a parochial clergy paid by the produce immediately taken from the fields of the poorest cottier peasantry in the world, to the great majority of whom this Church was an abomination, under the alleged hope that it would, in time, bring within its pale the great bulk of the inhabitants of the country in which it was planted. Well, Sir, this hope again was disappointed. The proportion of Roman Catholics to Protestants continued to increase till the absurdity, I may say the iniquity, of such an institution, in the name of religion, became more apparent than before. Still, for a time, the Protestant Archbishops and Bishops were defended as the divinely instituted successors of the Apostles, whose offices could not be abrogated without sacrilege. Well, at last this abuse became too great even for the feeling of Protestant England, and a partial modification was introduced in the year 1833. But still it was said that a State must ally itself with one form of Christianity—that it could offer support and encouragement to no other—that as England was a Protestant country it could support no other but a Protestant Church in Ireland. Well, Sir, after public opinion compelled the granting of salaries to Roman Catholic chaplains in workhouses and gaols, and Roman Catholic chaplains in the army, it was evident that this argument was no longer applicable to the state of the times. Again there were many people who, while they admitted that no abstract ground of argument could justify the assigning the whole of the Ecclesiastical revenues in Ireland to the Church of a tenth part of the population, yet they thought that, as conscientious Protestants, they were bound to support any institution, however strange and anamolous it might seem, which would have the effect of extending and propagating the form of Christianity which they believed to be true. Sir, if experience had shown that the effects which such persons had expected from the Protestant Church Establishment had actually taken place, I could very well fancy their supporting it, on conscientious and religious principles. But have not all anticipations of this nature signally failed? And is there any reason to believe that they are more likely to be realised in future times than they have been in times gone by. Is not the religious opinion of mankind every day paying less deference to the authority of establishments than it did? I could fancy, indeed, a conscientious Protestant supporting a Church on these principles in the time of Queen Elizabeth, when the clergy were perhaps almost the only individuals in the remote districts who could either read or write—when it was not supposed that the common people were capable of thinking for themselves on religious matters, or of adopting any religious opinions save such as they heard from the state clergy—when it could have scarcely entered the heads of our rulers to conceive that poor people could support any minister save the one who was paid by the State. But, Sir, if the Church of England in the sixteenth century failed to bring men within its fold with all these advantages, can it be supposed that it will succeed better in the nineteenth century, when the most vital religion is found in connection with voluntaryism, and when many people have begun to regard establishments as old and effete institutions adapted only to times gone by. Let gentlemen who, in their zeal for Protestantism, would still maintain the Protestant Church Establishment in Ireland, recollect that, in the opinion of many, the people of Ireland were prevented from embracing the doctrines of the new religion in the sixteenth century principally out of dislike to England. Are they more likely to embrace these doctrines now, when they are offered to them in connection with an establishment, associated in their recollections with English intolerance, English jobbery, and English misrule? I would entreat them also to reflect what sort of people they are likely to bring to their religion by connecting it with such an establishment as the Church of Ireland. The Irish Church establishment makes the Protestant religion the most fashionable, as being connected with the State; it also makes it the cheapest religion, inasmuch as it has funds to provide for its own ministers; it will, therefore, draw within its fold all those who are likely to be swayed by any such motives, in their choice of a religion; it will hold out attractions to all those who are likely to become members of a Church because it is the most fashionable, or because it will save their pockets anything; but it will naturally repel all those who have sufficient regard for their characters as to fear the imputations of such motives, — all those who would wish to be thought above being guided by avarice or fashion in their choice of a religion. Thus this very institution, which so many in their zeal for Protestantism wish to be maintained, seems to be the means for recruiting the Protestant Church with the worshippers of Mammon, or of fashion, but of keeping out of its fold all those who have sufficient self-respect to be desirous to be thought above such an imputation.

Sir, I hear a great deal said in defence of the present Church establishment about the rights of property, and the inalienability of the property of the Church, as of that of any private individual. Sir, the hon. Member for Rochdale has so completely answered this objection, that it would be superfluous in me to attempt to deal with it. I will not, therefore, detain the House by referring to the oft-quoted passage from Mr. Hallam, in which he so distinctly shows the difference between corporate and private property, and the modes in which each may equitably be dealt with; but I would entreat Gentlemen to reflect on the very absurd conclusion to which this doctrine, pushed to its legitimate consequences, will lead. Suppose now that there were no Protestants remaining in Ireland, would not the argument of the inalienability of the property of the church be equally applicable? would a due regard to the rights of property still prevent you from applying to any national, religious, or charitable purpose, all the revenues which nearly three centuries ago were assigned to the support of so many Protestant Bishops and Archbishops? Does not the very supposition of such a case at once show the absurdity of such an argument? Well, then, if the argument is absurd in such a case, where will you draw the line? Would you, out of mere regard to the right of property, maintain the establishment for the sake of only one Protestant,—for the sake of two, or of ten? I am sure you will say no.

Will you then maintain in a country where there is one Protestant to every 100 of other religions? I cannot help thinking you will still say no. Will you maintain it for one Protestant in ten inhabitants? Why, such is the establishment which it is alleged should be maintained out of due regard to the rights of property. I hear it said, indeed, that glaring and absurd as is the disproportion between the number of Church of England Protestants and the total population of Ireland, yet that the present revenues of the Church are not more than sufficient for supplying the spiritual wants of the former. Now, Sir, I must say that ecclesiastical sufficiency has always appeared to me a very indefinite quantity, capable of great expansion or contraction, according to the peculiar circumstances and the political convenience of parties,—something like what for many years we used to hear about the paying price of corn. How many different figures have been assigned as the paying price of wheat? For a long time the people were told that 80*s.* per quarter was the lowest price at which wheat could be grown in this country; then 64*s.*; then 56*s.*; then 53*s.*, the price that was to have been guaranteed under the eight shilling fixed duty; all of which were said to have been calculated with the nicest agricultural and mathematical accuracy. Yet now it is found that wheat still continues to grow without the guarantee of any Parliamentary price. Are the hon. Gentlemen quite sure that their estimates of Ecclesiastical sufficiency are grounded upon any better calculation? Are they certain that their fears of Ireland becoming a moral desert, without the present Church Establishment, are better grounded than were the apprehensions of some that, without a sliding scale or fixed duty, the whole of England would become a desert pasture? If the argument about the inalienability of Church revenues means anything, it means that the Church revenues are the property of the people designed for their religious instruction, and to me at least it seems a strange misappropriation of such property, allotting them to the supposed benefit of a small number of the community, the best able to provide religious instruction for themselves.

Sir, the hon. Member who has preceded me (Mr. Newdegate) has referred to the zeal and charity exhibited by the clergy of the Established Church during the famine of 1846 and 1847, as a reason for maintaining the existing establishment. I for one bear my most willing testimony to the zeal and charity of the body to which he has referred; but does not the hon. Member see that this argument may cut both ways, for the Roman Catholic clergy were fully as zealous and charitable as the Protestant clergy, and there was this difference between their charities and those of others —the Roman Catholic clergy were entirely dependent for support on the voluntary contributions of a people, most of whom were at the best of times very poor; so in a year, when their poor supporters were starving, many of them must have had no income at all, and yet their little nothing, if I may so say, they gave away in charity.

> "Nil habuit Codrus, quis enim negat, et tamen illud
> Perdidit infélix totum nihil."

Their charities, indeed, might be said to exceed those of all others, as much as the two mites cast in by the poor widow exceeded the offerings contributed by the rich men out of their abundance. Again, the hon. Member has asserted as a further reason for the maintenance of the establishment, that a large majority of the Irish who emigrated to America became Protestants after a short sojourn there. I do not know whether such is the case or not, but if it is it forms one of the strongest reasons I have heard why every Protestant should support the Motion of the hon. Member for Rochdale, for it went to prove that the Irish would not embrace Protestantism when offered to them in connection with the Established Church of Ireland, but were brought over to it when it was strengthened by the vitality of voluntaryism. On this very ground I must claim the vote of the hon. Member for North Warwickshire, as an ardent supporter of Protestantism.

Before I sit down I would entreat the present occupants of the Treasury bench to reflect how much their own character as statesmen depends upon the course which they pursue, with respect to this question. Has not the course pursued by them hitherto with respect to it given too much reason to their enemies to say that their conduct has been regulated entirely with a view to their own party advancement, that they admitted the abuse and professed their anxiety to deal with it as long as that seemed the most likely course to gain power or popularity, but abandoned it the instant it ceased to be useful for such purposes. So strong did they profess their feelings on the subject to be in 1834 that they then submitted to the loss of several of their ablest colleagues in consequence. So strong did they still continue to feel on it that, in the April of the following year, 1835, they framed a series of abstract Resolutions respecting it, which were the means of displacing a Ministry. In 1844, just before the conclusion of Mr. O'Connell's trial, they framed a Motion on the state of Ireland, in which all the leaders of the party, several of whom are still in the Cabinet, expressed an opinion to the effect that the continued existence of such an anomaly was in itself almost enough to justify the agitation for a repeal of the Union. And in 1846 they were not ashamed to join a Protectionist Opposition for the sake of turning out a Ministry, because it had not tried measures of conciliation or justice, as they then said they ought to be called, before introducing any measure of coercion. Since that time the party now in power have introduced several coercion Bills, but what single one of the then anticipated measures of justice or conciliation have they since introduced? They have introduced some unpopular measures, but none that could in any way claim to be popular. Sir, those that had the honour of a seat in this House during the Ministry of Sir Robert Peel must recollect having heard, as I well recollect having read, the magnificent philippics of Mr. Macaulay directed against the Government of the day, in which he so frequently and unsparingly applied the term "deep degradation," to their conduct in dealing with several questions in a more liberal spirit than might formerly have been expected by either their friends or by their opponents. May not the same term be applied to those who the instant they get into power abandon all those opinions, by the possession of which they attained their places. Deep degradation, indeed! When did they, to whom you were so glad to apply this expression, ever try to excite unreasonable hopes or expectations on the part of the people, and abandon all their promises the instant the people placed them in power? Twice, indeed, had they lost power by advancing in the popular cause; but never did they seek to retain power by abandoning popular measures. I remember, shortly after I was elected a Member of this House, but before I had taken my seat in it, a friend of mine saying to me that I should get sick of any Whiggish tendencies I might then have, as I should find the promises of the Whigs, who were then out of office, like the vows of sinners in a storm at sea, who are described by Lord Byron as making vows of repentance and amendment—

> " ———— which, keep they won't,
> For if they're drown'd, they can't; if saved,
> they don't."

Such, alas, were the promises of the Whigs; if they were kept out of power, they could not perform them; if restored to power, they did not.

I heard it said, indeed, by the noble Lord the Member for London, whom I am sorry not to see in his place, that the arrogant tone assumed lately by the Roman Catholic clergy prevented him attempting to deal with the question as he once tried to do. The arrogant tone, indeed! Will anybody who is acquainted with the state of Ireland say that the tone of the Roman Catholic clergy, or the other popular readers, is anything like as strong now as it was at the time that the party now in power thought it necessary to deal with the Church question—as it was, for instance, twenty-two years ago, at the time of the tithe agitation, or as it was twelve years ago, at the time of the agitation for the repeal of the Union? Anybody mixed up in the politics of the country, during all that period, cannot have failed to have observed a marked difference between their present and their former tone, a difference that might well justify a Government in yielding to reason now what they might then have refused to have had extorted from them by violence. But even if the case had been such as the noble Lord described, if their expressions had been more unmeasured, if their general conduct had been more arrogant than formerly, are the noble Lords and the right hon. Gentlemen on the Treasury bench so little embued with statesmen-like qualities as not to know that the surest way to destroy the power of the popular leaders is to take away all just cause of discontent from the people? How often used the late Mr. O'Connell to say, "If you wish to reduce me to a mere nonentity, do perfect justice to Ireland"? I say now, if you think the power of the priests, as popular leaders, too great, deal resolutely with what you have so often declared, and what, I believe, every thinking man in Europe declares to be an unparalleled abuse. When you were restored to power in 1846, and, indeed, for some years after, you might have thought that the physical wants of the people, and the social state to which Ireland was reduced by the famine, demanded all your attention. This state of things has happily passed away. Again, for the last three years you might have thought the war demanded all your attention. This, too, has come to an end. For a time, indeed, you might have maintained that the Maynooth Grant had set the question at rest—that as long as it lasted the existing state of ecclesiastical endowments in Ireland might be regarded as a compromise, justified by a regard to old institutions and existing prejudices. Well, it is evident that the time for any such compromise is now gone by. For whatever obstacles you may throw in the way of the Motion of the hon. Member for Warwickshire, depend upon it you cannot long continue to maintain Maynooth in opposition to the expressly declared opinions of the people of England and the people of Scotland. Nor will they admit of any other compromise, such as endowing the Roman Catholic Church out of the Consolidated Fund. If you think that the same opinion will also prevent you dealing in a spirit of fairness with this question, let me remind you of the words of the noble Lord the Member for London, in his resigning speech in 1841, that if the consequence of his pursuing the course he thought to be right were loss of power, then "welcome the consequences." These words were well, in every way, worthy of a British statesman and a Liberal. Would that he and his party had acted up to them. But I call upon you to act up to them now. If you approve of the Motion of the hon. Member for Rochdale, but fear that by supporting it you may lose power, support it as your conscience directs, and say, "welcome the consequences."

MR. GEORGE A. HAMILTON said, that if he had refrained from rising to address the House immediately after the hon. Gentleman the Member for Rochdale had made his Motion, it was not because he was not ready to join issue with that hon. Member, but because he thought, when a proposition such as that made by the hon. Member, affecting the Established Church, was submitted to the House, it was the duty of the Secretary for Ireland to have taken the initiative, and to have expressed the opinion of the Government on the subject. The Member for Rochdale proposed to deal with one of the great institutions of the empire. He proposed that the property of the Church in Ireland should be sold; that the property realised, after paying the present incumbents, should be applied in building hospitals, lunatic asylums, reformatory schools, and in deepening rivers, erecting lighthouses, and other objects of public utility; and this proposition the hon. Member declared was not to be considered an act of confiscation. He (Mr. Hamilton) certainly thought that it was the proper function of the Secretary for Ireland to answer such a proposition as that. He had always considered that it was the duty of the Executive Government in the House of Commons to take the initiative when it was proposed to deal with any of the great institutions of the country; and he did not feel it incumbent upon him to relieve Her Majesty's Government of that part of their duties. The hon. Member for Rochdale had made a very able speech, and with the exception of the proposition itself, there was nothing in it that was calculated to excite any angry feeling. But with respect to the proposition itself, he must at once join issue with the hon. Member, and at the same time express his surprise that such arguments as he had used should have proceeded from the hon. Member. He (Mr. Miall) stood prominently forward as the representative in that house of the Voluntary system, and yet he had advocated that which he called indiscriminate endowment. [Mr. Miall: No.] He had understood the hon. Member to have argued that the equity of the case required what he called indiscriminate endowment—that all sects ought to be endowed—and that Sir Robert Peel, as a consequence of the Maynooth endowment, had contemplated the endowment of the Roman Catholic Church, which in equity ought to have been endowed, but that he was prevented from doing so by the feeling in England.

Mr. MIALL begged to explain. He had argued that the indiscriminate endowment of all sects was the mode which Parliament had preferred, in order to deal with the principle equitably, but that he himself objected to the expediency of that course, although he admitted the justice of it.

Mr. HAMILTON would not, of course, press the argument further, as the hon. Member disclaimed it. He had always thought that the principle of endowments rested upon higher grounds than those which the hon. Member had adverted to in arguing against it. He (Mr. Hamilton) considered that it was the duty of a Christian State to acknowledge some definite system of religious truth, as a homage to religion, and as a means of teaching and circulating religious truth. That appeared to him to be the principle upon which endowments rest. It was not a question of expediency or policy, but it was in accordance with a great Christian duty, which a Christian State was bound to perform; and that duty, under the British constitution, required the endowment of the Protestant Episcopal Church, and, in accordance with that principle, he had always resisted the endowment of two systems of religions which were inconsistent with each other. He could understand the argument that there ought to be no endowment, but the principle of indiscriminate endowment, encouraging at the same time truth and error, was what he could not understand. The hon. Member had remarked upon his having called upon the clerk to read the fifth Article of the Union at the table, and he had argued that the Article had no reference to the temporalities of the Church; but if the hon. Member had read the words attentively, or had referred to the highest authorities on the subject, he must have arrived at a different result. Lord Castlereagh, speaking at the very time of the Union, states—

> "One State, one Legislature, one Church, these are the leading features of the system; and without identity with Great Britain on these three great points of connection, we can never hope for any real or permanent security. The Church, in particular, while we remain a separate country, will ever be liable to be impeached on local grounds. When it shall once be completely incorporated with the Church of England, it will be placed on such a strong and natural foundation that it will be above every apprehension and fear from abuse, interest, and from all the fretting and irritating circumstances connected with our colonial situation. As soon as the Church Establishment of the two kingdoms shall be incorporated into one Church, the Protestant will feel himself at once identified with the population and property of the Empire, and the Establishment will be placed on its natural basis."

Such was the authority of Lord Castlereagh when speaking at the time on the subject of the Union. He would quote another authority as regarded the proper construction of the Article, which could not, he thought, be questioned. Lord Ellenborough, when Chief Justice of England, in 1805, when commenting upon the Fifth Article of Union, made the following statement:—

> "By the fifth Article of Union it is declared, that the continuance and preservation of the United Church, as the Established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the Union. By fundamental is meant, with reference to the subject matter, such an integral part of the compact and Union formed between the two kingdoms as is absolutely necessary to the support and sustaining of the whole fabric and superstructure of Union raised and built thereupon, and such as being removed, would produce the ruin and overthrow of the political Union founded upon this Article as its immediate basis. The words 'the Established Church' import that there shall be only one Church of that description, and which alone shall have the privileges, charter, and denomination of an Established Church annexed to it. These terms necessarily exclude any other co-ordinate and concurrent establishment. Every other Church which has anything beyond what we commonly understand by the word toleration allowed to it, may be considered as so far established within the meaning of this Article; and the Union, of course, in virtue of such allowed establishment, not only to a degree impugned and violated, but, by the express letter of the precise and peremptory provision referred to, absolutely deprived of its very essence and foundation—in other words, substantially destroyed and subverted."

He (Mr. Hamilton) did not know how far it might be considered competent for Parliament to deal with that or any other Act of Parliament; but he thought it was impossible to deny that the proposition of the hon. Member for Rochdale would be a complete violation of it. The hon. Member had expressed an opinion that the Church in Ireland had proved a failure. He (Mr. Hamilton) totally denied that assertion. He denied that as an institution it had failed. The hon. Member had admitted the excellence and value of the clergy as individuals, but as regards the Church, as an institution, he would quote the opinions of Dr. Chalmers—himself not a member of that Church, and possessing many opportunities of seeing and judging for himself. Dr. Chalmers declared the maintenance of the Established Church in Ireland to be an object of great national policy—that it was an organ of greater moral and spiritual blessings to the land than could be achieved by any other machinery that it was possible to devise. Dr. Chalmers adds—

> "The truth is, that among the Established Churches of our empire, that in Ireland, in the vital and spiritual sense of the word, is the most prosperous of the three,"

It was unnecessary to add anything to this testimony, coming from so eminent a man, and he would conclude by expressing his confident belief, that the House of Commons would never consent to a proposition for subverting the Established Church, and calculated to deprive Ireland of the highest religious, political, and social blessings.

Mr. W. J. FOX said, the hon. Gentleman who had just sat down had taken even higher ground in opposing the Motion than the hon. Member for Rochdale; for he held it to be the duty of a Christian State that the teaching of Christianity should be supported and endowed. One must respect such a sentiment; but still the question arose, how was it that no such duty was enjoined by Christianity? how was it Christianity had not prospered since it had been endowed?—how was it that Christianity had given rise to such a diversity of opinions that no one could be endowed without injustice to the rest? And what, then, became of the duty? But the House was not now dealing in the abstract—with the general principle of endowments: the Resolution dealt with a specific case, and contemplated a specific object. The omission of all mention of the temporalities of the Church from the 5th Article of the Act of Union was a remarkable circumstance, and quite coincided with what was known of the principles of many leading statesmen of that day. Lord Castlereagh, who had been quoted as an authority, had unquestionably looked forward to an endowment of the Roman Catholic as well as of the Protestant Church. We were bound to regard what was the real object of the Union. It must also be assumed that the Union was intended for the benefit of the two countries, and if Ireland did not insist upon retaining this portion of her bargain, it did not become the House to compel her to retain it. The case was stronger still if the Irish Church Establishment had benefited neither England nor Ireland. The debate had taken a very rambling form. The hon. Member for Newry (Mr. Kirk), amidst much that was irrelevant, had drawn a very striking picture of a poor Presbyterian trudging to chapel on foot, until more prosperous circumstances enabled him to drive to church in his carriage; but the moral of that picture was, that the patronage and favouritism of the State was the cause of apostacy in religious matters. Surely that could be no recommendation of an establishment as an agency for the promotion of religion or morality. The hon. Member for North Warwickshire (Mr. Newdegate) had said, he could not comprehend the Protestantism of the hon. Member for Rochdale, and he (Mr. Fox) believed in the hon. Gentleman's inability. The hon. Gentleman's Protestantism was bounded by dogmas and ecclesiastical forms; while the hon. Member for Rochdale regarded Protestantism as a protest against any domination over conscience, the assertion of the right of free inquiry, and the equality of individuals in regard to religion. The hon. Member for North Warwickshire was also as much mistaken in the hon. Gentleman's motives as in his principles—he supposed that the present Motion was intended to ward off any danger that might be threatened to the Maynooth Grant. The conception which he (Mr. Fox) had formed of it was just the reverse. To his idea, the object of the hon. Gentleman who moved the Resolutions was to strike at that Roman Catholic Endowment; but he could not single out one Church and act differently towards all others. What was wanted, therefore, was a plain, broad and universally applicable principle, and therefore in the present Motion he attacked the evil in its most obnoxious and prominent form. The hon. Member (Mr. Newdegate) had moreover alluded to the number of Roman Catholics who became Protestants after emigration to the United States. He (Mr. Fox) thought that was attributable to the different aspects in which Protestantism appeared to Roman Catholic minds in Ireland and in the United States. The way in which Protestantism exhibited itself in Ireland created hatred and prejudice against it; while in America it produced a feeling in its favour. As to the Motion itself, he would not go into the details. The question resolved itself simply into the disendowment of all the various religious bodies in Ireland; and the question which next presented itself was this—had they a right to deal with what was called the Church property of Ireland, and if they had the right, was it expedient to do so? The right, he thought, had been manifested by a long series of events. They had altered tenets and ceremonies with which that property was connected. That was, in fact, a transfer of the property. They had given up possession of the church cess. That was dealing with the same property. They had made the Irish landlords a present of twenty-five per cent. of the tithes. That was taking a large share of that property. They had cut down ten bishoprics in Ireland. In short, Parliament had, by a multiplicity of acts, shown that they assumed and exercised without dispute the power of dealing with this property as they would with any charitable bequests which were abused and perverted. The expediency rested upon this, that notwithstanding all that had been said, notwithstanding the testimony of Dr. Chalmers, he could not regard the Irish Church but as a failure. It had no claim to nationality. It was not, it never had been, and it had no chance of becoming, national. If they looked at it as a missionary Church, why as a missionary Church let it be supported. But as a missionary Church it had altogether failed. Generation after generation had gone on seeing the Roman Catholics multiplying in numbers, and fully keeping up their relative proportion to the entire population. It was a confessed failure. Various means had been taken to prop it up, by the endowment of Maynooth, by the bonus to the Irish Presbyterians, which were, in fact, so many inducements held out to let the Irish Church continue as it was; but, continuing as it was, it could never cease to be the occasion of terrible conflict and animosity. Its churches were monuments all over the country of the victory of one party and the defeat of another party, its very existence being a standing insult to the Irish people. Thus regarding it, he should support the Motion of his hon. Friend, not desiring, perhaps, that every minute item of his propositions should be adopted; but seeing the right on the one hand, and the urgent necessity on the other, of revising the distribution of moneys which were appropriated to religious teaching and worship, he thought that urgency had become more pressing than ever, since the votes which had been come to on the Maynooth Grant. He sympathized in the antagonism to Maynooth. The Roman Catholic Church was the very last to which he would give money; but he would deal justly, fairly, and honourably with it, and so give no cause of complaint to its sincere and pious members. They could not do that in their present position. Protestants urged the abolition of this grant, and an urgent sense of justice denied it, unless they dealt impartially with all the other forms and religions, and which, he apprehended, they were called upon to do by this Motion, seriously and earnestly inviting them to consider whether a redistribution of moneys appropriated to teaching and worship in Ireland ought not to be adapted to promote the purpose for which they were intended, namely, to secure the peace of the country and the best interests of the people.

MR. STAFFORD said, that as an Irish proprietor, as well as for other considerations, he wished to say a few words. The hon. Gentleman (Mr. W. J. Fox) had said that he would not enter into the details of the proposed disposal of Church property. But the real question was, whether or not the House would alienate from the Established Church the property which it enjoyed? The hon. Gentleman doubtless knew from his Parliamentary experience that it was much easier to introduce a subject of contention into that House than to deal fully with a question. The hon. Member had also remarked that the debate had assumed a very rambling course. In that he (Mr. Stafford) agreed with him; but there was one part of the House from which no opinion had been elicited, and from which, judging by the mode in which the debate had hitherto been permitted to proceed, no opinion would be elicited—he meant the bench occupied by Her Majesty's Ministers. He had been for many years a Member of that House; and it had fallen to his lot frequently to hear questions brought forward, by English, by Irish, or by Scotch Members respecting the Irish Church and fully discussed; but it was reserved for the present occasion to hear a discussion of nearly four hours, in the course of which opinions had been stated favourable and adverse to the appropriation of the property of the Irish Church, and arguments used based upon historical, theological, and constitutional grounds, without any Member of Her Majesty's Government offering to enunciate the views of Her Majesty's present Ministers. He did not blame the noble Lord at the head of the Government, because, according to the precedents of other and better times, some subordinate member of the Government connected with the particular department to which the subject belonged, should have risen after the mover, and stated the course which the Government intended to pursue, and then it would have been for the Prime Minister, or leader of the House, at the end of the discussion, to have answered subsequent speakers. But the Government ought to know and feel that, whether the House or the country were divided upon this question or not, they were, at all events, in earnest, and would ill support any Government which imagined they could, by withholding their opinion, or shifting the question, deal with this in the manner in which other subjects had been dealt with. When he expressed a wish, at the commencement of the evening, that the discussion should not be brought forward, he did not suppose that speaker after speaker would have risen and the debate proceeded to its present point without any statement or intimation from the Treasury Bench. He challenged the Secretary for Ireland to answer ; but if that right hon. Gentleman found it difficult, from his antecedents, to undertake the task—if he dreaded to be reminded of past speeches—if his votes on former occasions would supply a disagreeable contrast to the vote which, it was to be assumed, he must give on this occasion, at all events some other Member of the Government should get up, and not keep the House in the dark with regard to the course they intended to pursue. If he understood the hon. Member for Rochdale, he did not intend to withdraw his Motion, but to press it to a division, so that, sooner or later, avoid it as they might, shirk it as they would, the votes of the Members of Her Majesty's Government must be decided. It would therefore be better for the right hon. Gentleman or some other Member of the Government, even at this eleventh hour, to state what course they would take and the reasons by which they were actuated, although it was too late to do it with the same credit which they might have obtained at an earlier period of the evening. He did not hesitate to state that his opinions were diametrically opposed to the details of the Motion. He would again call upon the right hon. Gentleman the Secretary for Ireland to come forward and say what he thought of the appropriation of the property of the Irish Church. The right hon. Gentleman had, however, been so long absent from the debate, and had apparently paid so little attention to it, he might not perhaps be quite aware of the subject propounded for discussion. For the advantage of the right hon. Gentleman he would briefly state it. The hon. Member for Rochdale proposed by his Motion to dispose of the whole property of the Irish Church, on terms peculiarly advantageous to the holders of landed property in Ireland. He proposed to allow landowners to purchase the tithe rent-charge upon a very reasonable term of years. He proposed to relieve real property, by appropriating some of the present pay of ministers of the Established Church to certain charges upon it ; and he proposed altogether to get rid of religious differences in Ireland. It was now half-past ten o'clock and it was not asking too much of the Government that some member of it should get up and tell the House the opinion entertained by Her Majesty's Ministers of the Motion.

Mr. HADFIELD thought his hon. Friend (Mr. Miall) had made the hon. Gentleman who had just sat down much too good an offer in promising him the Irish tithe rent-charge at ten or twelve years' purchase, and he hoped to see the hon. Gentleman come to that side of the House and help his hon. Friend on this question. The hon. Gentleman complained that no Member sitting on the Treasury bench had got up to state the views of the Government on the question under discussion. But the hon. Gentleman had himself been a Minister of the Crown, and did he find that religious affairs were pleasant to handle ? If so, how did it happen that some of the zealous supporters and the leaders of his party gave no vote upon the Maynooth question ? Why, they knew if they voted against the Maynooth grant what a predicament they would be in when they, in turn, came to sit upon the Ministerial bench. The noble Lord at the head of Her Majesty's Government, too, had stated that he would be glad if his hon. Friend the Member for Rochdale would consent to postpone his Motion. No doubt the noble Lord would be glad, and very glad, too, if the Motion were to be postponed altogether; and so would the hon. Gentlemen opposite. But this was a question that must be settled, for by voting money in this indiscriminate way to various sects, they were doing more to promote irreligion throughout the country than could well be conceived. There were in the United Kingdom 27,000,000 of inhabitants, and how many of them were Episcopalian Protestants? Not quite one-third the number. [*Cries of* "No, no."] Well, he (Mr. Hadfield) would argue that point. In all Scotland they did not exceed 100,000. In Ireland they were not more numerous than one in eight; and although this country was the place where they were most numerous, yet, according to the Census returns of 1851, there was in England and Wales a majority of Nonconformists. He, therefore, thought he was right in saying that the Protestant Episcopalians were not one-third of the population. Was it, therefore, for the sake of that minority, Government would continue to keep alive this fruitful source of religious dissension? Now, his opinion was, that both the grant to Maynooth and the *Regium Donum* should be taken away. If they took away both those grants the Church of Ireland must fall, and with that fall would begin religious peace in that country. He must confess he was oftentimes grieved to see the Roman Catholic Members, because they had got a grant for Maynooth, go into the lobby in support of grants to Presbyterians, and the Presbyterians, who are Calvinistic Protestants, in return support Maynooth. The hon. Member for Newry, for instance, voted for continuing the Maynooth endowment, and he also supported votes of public money to the Socinian professors in Ireland, with whose religious views he in no way agreed. No regard was shown in this House for religious truth, but all doctrines and professions were confounded and blended together, and were subsidized by the State. These controversies were most pernicious and offensive, and the conduct of religious bodies in accepting these grants made good men hang their heads in shame and sorrow. He did, therefore, hope that his hon. Friend would not only divide the House, but still persevere in the matter, and he hoped he might live to see the grievance of the Irish Church removed, and Christianity exercise a healing influence on the wounds of the people.

MR. NAPIER said, he had waited in vain for some Member of the Government to address the House on this subject, and, therefore, would proceed to direct the attention of the House to the real question on which they would have to pass a judgment. He believed that this was the first time that it was proposed so to desecrate that portion of the Church property in Ireland left by their ancestors for pious uses and religious purposes; but now both the Irish Protestants and the Roman Catholics were asked to surrender property dedicated to pious and religious purposes that the money might be spent in deepening rivers, or building light-houses and piers. The hon. Member for Rochdale, in the spirit of plunder, said, "I want your money, but not your life;" while the hon. Member for Sheffield said, "I want your life as well as your money." If he appealed to the results of voluntaryism to justify such a demand, he (Mr. Napier) was at a loss to know on what he could found an argument in its favour. What had it accomplished in this country, in the way of advancing general civilisation compared with the influence of the Established Church? The property of that Church was the most sacred of all properties, and its title the most ancient of any in the country. It was said, that it was intended to deal with the property of the Irish Church as in the case of an abused trust; but if it was to be dealt with as an abused trust, they must refer back to its original object; but that was not the proposition here. The present measure was nothing but a measure of direct and downright confiscation and misappropriation. Before they would rend the garment, now they would cast lots for it; and, although the hon. Member said he was about to try an experiment, he very much mistook the spirit of the people of Ireland if he expected them to stand quietly by and submit to such a daring insult. If the hon. Member fancied that such a project could be carried out without a conflict (which he feared to contemplate), he was much mistaken. He warned the House that if ever such an attempt succeeded, the struggle would be a fierce one, and would light up the flame of religious discord from one end of that island to the other. To make a proper re-distribution of Church property in Ireland on an adequate scale to meet the claims of the Protestant parishioners, would, as he had taken occasion to point out in a former debate, actually require £70,000 more than the whole income of the Church. The hon. Gentleman had bound up together in one, this question—the grant to Maynooth and the *Regium Donum*. But this was an entirely distinct question from either. What was the title by which the Church held its property? The title of the Church to her property was founded not upon Act of Parliament, but upon the common law of the land. He was speaking now of a period long before the Reformation and even before the English invasion, consequently before the introduction of the Papacy. The Irish clergy derived their Church property under strict ecclesiastical succession as far as one portion was concerned, and another portion had been obtained after the Reformation in consequence of grants from the Crown and from many pious donors. These grants were subsequently confirmed by Act of Parliament; they were part of the settlement of property to which the oath of Roman Catholics referred, and therefore ought not to be interfered with. This property was given to the Church for all time—for after ages as well as the then present. The title, however, was a Parliamentary as well as a historical and scriptural title; for at the time of the Union it was confirmed to the Irish Church. It was plainly provided by the 5th Article of the Union that the Irish Church should be secured from spoliation; Sir James Graham himself had expressed an opinion that to interfere with its property was contrary to this Article, and to apply the revenues of the Church of Ireland to any secular uses would be clearly a violation of the Act of Union; and that he would never give his consent to any proposal to transfer any part of these revenues in any shape to any other party. That, also, was the opinion of Lord Plunket, the greatest advocate of the civil claims of the Roman Catholics, who said that the moment the property of the Irish Church was touched, the Union of the kingdoms was doomed. He should be quite ready if any one would come forward with a proper plan, for increasing the utility of the Church in Ireland, to give his best assistance to expand its parochial agencies. Under the wing of the United Church, every one, whether differing from or agreeing with the principles of the Church, enjoyed the most perfect liberty of conscience; but the hon. Gentleman opposite (Mr. Hadfield) wished to strike at that very liberty, and deny to the Established Church the same freedom which he himself enjoyed. Let him ask the House, ought he not, as an Episcopalian living in Ireland, to have the same privileges as an Episcopalian living in England? The hon. Gentleman declared he was willing to respect the rights of the present generation, but they might call upon him to say why he would deprive them of the right, or, rather, interfere with the duty of handing down to their children coming after them those Church privileges, unimpaired, the blessings of which they had the happiness to enjoy for themselves. It was quite evident that this was an attempt upon the part of the hon. Member to take advantage of the peculiar circumstances of Ireland to raise his favourite question of compulsory voluntaryism. But did any one in his senses imagine that the Church in England could stand after that in Ireland had fallen? With regard to the *Regium Donum*, his opinion was, that in the nature of its endowment it differed from the property of the Church. It was not strictly a religious endowment—it was a grant made to the Presbyterians of Ireland by Parliament on grounds of public policy, and the faith of Parliament and of the Crown was pledged to its maintenance. The Presbyterians were invited to settle in Ireland, and they acted on that invitation. They required some support, and assistance was, therefore, extended to them in the shape of this grant, in order to the maintenance of a suitable ministry. The members of the Irish Church and the Presbyterians differed, for the most part, only in questions of discipline, and he would stand by them in the same way as he would by his own Church, and would say that the faith of Parliament was pledged to them, and they deserved to be assisted. On the other hand, as regarded the Maynooth grant, that stood upon an entirely different ground. Hon. Gentlemen opposite might cheer, but they must remember at all events that he had never shunned the open discussion of that question, never having suppressed his opinion upon it. At the same time a sacred title, based upon more than twelve centuries' duration, was somewhat different from the title to a Parliamentary grant made so late as the year 1845, for a professed purpose, and with a particular object; and if, upon inquiry and investigation, it appeared that that particular purpose and object had failed, and was frustrated, why, then, he thought it was a reasonable question for Parliament to consider, whether the grant ought not to be withdrawn, or, at least, reconsidered and remodelled. He held that the title to the property of the Irish Church was a most sacred one, and that it was the duty of the Government above all things to maintain the parochial system in Ireland. The national faith was pledged to the *Regium Donum;* and Parliament had not the right, though it might have the power, to take away either the *Regium Donum* or the property of the Church. They had no right to attempt to avenge upon the Irish Protestants of the present day the crimes and iniquities of English policy in former days. He confessed he had often felt indignation, not merely as an Irish Protestant, but as an Irishman, at the way in which his country had been dealt with under the rule of England. He believed the object had been, not so much to maintain the Protestant religion as the English Government. That time, however, ought to have long since passed away, and he hoped that the House would show itself firm upon the present occasion. He hoped at all events that the noble Lord at the head of the Government would speak out with frankness and manliness. Speaking for the Protestants of Ireland he would say, valuing their Church as they did, they wished at the same time to live in a friendly spirit and good feeling with their countrymen of the Presbyterian and Roman Catholic churches. Stand by their Church with firmness and determination the Protestants would to the death; and it was not by any miserable sophistry or daring spoliation that they would be deprived of that which they meant to hand down unimpaired to their children's children.

VISCOUNT PALMERSTON: I must in the first place, return my thanks to hon. Gentlemen opposite, and say how much flattered I and my colleagues feel at the extreme anxiety which has been expressed by hon. Members on that side of the House to know the opinions of Her Majesty's Government as a guide to the course which they themselves, I presume, intend to pursue. I hope that we may infer the future from the present, and that upon all great subjects we shall find hon. Gentlemen sitting on the other side of the House undecided in their policy and undetermined in their opinions until they are favoured by an intimation of the course to be followed by Her Majesty's Government. I presume it will not be supposed that, upon a question of this importance, Her Majesty's Government have not formed an opinion, and are not prepared to express it to the House. I must at the outset repeat the opinion which I expressed in the early part of the evening, that I regret very much discussions of this kind when they take place in Parliament; for when matters bearing upon religious beliefs come to be debated as they have been to-night, it is impossible for any man not to feel that unchristian feelings and prejudices are frequently entertained by those who are themselves the most sincere in their own creed. People dwell upon points of difference when they might, I think, more advantageously dwell upon points of common accord. The different denominations into which the Christian community are divided seem to me to be more apprehensive that the particular points on which they vary should not be brought prominently into view, than anxious that the common truths in which they concur should be as widely as possible diffused. The more sincere and zealous different sects are, the more they seem determined to use every possible exertion to prevent those who don't agree with them in all respects from receiving any assistance for the diffusion of religious instruction and the propagation of those common doctrines which are the foundation of the belief of all. On the present occasion we have been led into a religious discussion; but I shall confine myself to the more political part of the question. The debate has been divided into two portions, the one applying more particularly to Ireland, and the other to the question between an establishment and the voluntary system. Now, with regard to the Irish question, I cannot agree with those who maintain that no value is to be attached to the 5th Article of the Union between England and Ireland. It seems to me that those who argue this question on the ground that there is no mention in that Article of the temporalities of the Irish Church, use an argument that resolves itself into this, that the Article has no meaning at all. If the Article simply means that the doctrine and discipline of the established religion of England shall be maintained in Ireland, that is what no Act of Parliament could enforce, for it is an obligation upon opinions and consciences which it would be vain to endeavour to enforce by a legislative enactment, or by the article of a treaty. If that 5th Article has any meaning at all—and it is preposterous to suppose that it is a vain delusion, and that it has no real and substantive intention—it must mean, in the common sense of mankind, that the Church of Ireland, in harmony with the Church of England, is to be maintained. No other meaning can possibly be attached to the Article. I do not, however, go so far as those who would argue that that Article prevents you from dealing with the Irish Church. In order to maintain that position you must go further, and say that Parliament is precluded from dealing with the English Church. There was nothing inconsistent with a faithful observance of the Article in the arrangements which were made, I think, in 1845, when great modifications were effected in the establishment of the Irish Church. Parliament is competent to deal either with the Church of England or the Church of Ireland, according to varying circumstances; but it must deal with those Churches not in order to destroy them, but for the purpose of rendering them more effective in their operation. We have been told by the hon. Gentleman that the endowments of the Irish Church have been diverted from the purposes for which they were granted, and that they are now possessed illegally, and against the intentions of the founders, by a Church differing from that upon which such endowments were originally conferred. That argument applies quite as much to the English as to the Irish Church. The endowments of the English Church, or, at least, part of them, were held by the Church while it was a Roman Catholic Church, and there is, therefore, as strong reason for abolishing the English, as for abolishing the Irish, Church. That argument appears to me to be destitute of force. These endowments were given to the ministers of religion for the purposes of religious instruction, and if, in the course of events, the creed of the Church has been changed, the endowments are still those of the Church, and I hold that there is no perversion of the endowments, or misapplication of the property, so long as it is possessed by the ministers of the established religion of the country. I do not agree with those who maintain that what is called the property of the Church is so strictly belonging to the ministers of religion that Parliament cannot deal with it; I do not concur with the hon. Gentleman who has described the property of the Church as the property of the people,—the property of this parish or of that parish, of this county or of that county. Undoubtedly the property of the Church belongs to the State, and the State represented by its proper organ, the Legislature, has the power and the right of dealing with that property as the circumstances of the time may require. The real question, however, between the hon. Gentleman who moved the Resolution and those who differ with him, is not the question of the Irish Church. Although the Motion of the hon. Gentleman relates directly and chiefly to Ireland, yet the whole course of his argument, and of those hon. Members who have supported the Motion, takes a much wider range and raises the question of Establishment or no Establishment — of the voluntary system or the ecclesiastical system which at present exists. I, for one, am decidedly of opinion that a Church Establishment is a proper part of the organisation of a civilised country. If example is to be our guide, that is the invariable practice of all nations which have any regard for religion, with the single exception of the republican States of North America. I hold that an Established Church is essential to the well-being of a community. It is said, however, that that Established Church ought to be the Church of the majority of the people. Now, if that argument is good for anything, you can have no Established Church in the United Kingdom, because, I apprehend, there is no section of the Christian community which, as compared with the various denominations that differ from it, could claim a decided majority. Take the Presbyterians and the Catholics, and set them against those who belong to the Church of England; take the Church of England and the Presbyterians, and set them against the Catholics; take the Church of England and the Catholics and set them against the Presbyterians, and, I apprehend, if you were bound by the exact rule of making the Established Church that of the actual majority of the population, you would find it very difficult to maintain upon that principle any Established Church at all. Holding, therefore, the opinion that it is essential for the well-being of a community that there should be an Established Church, I cannot admit that that Church should vary in its creed from time to time, according to the fluctuating proportions of the different sections of the Christian community. I am now brought to consider the state in which things are at present. We find the Church of England the Established Church in England

and Ireland, and I am called upon by the hon. Member for Rochdale, not absolutely by his Motion, but decidedly by his speech and by his arguments, to concur with him in substituting for that Establishment the voluntary principle. I cannot go with him to that extent; and as I am not prepared to aid him in attaining the end which is obviously the object of his Motion, I cannot concur in a proposition that would lead to a result at which I have no desire to arrive. As a general rule it is much more easy for a person to object than to propose, and I must say that my hon. Friend (Mr. Miall) has, without seeing his danger, involved himself in considerable embarrassment by not contenting himself with objections, but by proposing a substitute for the present system. He proposes a plan with regard to the Irish Church, which, if it is applied to Ireland, must, upon the same principle, be adopted in this country. He proposes the establishment of a Board, which is to be invested with all the property of the Church, and he suggests an arrangement which is certainly well adapted to conciliate different interests. To landlords he offers redemption of their tithe rents at ten years' purchase—a very advantageous bargain indeed, and one which the hon. Member for Northamptonshire (Mr. Stafford), as a landowner, would doubtless be very willing to accept. For the advantage of counties he proposes the construction of prisons, lunatic asylums, and arterial drainage; and the "lights of the Church" are to be converted into lights of navigation. This arrangement is no doubt calculated to produce great satisfaction, but I think such a proposal can hardly be seriously entertained. If Parliament really contemplated the abolition of Church establishments in this kingdom and the substitution of voluntary contributions for the endowments which now exist, I think, in all probability, some better and more fitting application of these great revenues could be devised than that which my hon. Friend has suggested. I purposely abstain from entering into those topics connected with religious differences which, I think it is, if possible, most desirable to avoid in discussions in this House; but entertaining a deep, a settled, and a rooted conviction that a Church establishment is essential in every country in which it is thought desirable that religion should be diffused and inculcated on the minds of the population, being perfectly determined never to agree to the substitution of the voluntary system for that of an establishment, seeing that the Motion goes directly to a point which I am anxious to avoid, and believing also, with reference to that part of the Motion relating to Ireland, that it would be at variance with the engagements contracted between the two countries at the period of the Union, I feel compelled to give my vote against the proposition of my hon. Friend.

MR. JOHN MACGREGOR rose to speak amidst loud cries for a division. The hon. Member's speech was so continuously interrupted that scarce a sentence could be heard. He was understood, however, to denounce the Irish Church in very strong terms and to declare his intention of voting for the Motion. He also remarked that Lord Chesterfield, who had so well governed Ireland, had said in an original letter (in Mr. MacGregor's possession) that the Irish were easily governed by dispensing to all impartial justice.

The House *divided*:—Ayes 93; Noes 163: Majority 70.

*List of the* AYES.

Anderson, Sir J.
Bass, M. T.
Baxter, W. E.
Bell, J.
Biggs, W.
Black, A.
Blake, M. J.
Bland, L. H.
Brady, J.
Brocklehurst, J.
Castlerosse, Visct.
Challis, Mr. Ald.
Cheetham, J.
Clay, Sir W.
Cogan, W. H. F.
Cowan, C.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Currie, R.
De Vere, S. E.
Dillwyn, L. L.
Duncan, G.
Dunne, M.
Esmonde, J.
Ewart, J. C.
Fergus, J.
Forster, C.
Fortescue, C. S.
Fox, W. J.
Gibson, rt. hon. T. M.
Goderich, Visct.
Gower, hon. F. L.
Greene, J.
Greville, Col. F.
Hadfield, G.
Hastie, Alexander
Henchy, D. O'C.
Heywood, J.
Hindley, C.
Howard, hon. C. W. G.
Hughes, H. G.
Johnstone, J.
Keating, R.
Kennedy, T.
Kershaw, J.
Kingscote, R. N. F.
Lindsay, W. S.
Littleton, hon. E. R.
MacEvoy, E.
M'Cann, E.
MacGregor, John
Magan, W. H.
Maguire, J. F.
Martin, J.
Milligan, R.
Moore, G. H.
Mowatt, F.
Murrough, J. P.
Napier, Sir C.
O'Connell, Capt. D.
O'Connell, Capt.
O'Flaherty, A.
Oliveira, B.
Pechell, Sir G. B.
Pellatt, A.
Perry, Sir T. E.
Phillimore, J. G.
Pigott, F.
Pilkington, J.
Price, W. P.
Ricardo, O.
Ricardo, S.
Russell, F. C. H.
Scholefield, W.
Scully, F.
Seymour, W. D.
Shee, W.
Shelley, Sir J. V.
Smith, J. B.

Strickland, Sir G.
Strutt, rt. hon. E.
Swift, R.
Talbot, C. R. M.
Thompson, G.
Thornely, T.
Tite, W.
Walmsley, Sir J.
Watson, W. H.
Whitbread, S.
Wilkinson, W. A.
Willcox, B. M'G.
Williams, W.

TELLERS.

Miall, E.
Pollard-Urquhart, W.

*List of the* NOES.

Adair, Col.
Agnew, Sir A.
Alexander, J.
Bailey, C.
Baines, rt. hon. M. T.
Baird, J.
Ball, E.
Baring, rt. hn. Sir F. T.
Baring, T.
Baring, hon. F.
Barrow, W. H.
Bernard, Visct.
Blackburn, P.
Boldero, Col.
Bond, J. W. M'G.
Bonham-Carter, J.
Booth, Sir R. G.
Bouverie, rt. hon. E. P.
Bramley-Moore, J.
Bramston, T. W.
Brand, hon. H.
Buck, Col.
Buckley, Gen.
Bunbury, W. B. M'C.
Burrell, Sir C. M.
Burrowes, R.
Cairns, H. M'C.
Campbell, Sir A. I.
Cardwell, rt. hon. E.
Cayley, E. S.
Cecil, Lord R.
Chelsea, Visct.
Child, S.
Cole, hon. H. A.
Colville, C. R.
Conolly, T.
Coote, Sir C. H.
Corry, rt. hon. H. L.
Dering, Sir E.
Dod, J. W.
Drummond, H.
Duncan, Visct.
Duncombe, hon. Col.
Duncombe, hon. W. E.
Dunne, Col.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Estcourt, T. H. S.
Fellowes, E.
Ferguson, Sir R.
Ferguson, J.
Filmer, Sir E.
FitzRoy, rt. hon. H.
Frewen, C. H.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
George, J.
Gilpin, Col.
Gladstone, rt. hon. W.
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Gwyn, H.
Hamilton, G. A.
Hamilton, rt. hn. R. C. N.
Handcock, hon. Capt.
Hankey, T.
Harcourt, Col.
Hardinge, hon. C. S.
Hayes, Sir E.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Herbert, Sir T.
Hervey, Lord A.
Hill, Lord A. E.
Horsfall, T. B.
Horsman, rt. hon. E.
Hotham, Lord
Ingham, R.
Johnstone, Sir J.
Jones, Adm.
Kendall, N.
Kerrison, Sir E. C.
Kirk, W.
Labouchere, rt. hon. H.
Langton, W. G.
Leslie, C. P.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lisburne, Earl of
Lockhart, W.
Lowther, hon. C.
Lushington, C. M.
Mangles, R. D.
Marjoribanks, D. C.
Maxwell, hon. J. P.
Michell, W.
Monck, Visct.
Montgomery, Sir G.
Moody, C. A.
Mowbray, J. R.
Mundy, W.
Napier, rt. hon. J.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
North, Col.
Oakes, J. H. P.
Pakenham, T. H.
Palmer, Robt.
Palmer, Roundell
Palmerston, Visct.
Percy, hon. J. W.
Philipps, J. H.
Portal, M.
Pritchard, J.
Ridley, G.
Robertson, P. F.
Rolt, P.
Sawle, C. B. G.
Scobell, Capt.
Seymer, H. K.
Sheridan, R. B.
Shirley, E. P.
Sibthorp, Maj.
Smith, A.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Steel, J.
Stracey, Sir H. J.
Stewart, Sir M. R. S.
Stuart, Capt.
Sturt, H. G.
Taylor, Col.
Tollemache, J.
Tottenham, C.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Vernon, L. V.
Walcott, Adm.
Walsh, Sir J. B.
Walter, J.
Warren, S.
Watkins, Col. L.
Whiteside, J.
Whitmore, H.
Wickham, H. W.
Wigram, L. T.
Woodd, B. T.
Wyndham, Gen.
Wynne, W. W. E.
Wynne, rt. hon. J.
Yorke, hon. E. T.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

## TRALEE AND KILLARNEY SAVINGS BANKS.

MR. D. O'CONNELL rose to move the following Resolution—

> "That this House will resolve into a Committee to consider an Address to Her Majesty, praying that She will be graciously pleased to extend the same measure of relief to the Depositors in the late Tralee and Killarney Savings Banks as has been already extended to the Depositors in the late Cuffe Street Savings Bank."

It was universally believed in Ireland that the savings banks had Government security; and it was notorious that the Government used their money and interfered in their management. He should be probably told that the Government had no legal responsibility, and this might be so, but he thought it clear that a moral responsibility attached to them. It would be quite impossible to paint the misery which had been occasioned by the failure of these banks, and he trusted that the decision of the House would give solace to many a heart and alleviate much of this misery.

VISCOUNT CASTLEROSSE seconded the Motion. He trusted the Government would introduce a measure for amending the laws relating to savings banks, and that the disastrous consequences which ensued from these failures might never again occur. In that case there need be no further appeals to the bounty of Parliament, and, in yielding to this Motion, they would have no reason to fear that they were holding out any encouragement to fraud or mismanagement, or that they were establishing any dangerous precedent.

THE CHANCELLOR OF THE EXCHEQUER said, if there were any statute of limitation against cases being brought before the House, the hon. and gallant Gentleman would find an important obstacle in his path. This was by no means the first time that the present case had been submitted to the House. The events referred to took place, he believed, in 1848. In the following session of Parliament a Select Committee was appointed to inquire into the failures of the Tralee, the Killarney, and the Cuffe Street Savings Banks. The then Lord Mayor of Dublin and other Irish Members served upon that Committee, and, the subject having been most fully considered by them, they were unanimously of opinion that the peculiar circumstances attending the Cuffe Street bank justified the partial relief of the depositors; but a majority of the Committee were of opinion that no such reasons existed in the case of the Killarney and Tralee banks. In 1850, his right hon. Friend the present First Lord of the Admiralty (Sir Charles Wood) proposed a vote of £30,000 for the Cuffe Street savings bank, which, after a full debate, was carried by a considerable majority; but they decided not to recommend any Vote in favour of the other two banks. There was no ground whatever for maintaining that any legal responsibility devolved upon the Government for the default of the managers of the savings banks; and the only question was whether any moral responsibility rested upon the Government. That moral responsibilty was negatived by a competent Committee, composed of ten Members, who were by no means opposed to the reasonable claims of the depositors. It seemed to him, therefore, impossible that they could at this day go back from that decision, and reinvestigate a case which occurred seven years ago; still less was it possible to hold out any hope on the part of the Government that any Vote would be proposed in aid of these two banks. At the same time he fully admitted that the case of the depositors in those banks was a very painful one, and he could only regret that it was impossible for him to offer anything more than that sympathy which such a case always excited.

Mr. H. HERBERT said, as the right hon. Gentleman had raised an objection to the Motion on the ground of its having been brought forward after so long a period had elapsed, he was prepared to give a reason why the question had not been mooted before. It was not from any acquiescence in the justice of the decision of the Committee, but because year after year every successive Chancellor of the Exchequer had stated to the House the absolute necessity of legislating, with a view to the security of depositors in savings banks. Year after year Bills had been brought in, but had not been proceeded with; and year after year they were told that the Government would settle this question, involving, as it did, the interests of a large mass of the people of Ireland; and they then were told that the question would be raised as to the justice of compensating those who had lost their money in these savings banks. It was hardly fair, therefore, for his right hon. Friend, after that forbearance to turn round and tell them, that there was a Statute of Limitations against them because they had not pressed this question to an issue. The right hon. Gentleman had referred to the decision of the House when the question of compensation was brought before it; but what, after all the influence of the Government hostile to the Motion, was the majority against it? It was only rejected by a majority of seven. Up to 1844 the depositors had the security of the managers and trustees in the case of failure of these banks. About that time several savings banks failed, and in a debate in that House the unsound and unsatisfactory stute of the law was shown. The attention of the Government was called to this state of things, and what was the remedy adopted by the House? Why, an Act was passed which contained clauses entirely absolving the trustees and managers from all responsibility. He admitted that the Legislature acted wisely and justly in taking away the responsibility from the managers. He did not complain of that; but what he did complain of was, when the unsatisfactory state of things was proved which rendered legislation necessary, that no precaution was taken to secure the depositors against the loss which had since accrued. It was a too constant and too true complaint, that the interests of the rich and of gentlemen of high condition were considered, but the interest of the poor man was totally disregarded. Here he was left to lose the savings of a whole life without the slightest chance of redress. He defied them to say that he had at all exaggerated the present state of things. Poor men invested their savings under the belief of Government responsibility, and under the sanction of high names in their locality; and then found, too late, that the whole system was, as far as they were concerned, a sham, and that there was no Government responsibility in the matter. As representing many poor persons, who, without any fault of their own, had been ruined by the failure of these banks, which they believed rested upon the responsibility of Government, he should support the Motion.

MR. FAGAN corroborated the statement of the hon. Member for Kerry, that Government was thought to be responsible for the sums deposited in the savings banks. The depositors lodged their money under the impression that they had Government security for its safety; and the same obligation which had rested on the Government with regard to the Cuffe Street Savings Bank applied with equal force to this case.

MR. VANCE said, he was not in Parliament at the time the arrangement was come to in the Cuffe Street case, but he knew that great discontent prevailed that the depositors were not paid in full. He moved as an Amendment that this House will resolve itself into Committee to consider an Address to the Crown, praying Her Majesty to extend a full measure of relief to the depositors of the Tralee and Killarney Savings Bank, and also to the depositors of the late Cuffe Street Savings Bank.

Amendment proposed, to leave out the words "the same," in order to insert the words "a full," instead thereof.

Question proposed, "That the words 'the same' stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER regretted he could not assent either to the Motion or to the Amendment. In 1850, the claims of the unfortunate depositors in these three banks had been referred to a Select Committee of which the hon. Member for Cork (Mr. Fagan) was a Member, which unanimously recommended the case of the depositors of the Cuffe Street Savings Bank to the favourable consideration of the Government, but reported that no case had been made out for the depositors in the other two banks. As a matter of compassion 10*s.* in the pound was awarded by Parliament to the depositors in the Cuffe Street Savings Bank. After full consideration by a Committee of the House, and a long debate in the House, he did not consider that he should be doing his duty if he proposed in Supply a Vote of £30,000 to make up the deficiencies in the Cuffe Street bank; £20,000 for the Killarney bank, and a considerable sum for the Tralee bank. At the same time he wished to be understood to sympathise most fully with the unfortunate depositors.

MR. HANKEY said, he could not vote for either the Motion or the Amendment, but still he thought the House had a right to ask the Government the reasons why they left this question of savings banks so long in abeyance. He should move the adjournment of the debate, because he thought they ought to have a more satisfactory answer from the Government, why the depositors in savings banks had been left so long unprotected.

Motion for adjournment of debate *negatived.*

After a few words from Mr. HENLEY, who said that a question so long settled, ought not to be re-opened,

The House *divided:*—Ayes 84: Noes 9: Majority 75.

Main Question put.

The House *divided:*—Ayes 39: Noes 54: Majority 15.

## STAFF OF THE ARMY.

CAPTAIN LEICESTER VERNON rose to move—

> "That it is the opinion of this House, that it will be to the advantage of the service to employ general officers from the scientific corps on the staff of the army."

The hon. and gallant Member was proceeding to complain that there had been no appointments during the war to the staff of the army from the scientific corps, when—

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at half after One o'clock till *Friday.*

# HOUSE OF LORDS,

## *Friday, May* 30, 1856.

MINUTES.] PUBLIC BILLS.—$2^a$ Commissioners of Supply (Scotland); Appellate Jurisdiction (House of Lords); Annuities (No. 2); National Gallery.

## PEACE PRESERVATION (IRELAND) BILL.

Order of the Day for the House to be put into Committee read.

*Moved*, That the House do now resolve itself into Committee.

THE EARL OF DONOUGHMORE said, that he felt compelled to move that the

House resolve itself into such Committee that day six months. He trusted that the Government would withdraw the present Bill and bring in a new one in its place, embodying the alterations which the present Bill made in the old Bill on the subject, so as to state plainly and distinctly what it was they proposed to enact. The original Act, which the present measure partly continued, partly modified, and partly repealed, was the 11 *Vict.* cap. 2. That Act consisted of twenty-three clauses; out of them the Government proposed to repeal seven entirely, and to modify ten. Under these circumstances the most sensible course would be for the Government to introduce a new Bill; for the House, in proceeding with the Bill as it stood, had no opportunity of knowing what it was doing. Another point was, that several other clauses must also be repealed—as, for instance, all those which referred to the constabulary must be struck out, partly as inconsistent with the new clauses of the Bill, and partly as inconsistent with the privileges of the House of Commons. There would then remain not one half of the original Bill in the proposed measure. He had three objections to the point of power, but he had still more important objections of another kind. The history of the Bill was this—It was introduced in 1850 as a temporary measure, being, in fact, a continuance of the old Crime and Outrage Act; it was continued yearly down to 1855 by various continuing Acts. It had lasted from its introduction to the present time, through several administrations, and it was never once supposed or hinted at that the Bill was to be a continuous one. It was enacted under special circumstances, and for a limited time; and it was reserved for the present Liberal Administration to declare that it should be continued for ever. But the circumstances which induced Parliament to assent to the original measure no longer existed, and he protested against the continuance of a system of legislation which gave the Executive undue power, and which proclaimed in perpetuity as it were, that the people of Ireland were beyond the control of the ordinary law. Under this impression—and with the feeling that the Government ought to withdraw the Bill and introduce another—he should move that the House go into Committee upon it that day six months.

Amendment *moved,* to leave out "now" and insert "this day six months."

THE EARL OF BESSBOROUGH said, that the Act now in force expired on the 1st of July, and it was necessary to make some provision for its renewal. To introduce a new Bill would take up a long time both in that House and in another place, and the simplest plan was to move the renewal of the old Bill, leaving out such clauses as were no longer necessary. It was proposed to leave out Clauses 16, 17, 18, and 19, which the law officers and the Lord Chancellor had declared inoperative and unnecessary, or provided for by other Acts of Parliament. On this subject there could be no objection to going into Committee; it would be then competent for any noble Lord to move that the duration of the Bill should be for a limited time.

LORD REDESDALE saw no objection to the Bill if it were intended merely to continue the Crime and Outrage Act; but when a temporary Act was to be made permanent he thought their Lordships should have an opportunity of reconsidering it clause by clause.

LORD CAMPBELL said, that, on the understanding that the object of the Bill was to continue and mitigate the existing law, he would not object to it at the present stage. But he protested against the practice of partially repealing and partially renewing the provisions of existing Acts, the only effect of which was to introduce uncertainty and confusion where everything should be clear and simple.

THE EARL OF WICKLOW said, that the experience of the last twelve or thirteen years had shown that the Crime and Outrage Act and its continuance, the present Bill, had been of great benefit to the country. Its provisions had proved very effective, and it was not now the question whether the greater portion of the old Act was repealed or not, but whether an Act was to be continued of so much benefit to the country. Three clauses were continued, one of which gave the Lord Lieutenant the power of proclaiming a district. It had been objected that there ought to be a notice from the magistrates in the first instance; but no instance had occurred of the power being exercised without reference to the magistrates. The second provided that proclaimed districts should pay the expense of the police, which was but fair to the Consolidated Fund; and the third provided that persons should not carry arms without licence. All these provisions had been found to be of benefit to the country; it was not advisable that there should be an annual discussion upon them; and he called upon the House to consider the responsibility which it would incur by rejecting a measure, to which much of the present tranquillity of Ireland was probably due.

Lord ST. LEONARDS said, the House had to consider two questions—one a question of form, and the other a question of substance. He did not think there was much difference of opinion among them as to the substance of the measure, because he believed that any one who knew what the state of Ireland had been of late years, could hardly consider that it would be necessary to make the Bill a permanent one. But he attached more importance to the question of form. The Bill proposed to re-enact the provisions of a preceding Act, with the exception of so-and-so, to an extent that rendered it unintelligible in itself, and perfectly so without reference to the old Act. Every Bill should tell its own story. The Legislature was extremely desirous of improving and consolidating the Statute Law, and had spent a large sum of money in attempting to effect that object: but here they were about to adopt a process of legislation which was utterly opposed to the principle of legal consolidation.

The Earl of EGLINTON said, that so far as he understood the measure he approved of it; but he did not think it desirable that a Bill containing such stringent provisions should be one of a permanent character; and he should also say that, in his opinion, they ought not to pass the measure in a form in which it could only be understood by a reference to a preceding Act of Parliament. He would recommend the noble Lord who hard charge of the Bill to withdraw it for the present, and to bring forward an amended Bill on a future occasion.

Lord CAMPBELL said, he believed they were all agreed as to the principle of the Bill, and he did not see why they should not then proceed to consider its details in Committee.

The Marquess of CLANRICARDE said, that in the present state of Ireland he did not consider it at all necessary that the Bill should be continued for a period of more than five years. Indeed, he did not know that there was anything at that moment in the condition of that country which necessitated the passing of such a measure. But as there had been disturbances from time to time in Ireland, and as no complaints, as far as he was aware, had been made of the operation of the Act, he had no wish to oppose its renewal for a limited period. He entirely concurred with the noble and learned Lord opposite (Lord St. Leonards) in his objection to the form in which the Bill had been drawn.

The Earl of BESSBOROUGH said, he had no objection to limit the operation of the Bill to a period of five years.

The Earl of DONOUGHMORE said, that after that statement of the noble Earl, he should not press his opposition to their proceeding to consider it in Committee.

Amendment, by leave of the House, *withdrawn*.

Then the original Motion was *agreed to*.

House in Committee accordingly.

Amendments made.

Amendment *moved*, and *negatived*.

The Report of the Amendments to be received on *Monday* next.

## THE APPELLATE JURISDICTION (HOUSE OF LORDS) BILL.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR, in moving the second reading of the Bill, said: My Lords, it is hardly necessary I should recall to the recollection of your Lordships the circumstances under which that Committee was appointed on whose report this Bill is founded. Your Lordships will recollect that Her Majesty had been advised by Her responsible Ministers to confer the dignity of a peerage for life on the right hon. Sir James Parke, by the title of Baron Wensleydale; and that at an early period of the Session, when that noble Lord proposed to take his seat in this House, your Lordships, after a good deal of discussion, came to the Resolution that he was not entitled to do so. In consequence of your adoption of that Resolution a noble Earl not now in his place (the Earl of Derby) immediately afterwards moved the appointment of a Select Committee of the House to inquire into the subject of the appellate jurisdiction of your Lordships' House. That Committee, which was a very full one, consisting of between twenty and thirty members, examined a great number of persons connected with the administration of justice in your Lordships' House, the most eminent practitioners at the Bar, two distinguished Judges from Scotland, and other witnesses. The object of their inquiry was to ascertain how far the conduct of judicial business in your Lordships' House, as the ultimate Court of Appeal, was or was not satisfactory to the suitors and to the bulk of Her Majesty's subjects. Now, my Lords, I think I am entitled to say, as the result of that investigation, that the general—I might almost say the universal—feeling was, that although there were matters which avowedly required emendation, yet, the administration of justice by your Lordships was an administration by a tribunal for which no substitute would, in the eyes of the public, be equally satisfactory. It is for your Lordships and the public to decide how far that opinion is right or wrong; but that this was the unanimous expression of opinion on the part of the witnesses, I am sure no Member of the House who attended the sittings of the Committee can fail to admit. That being the opinion of those who gave evidence before the Committee—and, I think I may add, of the Committee itself—the question to which we have now to direct our attention is, how far there exist legitimate causes for complaint and for well-grounded feelings of discontent, as to the mode in which justice is here administered. Whatever opinions may be formed on other parts of the question, I think your Lordships will come to the conclusion that there have been no pains spared to sift the matter to the bottom, by examining those best qualified to give an opinion upon the subject, and who were free from the slightest suspicion of bias in favour of the tribunal as it has hitherto been constituted. The investigation may be said to have led to this conclusion — that although no substantial ground of complaint exists, and although it is felt that the subjects submitted to your Lordships' determination are very fully and very carefully examined, there are, nevertheless, matters of detail which required amendment. Among the most prominent of these is, that the judicial business of the House being conducted, as it necessarily must be conducted, by those who are commonly called law Lords, that is to say, Peers who owe the dignity of a seat in this House to their connection with the profession of the Bar, there is no security what may be the number of persons who may attend for the purpose of hearing appeals, or who those persons may be. The consequence therefore was, that although sometimes cases were investigated by four law Lords, sometimes by three, they were in other instances investigated only by two, and very often even only by one. This was represented to the Committee—and, I think, not without reason—as giving rise to dissatisfaction. It has long been a moot point among persons who have speculated on the subject of jurisprudence, whether the administration of justice by one or by several Judges is the more likely to be satisfactory. On the first blush, any one would think the application of several heads to an inquiry is likely to lead to a more satisfactory result than the application of one unaided mind. But, on the other hand, some of the most eminent jurists have held, that there is always a greater probability of a failure when several minds are directed to an inquiry into a judicial matter than when there is only one; and upon this ground—that in the latter case there is an undivided responsibility which more than compensates for the absence of a number of minds. I must say that to that opinion I have always felt a great inclination to defer. I do feel that the advantage resulting from an undivided responsibility tends very much to compensate for the absence of that greater knowledge which would be attained through the co-operation of many minds. But I do not think that is a matter on which any man's individual views ought to be conclusive; and it was the general opinion of the witnesses examined before the Committee, that the ultimate court of appeal ought to be a tribunal for which the attendance of more than one Judge should be secured. The Committee, therefore, unanimously, I believe, came to the conclusion that that was the arrangement which they ought to recommend. Now, as to the best number for such a tribunal, some of the witnesses represented that five was the number that ought to be adopted; some again thought that it would be better to have only three; and others, who probably would have a good deal to urge in favour of their opinion, recommended that there should be four. These latter witnesses said, that if four Judges were appointed, as in the case of the courts at Westminster Hall, a majority would always imply a considerable majority; while there would be no considerable majority if there were only two against one, or three against two. Much may be said in favour of all these suggestions, and something also against them; but any attempt to form a tribunal which should never be open to theoretical objection from the number and constitution of the Judges would be evidently chimerical. We can only deal with the subject as practical men. After viewing the question from all points of view, the Committee came to the conclusion that on the whole, three was the best minimum number to take —that is, three who should give their regular attendance, while other law Lords might, if they pleased, take part in the decision of a case. That is the first recommendation of the Committee, and it is one which is in accordance with the opinion of the great body of the witnesses examined. The difficulty then presents itself, how are you to secure the compulsory attendance of three law Lords? The Committee could not but be sensible that that was the great difficulty they had to solve. I am not at all anxious to get rid by a side wind of the decision of the House at the commencement of the Session by recommending the nomination of Peers for life. But I must say, that concurring in the view of all the witnesses, that no tribunal would be so satisfactory to the country as the tribunal of the House of Lords, and remembering the opinion of the Members of the Bar—who, contrary to what might at the first glance seem to regard the dignity of their profession, are very generally of opinion in favour of life Peerages, on the ground that there is reason to think that barristers would not henceforward realise the large fortunes which their predecessors had realised in former times, and which then rendered the creation of hereditary peerages from among the members of the profession perfectly unobjectionable: I must say that I agree with those who think that the creation of life Peers, for the purpose of filling judicial offices in your Lordships' House, is the course which it would be most convenient to adopt. That is the recommendation of the Committee, and in that recommendation it is needless to say I concur. I do not, I confess, see any other mode so satisfactory for recruiting from time to time the judicial strength of your Lordships' House, as enabling Her Majesty to introduce eminent lawyers among you, under circumstances which would not entail upon themselves a ruinous expense, or inflict upon your order a succession of comparatively poor Peers for all time. I have further to state that one of the witnesses examined before the Committee made an observation which every one who has at all attended courts of justice must feel to be well founded; he said that there is but one test whereby you can determine whether a person is fit for the discharge of the duties of the judicial bench, and that is, by actual experience of his capacity for the performance of such functions. It has been remarked, that the most skilful lawyers, and the most eloquent advocates do not always make the most distinguished Judges; and therefore the Committee have recommended that no one should be selected as a Judge in this supreme court of appeal who has not given proof of his capacity for the post by his discharge of high judicial duties elsewhere during at least the period of five years; and they suggest that it would be well if Her Majesty were empowered to select from those who have most distinguished themselves in the performance of those duties, certain persons to fill the judicial office in your Lordships' House. Various proposals have been made as to what should be the *status* of these Judges. It has been suggested by some, that they should act merely in the character of "assessors;" but that suggestion did not meet with any considerable approval; and the scheme ultimately adopted by the Committee was that Her Majesty should be enabled—supposing, for the sake of argument, but without prejudice to the Sovereign's right, that an enabling power is necessary for such a purpose—that Her Majesty should be enabled to confer peerages for life on certain lawyers, with a view of qualifying them in point of rank for the discharge of judicial duties in this House. The view which the Committee took of the subject was, that there should always be three Judges discharging the judicial functions of your Lordships' House, one of these three being the Lord Chancellor, and the other two being Judges appointed to sit with him. The proposal now made is that Her Majesty shall be enabled to confer peerages for life on any two persons who may have acted as Judges for a period of not less than five years, and that those two persons shall receive a salary of £5,000 or £6,000 for their services as Judges of Appeal in your Lordships' House. The salary recommended by Her Majesty's Government in this case is according to the precedent of the commom law courts of Westminster Hall. It is further proposed that these Judges shall be known by the title of "Deputy Speakers" of your Lordships' House; and that it shall be their duty, unless when prevented by illness, to assist the Lord Chancellor regularly in the discharge of his judicial duties; while they should hold their offices during good behaviour like the other Judges, being liable, of course, like them to removal for misconduct on address from both Houses of Parliament. By this means will be secured a permanent tribunal, consisting of not less than three Judges, supposed to be the most eminent judicial functionaries which Westminster Hall can furnish, and who will discharge the appellate duties of which the Lord Chancellor, assisted by one or more of the law Lords, now disposes. This tribunal will, I trust, be found satisfactory to your Lordships and to the public. But I may observe that the recommendations of the Committee were not confined merely to the constitution of such a tribunal, but related also to certain evils of a minor character connected with the administration of justice in this House. One of the most important of those evils is, that it often happens that business which ought to be discharged by your Lordships in your judicial capacity in the course of a single Session, is not so discharged, and that as a consequence cases remain in arrear for future Sessions. At the opening of the Session of 1855, there were no less than twenty-five cases in arrear; but I am happy to say that at the commencement of the present Session that number was diminished to ten. Indeed, so far as my own experience goes, I may state that I think the business of each Session is pretty nearly disposed of within the limits of the Session, and that the arrears only arise from those of former years. The Committee, however, in dealing with the subject, have recommended that this House should be empowered by Act of Parliament, notwithstanding a prorogation, to sit as long as may be necessary for the discharge of its judicial business, to the exclusion of the exercise of its legislative functions. That is the most obvious mode of meeting the evil to which I have referred and goes at once to the very root; and the Bill, therefore, contains a clause enabling the recommendation of the Committee with respect to it to be carried into effect. I have now adverted to the various propositions which the Committee deem it advisable should become the subject of legislative enactment, and which I have embodied in the Bill under your Lordships' consideration. There are, however, several minor details connected with this question of appellate jurisdiction, which came under the notice of the Committee, but which, as being matters with which it is perfectly competent for your Lordships to deal, they did not deem it necessary to provide for by Act of Parliament. But, although they may appear to be minor matters, they are by no means unimportant. Your Lordships are aware that in order to constitute "a House," it is required that at least three Members should be present. Now, it frequently happens that in cases of appeal the Lord Chancellor sits alone to hear the case, and even when he is assisted by one or two law Lords—who, I need not say, discharge duties quite as important as those of the Lord Chancellor—it has always been thought fit that there should be a *quorum* independent of those law Lords—because, as they are no more bound to attend than is any other noble Lord, it has not been thought right that they should be taxed to the extent of compelling them to remain constantly in the House in order to constitute the *quorum*—the result is, that two lay Lords, as they are called, have always attended for the sole purpose of "making a House." Practically, no real impediment has been offered to the administration of justice under the evidence of the system, but it wears an unseemly appearance, and I have seen it commented upon in publications which, no doubt, many of your Lordships have read, as a great grievance, that the rights of Her Majesty's subjects should be decided upon under a form by which one Judge might have heard the opening of a cause, a second be present during its progress, while a third might deliver judgment. Now, if that statement were true in substance, it would no doubt be a great grievance; such, however, is not the fact: every one knows that, in truth, the lay Lords attend only as an idle ceremony and in obedience to the rules of the House, but that they take no part in the proceedings. But at the same time it is desirable that a form of procedure should be dispensed with which wears the appearance of a defect in the administration of justice, which, correctly speaking, does not exist. The evil may be disposed of in either of two ways. In the first place, under the operation of the Bill now before the House, the Lord Chancellor and the two Deputy Speakers will, in themselves, constitute a *quorum*; and, if that should not be found a sufficient remedy, your Lordships may make any further regulations which you please, as to what should or what should not constitute a *quorum.* There are other points also to which the attention of the Committee was directed by almost every witness who gave evidence before them. One of these refers to the propriety of giving to your Lordships' House in its appellate capacity as much as possible the appearance of a judicial tribunal; and the Committee have accordingly recommended that the three Judges who are to form that tribunal should always attend in costume. Now that course would no doubt have some advantages; among others the wearing of a costume would prevent those interruptions caused by persons coming up and speaking to one evidently engaged in the performance of an important duty which might otherwise take place. No one would think of talking to a Judge upon the bench, nor ought they to speak to a Judge administering justice in this House. I by no means mean to say that the law Lords who now sit at the hearing of appeals do not give as much attention to the cases brought before them as if their ordinary were exchanged for their professional costume; but, I believe that suitors would be more satisfied that their cases were attended to, if they saw present Judges whose dress indicated that they were engaged in that duty. The recommendation, I need not say, is one which may be carried into effect by the House itself whenever it may seem desirable. It has also been suggested that it would be better if the Lord who presides over appeals in this House should, in delivering judgment, instead of rising in his place, and, as it is termed, "moving" his judgment, deliver it from his seat at the table. That, too, is a matter upon which it would be absurd to legislate, and with regard to which your Lordships can yourselves make any rules you may deem advisable. Another point connected with this subject of appellate jurisdiction, and which is deserving of consideration, is that which relates to the expense which attends upon the prosecution of a suit in your Lordships' House. That expense arises partly from causes which are, I believe, entirely beyond your Lordships' control. The cases which come before this House for decision have, generally speaking, been thoroughly sifted before other tribunals, are brought here only in consequence of the importance of the question involved, and are conducted, by the express wish of those who are the parties to them, by the most eminent men in the profession of the law, for whose services, as a matter of course, large fees must be paid. That is an expense against which it is scarcely within your Lordships' power to provide a remedy. There are certain regulations, however, which it lies within your Lordships' province to make, the effect of which would probably be to cause a considerable reduction in the expenses to which I have just alluded. It is now the practice of this House to require that each litigant should, before his suit comes on for discussion, lodge what is called a "case," which is a summary of his appeal, and of the documents upon which he relies. This "case" must be in print; and with respect to the expense which that necessarily entails, I may remark that in the Court of Chancery it is found that the printing of the "case" is not only more convenient, but even cheaper than if it were simply written. Upon the expense of printing, therefore, I lay no great stress; but in remodelling the judicial tribunal of this House, I think the question how far it is possible to dispense with the "case" altogether is one which is extremely well worthy of your Lordships' notice. The fees which it is necessary to pay to professional men in getting it up would thus be abolished, and a considerable amount of money would be saved to the suitors. Whether the framing of the "case" does not eventually tend to shorten the proceedings, and thus far to diminish the expense, is a point upon which I am not at present prepared to offer any opinion. It—as well as several other points to which I have called your attention—is a subject which must be inquired into and dealt with according to the results of that investigation. To carry into effect, however, such of those recommendations for the improvement of the appellate jurisdiction of this House as require a legislative enactment, this Bill has been framed, which I now ask your Lordships to read a second time; trusting that by its operation your Lordships may be enabled more satisfactorily to discharge the high duties which the constitution has entrusted to your House.

Moved, that the Bill be now read 2ª.

THE EARL OF MALMESBURY said, as he understood this Bill, the persons on whom life Peerages were to be conferred would, in addition to their high judicial offices, enjoy all the privileges of the Peerage in common with hereditary Peers, and would be able to sit in the House and vote on matters of ordinary legislation. Now the House had decided that a Peer for life was not entitled to take his seat within its walls, and to exercise the functions of legislation. He should like to know, therefore, whether in the case (no doubt a very improbable case) of one of these life peers being removed from his judicial office for misconduct, in the manner provided by the Bill, he would still be continued in the exercise of the ordinary functions of a legislator, and be able to sit and vote among their Lordships as before? Fifteen years was named in the Bill as the term of service requisite to give a title for a pension, but he would suggest that the term should be ten, as it was provided that each of these Peers should have served five years in some high judicial office before his appointment.

LORD REDESDALE said, that if these life Peers were to be appointed it would be very unwise not to put them in exactly the same position as all the other Members of their Lordships' House, and that they should not occupy the inferior position, which an answer in the negative to the question of the noble Earl would involve. In the case suggested by the noble Earl of a life Peer being removed for misconduct from his judicial office by an Address from both Houses, it would be in the power of their Lordships to follow the precedents which existed, though they were rare, and remove him from his legislative functions by a Bill, which no doubt in such a case would be readily concurred in by the other branches of the Legislature. It might, on the other hand, happen that a Deputy Speaker might become incapacitated by age and infirmity for the performance of his judicial functions, and it might be necessary to resort to an Address from both Houses to procure his removal; but such a state of things would not involve a charge against the moral character of a life Peer as would render his expulsion from the House a necessary step. With regard to the term of service required to earn a pension, the fifteen years, he apprehended, included the service as a Deputy Speaker, and the previous service as a Judge as well.

EARL GREY said, he did not object to the Bill now before their Lordships, so far as it related to the creation of additional legal offices to render that House more competent to discharge its functions as the highest court of appeal in the country; but he must say that he regarded it as most unfortunate that the Government in framing the Bill should have departed from the recommendations of the Committee. He, as a Member of the Committee, had been of opinion, and he still considered that a person who had been Lord Chancellor for five years was well qualified for the office of Deputy Speaker, and he had understood the Committee to express the same opinion. It was true a division had been taken as to whether, in the case of the Lord Chancellor, a shorter period of office should qualify him for selection for the office of Deputy Speaker than that which the Committee thought desirable in the case of the other Judges, and they decided that the shorter period should not confer the qualification. It had also been proposed to fix the salary at £6,000, instead of £5,000 a year. If the latter salary only were affixed to the office of Deputy Speaker, it was useless to expect that any ex-Chancellor would undertake an office which, though it gave him additional labour, gave him no increase of salary. If the ex-Chancellors could be got to undertake these duties at salaries of £6,000, their pensions as ex-Chancellors would be thereby saved to the public. The point, however, to which he wished more particularly to call their Lordships' attention was that part of the Bill which related to the creation of peerages for life. The more he considered the subject, the more he felt convinced that this Bill did not deal with that subject in a proper manner. Notwithstanding the decision of the Committee of Privileges in the case of Lord Wensleydale, and its subsequent affirmation by the House, he still remained of his original opinion, that this House, in refusing to permit a person on whom Her Majesty had conferred a life peerage to sit and vote as a Peer, had assumed to itself a power and authority which did not belong to it according to the law and constitution of the country, and had set a precedent which would be dangerous for the future. Entertaining that opinion, he objected to that portion of the Bill which related to life peerages, because it virtually affirmed the propriety of the decision of the Committee of Privileges, which declared the creation of such peerages to be beyond the limit of the Royal prerogative, and carried it into effect for the future. He had never expressed any approval of the manner in which the prerogative of the Crown had been exercised by Her Majesty's Government in the case of Lord Wensleydale. They certainly were guilty of a great indiscretion in the course which they pursued. It might be highly proper that some means should be taken of regulating the exercise of the prerogative for the future; but if they were to legislate upon the subject, it was not right for that House to abrogate a power which, as he contended, Her Majesty still possessed, without providing for all the cases which might arise for the future. Under the operation of this Bill Her Majesty would be enabled to create life Peers only in the case of persons who were to hold the office of Deputy Speaker; but precisely the same reasoning which applied to that officer would apply to other important State offices. There were several high offices in the Government which, according to invariable custom, were held by Members of their Lordships' House. It had been continually found that it would be desirable to bestow some of the high offices of the State on persons who did not possess a seat in their Lordships' House, and it had been the custom under those circumstances for the Minister of the day to advise the Crown to bestow on those persons the dignity of a peerage. Now, if it were necessary that those peerages should be hereditary peerages, the effect of that check upon the discretion of the Crown would be, as in fact it had been, most injuriously felt. It might happen that the person who was the fittest for an office in the State which was usually held by a member of their Lordships' House might not possess a fortune sufficiently large to justify him in accepting an hereditary peerage, and so to saddle his children with an honour which they would not have the means adequately to support; or it might happen that he was unwilling to do so, although even he did possess sufficient fortune. It was well known that by degrees the House of Commons had become the arena in which the contest of parties took place, and consequently persons who had gained a high position in that House were extremely unwilling to leave it in order to enter into their Lordships' House. It might also happen that a man upon whom it would be desirable to confer high office would be unwilling to accept an hereditary peerage, because, by doing so, a son whose talents gave promise of future distinction, might be too soon removed from the other House of Parliament. In such cases it was very desirable that the Crown should have the power of creating life peerages, accompanied by a seat in their Lordships' House. In former times, when high political offices were conferred upon individuals who were not peers, the Crown had the means of enriching them, and of thus enabling them to support the dignities to which it advanced them. Noble Lords descended from statesmen of former times who were elevated to the peerage, would see that their ancestors were raised to fortune at the same time that they were raised to the peerage. At the present day, however, the power of the Crown to confer fortune as well as dignity was greatly diminished; and it was highly inexpedient that the Crown should be prevented from employing the services of those persons who were otherwise best adapted for filling high office in the State, on account of a difficulty with regard to the fortune of their successors. With regard to peerages conferred for distinguished naval or military services, it was now the common practice, in cases in which a peerage was conferred on a person whose fortune was not large, to invite Parliament to make provision for that person; but, unfortunately, the practice was to bestow a permanent peerage, while the pension was only extended to three lives, and the consequence was that a permanent honour was created, to be provided for by a temporary pension. No doubt there had been cases in which the services rendered had been of so transcendent a character, as those of Marlborough and Wellington, in which, with an hereditary peerage, an absolute grant, sufficient to support the dignity had been made; but it appeared to him that, generally speaking, it would be more desirable that peerages thus conferred should be temporary. He did not think it necessary to go more fully into the subject, because, by the recent change in the mode of proceeding in Committee of their Lordships' House, he had been able to place on record the Amendments which he had proposed, and which fully explained his views on the subject; but there was one point to which he wished to refer. He felt himself bound to express his regret that the Government had introduced this measure in a less formal manner than he believed they ought to have done. By the law and practice of Parliament it had been always usual, when the House was called upon to pass a Bill which limited the prerogative of the Crown, to signify the consent of the Crown; and, as he believed that the Crown at the present moment had the power of creating life peerages which would confer a seat in their Lordships' House, he believed that the consent of the Crown should have been formally signified before their Lordships were called upon to agree to the present Bill.

Lord CAMPBELL rose to express his admiration of the Bill, which went as far as it ought to go, and did not exceed that point. As to any necessity for the previous assent of the Crown, he denied the necessity for any such expression of assent. He had no hesitation in saying gravely and deliberately, that the Bill would add to and not detract from the power of the Crown. The question as to whether the Crown had power to create life peerages which conferred a seat in that House was a *res judicata*. Their Lordships had formally decided that question, and that decision formed the law of the land upon the subject; and, it was, therefore, absurd to contend that by the operation of the Bill a power which had no existence could be restrained. It was now proposed to give that power to the Crown under certain limitations and restrictions, and to that course he had not the slightest objection. It was, in his opinion, expedient that there should be, to a certain small extent, the power of creating Peers for life with judicial functions; and it was for that purpose that the present Bill had been introduced. He was glad, therefore, that the Bill had been brought in, and that it was confined to peerages granted with a view to judicial objects. He believed that the jurisdiction which their Lordships and their ancestors had so long exercised of superintending the administration of justice in this country, and, in the last resort, of deciding appeals from all inferior tribunals, had been most useful. He was persuaded that the nation had derived great benefit from it, and had been fully satisfied with it; and although some objections might attach to it, such as belonged to all human institutions, he was persuaded that, upon the whole, the appellate jurisdiction of the country could not have been vested elsewhere without detriment to the administration of justice. The preservation of an hereditary branch of the Legislature, independent of the Crown and independent of merely popular representation, had been at times a great prop to liberty in England, and he believed that if the hereditary character of that branch were destroyed the constitution of England could not be preserved. He thought, therefore, that it was a most inexpedient course to tamper with the constitutional character of that House; still, he did not object to peerages, not hereditary, being created to the number of four, as proposed by the Bill, because it was necessary for the appellate jurisdiction that there should be power of granting life peerages to that extent. He should say nothing about the details of the measure until the Bill went into Committee.

Earl FITZWILLIAM was surprised at one expression which had fallen from his noble and learned Friend who had just sat down; and he was the more so because it had proceeded from a person so learned, having so much experience, and so much knowledge of the constitution of the country as his noble and learned Friend. In reference to the question whether a Peer created for life had a right to sit in that House, his noble and learned Friend said that that was no longer a question, but that it was *res judicata*, inasmuch as it had been decided by a Resolution of that House. But the question could not be considered a *res judicata*, because one House of Parliament had passed a Resolution upon it. He begged to remind his noble and learned Friend, of the proceedings which had taken place with reference to the Middlesex election in 1768, when Mr. Wilkes was deprived of his seat not by one Resolution of the House of Commons, but by Resolutions over and over again repeated. Nevertheless, the whole of those proceedings of the House of Commons were ultimately rescinded and to the satisfaction, as he believed, of everybody. It would, perhaps, be out of place at the present stage to enter into the details of the Bill, but it seemed to him, with respect to the sixth clause, which regulated the particular mode in which the Crown was to be allowed hereafter to exercise its prerogative, that words ought to be introduced which, while providing for the appellate jurisdiction of the House, would not have the appearance of encroaching upon the Royal prerogative. When the Bill came to be considered in Committee he would move an Amendment to that effect.

Lord CAMPBELL would not presume to answer the observations of the noble Earl, but he might be allowed to say, by way of explanation, that he did not rely upon a Resolution of either House of Parliament. Neither branch of the Legislature by Resolution could alter the law of the land; but, by the constitution of England, the House of Peers was the only tribunal to determine whether there had been a just and valid patent of peerage granted by the Crown, and when that question was decided by the House in the exercise of its judicial function it did become *res judicata.*

LORD DENMAN considered this question as one not only relating to Life Peerages, but as also involving the abandonment of all influential share in the judicial proceedings of their Lordships' House, and the delegation of their authority to certain law Lords. When first the question of the life Peerage was debated, he was informed that Her Majesty's Ministers would have a majority of thirty, and therefore, believing that Lord Wensleydale would soon take a seat among their Lordships, he had only intended to record his vote for inquiry, on principle. Afterwards, wishing to give effect to the slightest doubt on the question of the legality of life Peerages, he gave his proxy to a noble and learned Lord who at one time had a doubt on the subject; but now he (Lord Denman) felt no doubt of their illegality. He thought that, if Lord Coke had wished to affirm the authority of the Crown to create life (Parliamentary) Peerages, instead of bringing on the subject after the instance that women might be ennobled for life, by marriage—as in the case of Duchesses—he would have introduced the subject in a substantive and different manner. He (Lord Denman) rejoiced to tell their Lordships that he had in his veins some of the blood of a Lord Chief Justice in the time of Queen Elizabeth, of whom it is said (in page 107 of a book called *Grandeur of the Law*)—

> "That he was not a time-serving Judge may be seen by his conduct in the case of Cavendish, where he resisted the Queen's claim to appoint to an office which she had no authority to grant; and also by his resistance to other acts of power."

The measure before the House is needless, as one something like it, in the time of Lord Eldon, was; and he (Lord Denman) would quote an observation of Lord Erskine on that occasion, in which he says that—

> "He for one could not consent to any change to the manner in which the House should exercise its jurisdiction. For his own part, he was so well satisfied with the manner in which the judicial business of the House was conducted by his noble and learned Friend on the woolsack (Lord Eldon), assisted by another noble and learned Friend (Lord Redesdale), he professed he could see no remedy for the evil but impounding him in that House."—[2 *Hansard*, ix. 1322.]

He (Lord Denman) would also quote a passage from a speech of his father's, in 1823, on the same Bill, in which he said—

> "He trusted the Commission for inquiry into the administration of the law in Scotland would supersede the necessity of adding to the law the ignoble officer alluded to. He would never vote one farthing for paying such an officer, and he called upon his hon. Friend (Mr. Hume) to oppose any grant for that purpose. He objected also to the appointment of that officer because it would increase the judicial patronage.—[2 *Hansard* ix. 1525.]

He (Lord Denman) was very sorry that the name of Lord Wensleydale had been bandied about as it had been. He did not know whether that noble Lord would accept a deputy Speakership or not. The Master of the Rolls, Sir John Romilly, in his evidence before the Select Committee, spoke strongly about the value of the services of Lay Lords, in a Court of Appeal, and even declared that some of their Lordships might be worthy of a salary of £6,000 a year, (at one time contemplated by the Select Committee), but for himself, he assured their Lordships that (even if his services were of the greatest value) he never would receive any remuneration for this branch of his duty, but should at all times be happy to attend in that House, when his presence might be needed to make up a quorum. He considered the power to sit during the legal year likely to be advantageous, and had made his observations solely on public grounds.

EARL GRANVILLE said, that in supporting the Bill, he wished to guard himself against being supposed to have altered the opinion which he expressed when the subject of life peerages was last under their Lordships' consideration; it would be out of place to re-open the discussion of that question now, but he still retained the opinion that the creation of a life peerage conferred the right to sit and vote in the House. He did not, therefore, wish it to be understood that in supporting this Bill he did so upon the grounds stated by the noble and learned Lord Chief Justice. With regard to the objection that the assent of the Crown to the Bill ought to have been obtained, he certainly was inclined to think so too, though he could not concur in the opinion that the assent should have been advised and sent down in the shape of a formal Message from the Crown. It would be quite sufficient if, at some future stage of the Bill, the assent was signified by one of the Ministers in their Lordships' House.

After a few words from Lord ST. LEONARDS,

Motion *agreed to*.

Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Tuesday* next.

House adjourned to Monday next.

## HOUSE OF COMMONS,

### *Friday, May* 30, 1856.

MINUTES.] PUBLIC BILLS.—1° Smoke Nuisance Abatement (Metropolis); Excise.
2° Poor Law Amendment (Scotland); Small Debts Imprisonment Act Amendment (Scotland).
3° Police (Counties and Boroughs); Reformatory and Industrial Schools; Factories; Pawnbrokers.

### MONUMENT TO THE DUKE OF WELLINGTON—QUESTION.

VISCOUNT CHELSEA said, he wished to ask the Chancellor of the Exchequer a question relative to the proposed monument of the late Duke of Wellington in St. Paul's. It was understood that a balance of £25,000 remained unexpended of the £80,000 voted for the expenses of the Duke's funeral, and that it was the opinion of the Government that this balance might be properly applied to the erection of this monument. Did they intend to introduce a measure to authorise such an appropriation?

THE CHANCELLOR OF THE EXCHEQUER said, it was true that the sum of £25,000 remained unexpended out of the amount voted for the funeral; but it was not in the power of the Government to apply it to any other purpose, not even to a monument in memory of the Duke. The Government, however, intended to apply to Parliament at a future period to permit such an appropriation; and his right hon. Friend the President of the Board of Works (Sir B. Hall) had been authorised to receive designs for a monument—the cost of which it was intended should not exceed this £25,000. When the plans were sufficiently matured, the measure would be introduced; but he hardly anticipated that he should ask Parliament for a Vote for this purpose during the present Session.

### THE DISCHARGED MILITIA REGIMENTS AND THE FOREIGN LEGIONS.

On the Motion that the House at its rising do adjourn till Monday next,

COLONEL GILPIN said, he hoped the House would excuse his availing himself of the motion for adjournment in order to bring under its notice a subject of quite a different character—the subject of the allowances proposed to be made to the officers and men of the militia regiments discharged upon the restoration of peace. The question of the compensation to be allowed to the militia on disembodiment had been frequently before the House; and it had been understood that the surgeons were to receive twelve months' pay, and subalterns and paymasters three months', as gratuities. When the regulations were originally made, the paymasters were placed in the same position as the surgeons; but now they were given to understand that this rule only referred to cases of ten years' service. The rule had been relaxed in favour of surgeons, and should be equally so in favour of paymasters. He thought that the surgeons and subalterns had no reason to complain of the manner in which the Government had treated them; but there was, indeed, this additional argument on behalf of the paymasters, that their duties and responsibilities by no means ceased, as did those of other officers, on the disembodiment of the regiments; for they continued responsible upon their securities, and could not leave the country until they were absolved, which could not be until their accounts were audited, which might not be for a year and a half. He desired, moreover, to direct attention to the case of the non-commissioned officers and privates of the militia. They were told they were only to receive the remainder of their bounty. But though this was a proposition which might have been recommended by economy, it could not be reconciled with justice or equity; for they were already entitled to the remainder of the bounty, and its payment could be no boon. It had been decided, at the end of the last war, that the militia were to receive a certain number of days' pay, to enable them to get home with a few shillings in their pockets. This was but right and just; and he did not think the militia of the present day less worthy of consideration. Unless this was done, it was difficult to see how many of them could get home, especially if not allowed to take the military clothing; besides, many of them were under stoppages for their summer clothing, which had only just been issued. It would be cheaper, after all, to give the men some small gratuity, and then retain the clothing, to be reserved for a future occasion. Let it be remembered that the militia had supplied large reinforcements to the ranks of the regular army, and that a great many regiments had volunteered for foreign service; thus enabling the Government to send the regular troops to the scene of action, their places being supplied by the militia. The militia had supplied 33,000 men to the regular army; besides this, they had furnished the Mediterranean garrison, and if the Government had felt at liberty to accept their offers, 10,000 militia might have been procured for service in the Crimea, or any other place where the country needed their services. And the number would have been much larger had it not been for the regulations unfortunately adopted with regard to the officers, who, when the regiments were reduced to a certain number by volunteering into the ranks of the army, were dismissed until the strength of the regiments was restored —a regulation the result of which was, that the officers, to whose energy and zeal the Government were indebted for these large reinforcements gained by the regular army, found themselves seriously injured by their zeal. These being the considerations which he (Colonel Gilpin) urged in favour of the militia, he would now advert to the troops of the Foreign Legions. They were to receive a year's pay upon their disembodiment, although the expenses connected with that corps had been such, that he was persuaded every one of them had cost as much as three militiamen. They had never seen a shot fired, and never been in service; yet Lord Panmure had recently said—

> "I trust that when the time comes for dispensing with their services we shall not forget the zeal they had shown in rallying round the standard of England, but shall treat them with such liberality that our name may be respected throughout Europe; and should occasion arise again to invite their services, they may cheerfully respond to our call."

Now, surely this language might far more justly be applied in favour of our militia, who had "rallied round the standard" of their own country. Surely, "our treatment of them ought to be such as to make our name respected throughout Europe;" and that "when again invited to our service they may cheerfully respond to our summons." If, indeed, we should again be involved in war, he (Colonel Gilpin) hoped that whoever might be then at the head of affairs, he would not at the first sound of hostilities rush to foreign countries for recruits; but would rely rather on the patriotism of our own people. In order that we might do so, however, it was necessary to treat with justice and liberality that militia which had enabled us to carry on the war, and to conclude peace.

Captain STUART also advocated the claims of the paymasters, and thought it but reasonable that some compensation—twenty-one days' or a month's pay—should be granted to the men on disembodiment. He also wished to comment upon another point not immediately connected with the subject under discussion. It had been generally believed that some compensation would be allowed to officers who had served in the Crimea; but now it appeared they were only to receive the barren honour of the thanks of Parliament; and, upon their return home, to be thrown at once upon half-pay.

Colonel DUNNE hoped the Government would consider the case of the militia, both as regarded the officers and the men. He wished to know distinctly whether the Government intended to make the men any allowance, or only to pay them the remainder of their bounty? They ought not to be discharged without some sort of gratuity. He desired to know on what footing the disembodied staff would be placed. It was well known that the staff as constituted before the war was useless, and if the staff were now to be placed upon the same footing, the public money would be wasted. To be of any use at all, the staff must be made and kept efficient. He wished further to know distinctly what was to be done in reference to the Foreign Legion. The militia regiments were now marched out of garrison, and the Foreign Legions were marched in. He desired distinctly to be informed whether it was intended to retain them? The noble Lord (Lord J. Russell) the Member for London, when in office, had declared that it was not intended that the Foreign Legion should have any advantages which had been denied to the English troops; but it was plain that they had peculiar advantages, and were intended to retain them.

VISCOUNT BERNARD hoped that the militiamen, especially the Irish militiamen, would not be sent home without proper clothing; for, unless they were so provided, it could not be expected that any permanent improvement would be effected in their condition by their temporary engagements in the militia; and he trusted also that the claims of the surgeons would be considered. The surgeons were gentlemen who, being connected with the militia in its disembodied state, would not avoid taking their share of risk in the time of danger, although it compelled them to abandon lucrative practice. It was his firm belief that the day was not distant when the country would again require their services, and it was most important they should be dismissed with the feeling that, when the time did arrive, their services would be properly requited.

MR. FREDERICK PEEL said, he did not find it easy to explain why a gratuity should be given to one class of officers and not to another. He admitted that the more liberal the course pursued by the Government now, the more promptly would the ranks of the militia be recruited on a future occasion. But he did not think the Government ought to look solely to the consideration of popularity. He quite concurred that the manner in which the militia officers and men had done their duty was admirable, and that the duties performed by them were of the greatest advantage to the country during the period of their service; but, on a question like this, the Government must consider whether the duration of that period and the conditions on which militia engagements were made, were such as justified all ranks of that service in entertaining the idea of general compensation upon their disembodiment. As to the permanent staff, it was not intended that they should undertake the recruiting business of the country in the place of those non-commissioned officers and men who were now detached from each regiment of the line for that purpose, but that they should form the nucleus by which the militia might be properly officered and organised, whenever it might be necessary to re-embody it; and, as to placing the surgeons and assistant-surgeons upon the permanent staff, however desirable it might be to recognise their services, the Government would not be justified in placing them or any other officers in a position in which there was no prospect of sufficient duties to occupy their time, and to compensate the country for the necessary expense. With regard to the question why the same gratuity was not given to the paymasters as to the surgeons and assistant-surgeons, he believed, when the hon. Gentleman first spoke on the subject, he expressed himself perfectly satisfied at hearing the paymasters would have the same gratuity as the subalterns. The paymasters, like the subalterns, were not men of fortune. It was but fair that some means should be afforded them, when they retired from the service of the Government, of entering upon a different occupation; and, as he had before stated, the paymasters would have to continue for a considerable time in correspondence with the Government upon difficult questions arising out of the settlement of the regimental accounts. A gratuity as great as the subalterns would receive might fairly be given to the paymasters; but he did not think they were entitled to so high a sum as the surgeons and assistant-surgeons, because those professional gentlemen, when they joined the militia, abandoned the practice they had obtained in their various localities, proceeded with their regiments to the Mediterranean and other parts, and, of course, when they returned, would find their places occupied by others. Upon that ground the Government had determined to make a more liberal allowance to them than to the subalterns and paymasters; and he thought there was a great difference in the two cases. He was asked what was intended to be done for the privates and non-commissioned officers. They would be paid to the day of disembodiment, and would receive at the same time the balance of the bounty of the current year. [Colonel GILPIN: That is their own money.] The hon. Gentleman should recollect that if the militia were continued in an embodied state, the balance of bounty would not be paid until a much later period—perhaps not until the period of training next year; therefore, although it was true they were strictly entitled to the money, still the Government anticipated the period of payment. With regard to the clothing, that for the current year was issued in April last, and upon the disembodiment of the regiments would have to be returned into the Government charge, but the men would be allowed to retain the clothes which went out of use on the last issue, and also their fatigue dress. [Colonel GILPIN: It is their own.] They should be allowed to take away a complete suit of clothing. [Colonel GILPIN: They have paid for it.] There was no analogy, he thought, between the officers of the militia and the privates. A private received 1*s.* a day, and a subaltern 5*s.* or 6*s.* a day, both being in the service of the Government; but, when each sought independent employment, a private was more likely to obtain that employment at 1*s.* a day than the subaltern at 5*s.* or 6*s.* There was, also, no analogy between the privates of the militia and those of the Foreign Legion. There had been a separate convention for the Swiss, German, and Italian Legions, but the terms of those conventions were identical. The reason why the Foreign Legion were offered twelve months' pay on disbandment and a passage to the colonies was, because it was thought that without such an offer, the country would not be likely to obtain their services. The Government were bound to consider how they could most expeditiously raise these regiments, and it was natural that men who were leaving their country, and breaking up their homes should desire to go somewhere else when they were disbanded. He believed that many soldiers in the Foreign Legion would be disposed to avail themselves of a free passage to the colonies. He considered that with the provision which the Government would make, and the period of the year at which the militia would return to their homes, they would have no difficulty in obtaining employment; and that there need be no ground for apprehensions on the part of the hon. Member.

COLONEL BUCK said, that the militia would return to their homes with the testimony of the nation to the independent and honourable manner in which they had performed their duties; but, according to the statement of the hon. Gentleman (Mr. F. Peel) it did not appear that they would carry much compensation with them. These men were to take home the clothing worn previously to the last clothing issued in April. But what was the condition of that clothing? He knew of the case of an Irish regiment which, it had been rumoured was to be disembodied, taking with it the old clothing. Colonel Dickson and the adjutant of that regiment said, "Very well; but the men cannot keep on their backs clothes which they have already worn fifteen months." As commanding a portion of the militia himself, he could bear testimony to the truth of this statement. If the House wanted to know the appearance of a militiaman in the dress which it was proposed he should carry home with him, they would find it in the well-known figure of "Jerry," at Ascot. Such would be the sort of men returning to their homes with the thanks of the House of Commons to cheer them. From the gallant spirit which the noble Lord (Viscount Palmerston) had sometimes exhibited, he (Colonel Buck) had expected that he would have adopted as his motto, "England for the English;" whereas, instead of employing the English militia to carry the English flag, it had been entrusted to foreigners. A volunteer was much better than a pressed man. His own regiment had volunteered for foreign service, but the offer had not been accepted. What had been the conduct of the Foreign Legion? Why, they had revolted, and the militiamen had been called out to restrain their excesses. He thought the honour of the country ought to be entrusted to British soldiers, who never had shrunk from their duty.

MR. WALPOLE would appeal to the Government on grounds of public policy to consider whether something ought not to be done for the militia? It was doubtful whether those regiments which had been sent abroad could be disembodied much before the autumn. They would, therefore, come home at a time of the year when employment was scarce. The Government ought to consider that these men were those on whom they must rely for having a body of men always at command as a nursery for the army, and for the protection of the country. He should say to the Government, "Do not do anything to disappoint them." If they had a notion that they would not be treated so well as the men of the Foreign Legion, it would throw a great damper upon them. These men had served thir country with fidelity and zeal, and the present was, he thought, an opportunity for showing them consideration. He thought that, upon high grounds of public policy, the Government would have the sanction of the country in making some gratuity to these men, since it was probable that upon them the Government might have to rely on some future occasion.

COLONEL WILSON PATTEN believed it would add to the efficiency of the militia force if some little advance were given to the soldiers when they came to be disembodied. They had in various ways parted with most of their private clothing, and they would have nothing in which to return to their homes but their undress clothing, including their shell jackets, which were their own property and which they were entitled to take away with them. He would suggest that the Government should authorise colonels of militia regiments to make small advances to the privates on disembodiment, upon condition that they should leave their shell jackets in store. The men would receive this as a boon, and it would be a great advantage to have slop clothing ready for the next time the regiments were called out.

COLONEL NORTH thought the militia ought, before this time, to have received information as to the terms upon which they were to be disembodied. He reminded the House that the men had paid for their fatigue clothing, and it was as much their property as the coat upon his back was his. With regard to the captains, they were not all of them at present, as formerly, gentlemen of property, and they had given much of their time to the purpose of rendering the regiments efficient and teaching the soldiers to take care of their arms and clothes, and now they were to be discharged with little or no remuneration; indeed, every captain who had properly performed his duty would probably retire with a loss of about £50. He thought it was not fair that a senior subaltern who had a fortnight ago been gazetted as captain should sacrifice the six months' pay which, as subaltern he would have received. Some remuneration ought to be given to these officers for their services.

VISCOUNT PALMERSTON: I trust that the House does not expect me to enter at present into details on this subject; but I cannot allow this conversation to end without assuring the House that no men can be more sensible than are Her Majesty's Government of the extreme value of this militia force. We quite agree with what fell from my right hon. Friend (Mr. Walpole) that, with reference to the security of the country on all occasions of emergency, the militia force is most valuable, and nothing can be further from our intentions or wishes than that anything should now be done which would indispose either officers or men from pursuing on future occasions the same honourable course that they have lately pursued in coming forward in the most gallant and handsome manner, and sacrificing all private considerations for the service of the country. With regard to the probable date of the return of the regiments from the Mediterranean, I have to state that arrangements have been made which will, I hope, secure their return long before the period anticipated by my right hon. Friend —certainly by the early part of July, before the harvest. With regard to the foreign levies, I think there is a material distinction between the condition of a militiaman and that of a foreigner in those levies, which difference appears to have been overlooked. A militiaman is brought back to his own country, his own home; he falls back into his ordinary pursuits and his regular labour. The foreigner, on the other hand, has been taken altogether from his own country, and is, when discharged, in a much more helpless condition. When, therefore, the offer was made to Germans, Swiss, and Italians, to enter our service, and to be employed in the Crimea or wherever their services might be required, it was necessary to hold out to them some inducement beyond their mere pay during the time of their employment. But let it not be supposed that the reason why foreigners were engaged was, as an hon. and gallant Gentleman had stated, a distrust of British subjects. The reason was simply this—We have no conscription, we do not throw a casting-net over the population, and compel as many as we want to come into our ranks the moment they are wanted. Our army and our militia are, I am proud to say, both raised by voluntary enlistment; and as that is a slower, although an infinitely better, process than conscription, and we wanted an immediate augmentation of our force, we had recourse to the formation of a foreign corps for the emergencies of the war.

CAPTAIN J. O'CONNELL said, the noble Lord had made no answer to the suggestion that some gratuity should be given to the privates of the militia. He thought it would be expedient to increase the popularity of the service by giving the men something more than what they were barely entitled to receive. It appeared to him that employment being so uncertain in Ireland, the young militia soldiers might find great difficulty in resuming their accustomed occupation, and they would be forced to emigrate. He suggested, therefore, that some encouragement should be held out to these people to emigrate to the colonies. There was no great practical distinction between a foreigner and a militiaman, as a man was sure to become unsettled after he had been removed for some time from civil life. He also observed that the Irish militia had hardly their fair share in the opportunity to volunteer for sevice in the Mediterranean; but they were quite as ready to volunteer for foreign service as any of the English regiments.

### CAMBRIDGE UNIVERSITY BILL.

Order for Committee read.

Mr. BOUVERIE, in moving that the Speaker do now leave the chair, in order that the House should go into Committee on this Bill, said, that by the indulgence of the House the Bill was read a second time without discussion, and it was therefore his duty now to lay before them the grounds on which the Bill had been brought forward. The House was aware that in 1852 a Commission was intrusted with the duty of inquiry respecting the University of Cambridge, its colleges, statutes, and the general state of the studies there. The Commissioners made a Report to Her Majesty; and on that Report a Bill was founded, was introduced last year in the House of Lords, and subsequently brought down to the Commons; but at so late a period of the Session that it was ultimately withdrawn. The Bill now before the House was in many respects similar to the one so withdrawn, but at the same time varied from it in some important particulars. He wished to disclaim any unfriendly feeling towards the University of Cambridge or the colleges. Apart from the respect and attachment he felt for a place where he had spent many happy hours—some of them he hoped not unprofitably—it was impossible for him, or any one having the least tincture of a love of letters, not to feel some veneration for an institution connected with some of the greatest names which had ever adorned the history of literature and science. He, therefore, could not approach this subject with any other feeling than a sincere desire to improve the usefulness of that University, and to extend and strengthen its foundations. At this time of day it was unnecessary for him to offer any arguments as to the right of Parliament to interfere with corporations of this kind. Undoubtedly it was not many years since this right was stubbornly disputed in both Houses of Parliament; but this question was, he apprehended, now settled. It was admitted, in the passing of the Oxford University Act, two years ago, that Parliament had the right to interfere with the statutes and property of the Universities and colleges. If it were necessary for him to discuss the point, it would not be difficult clearly to demonstrate the right of Parliament to interfere. The Universities were great national institutions. Cambridge was a corporation founded upon a public Act of Parliament, enjoying great privileges by Act of Parliament, receiving annually grants of public money, and virtually intrusted with the education of the clergy of the Established Church. On these grounds alone, if on no other, he apprehended it to be clearly demonstrable that Parliament had a full right to interfere with the statutes of the University and with its course of proceeding. Taking that point for granted, he would address himself to showing the House, by evidence, that there existed a necessity for Parliamentary interference with the government of the University of Cambridge and its colleges; and that was the ground upon which he wished to argue the present Bill. The proposition he would lay down to justify the interference of Parliament was this—that the University of Cambridge and the colleges were institutions having a vast revenue, and enormous means for the education of the people of this country, and that those resources were not turned to the best account; but that, on the contrary, while the means were of the largest description, the result produced was comparatively very small. He would now state what the resources of the University and the colleges were. He would first observe that the means and wealth of the University were not of proportionate dimensions to the wealth of the colleges; and, as everybody acquainted with the facts of the case knew, the colleges very much overshadowed and practically monopolized the University. It was to this particular point and to the changes he proposed to effect, that he wished to direct the attention of the House. He found it stated in the Report of the Commissioners, that the income of the University, available for general purposes, was £7;900 odd, and the income appropriated to specific objects £8,700 odd, making a total of £16,700. The income of the professors, not including the fees of students, was £7,800, making, with the income of the University, £24,500. The wealth of the colleges, as he stated before, far exceeded that of the University. The Commissioners observed that the gross incomes of the twelve colleges, which had replied to their inquiries on the point, were at the present time as follows:—St. Peter's, £7,317 3*s.*; Pembroke, £12,013 8*s.*; Trinity-hall, £3,917 2*s.* 10*d.*; King's, £26,857 7*s.* 11*d.*; Queen's, £5,347 0*s.* 1*d.*; Christ's, £9,178 15*s.* 5*d.*; St. John's, £26,166 14*s.* 11*d.*; Magdalene, £4,130; Trinity, £34,521 19*s.* 10*d.*; Emanuel, £6,516 16*s.* 3*d.*; Sidney-Sussex, £5,392 16*s.* 10*d.*; Downing, £7,239 17*s.* The Commissioners stated that they had not obtained returns from all the colleges of Cambridge, and they observed generally, that it was difficult to state accurately the net available income of the several colleges, as the returns made did not proceed upon the same system. They added that they could not estimate the income of the seventeen colleges at less than £185,000 a year. The income, then, of the University and colleges together amounted to no less a sum than £209,500. This showed that the means were great; and he should now proceed to inquire what result had been produced. He must say that, looking as closely as he could into the matter, he thought the result, as compared with the resources, was, he might also say, ludicrously small. There was only one way of testing the result of the application of the revenues to education, and that was by the number of the degrees annually conferred by the University; but before he applied that test he wished to observe, that in the appropriation of those enormous revenues, every inducement was held out in many respects to attract persons to the University. For example, there were all the fellowships, the scholarships, the headships of the different colleges; and last of all, though not least, there were the numerous livings held by the colleges, and conferred on their members. All these the House should bear in mind were great prizes, which operated as inducements to men to attend the University, to go through its prescribed course of study, to take degrees, and ultimately become successful competitors for these good things. The total number of fellowships at Cambridge, including seventy at King's, which, as everybody knew, were appropriated to Eton College, was 356, of which there were 236 foundation fellowships unrestricted, and 45 restricted; bye-fellowships open, 36; restricted, 39. The incomes of these different foundation fellowships were very considerable. At St. Peter's the annual income was £258; at Pembroke, £317; at King's, £175; at Christ's, £330; at St. John's, 140; at Trinity, £225, and so forth. The scholarships of various kinds amounted to 759. Some of these were no doubt very small, but of others the incomes were considerable; they ranged from £2 or £3 to upwards of £100. Of these scholarships about 414 were restricted, leaving about half the number open to competition. The incomes of the masters were not all stated, but, as far as he could make out, they amounted in the seventeen colleges of Cambridge to £14,000 or £15,000 a year. The livings were upwards of 300 in number, having an income altogether of between £100,000 and £200,000 per annum. Now, one would suppose that such inducements would attract a vast crowd of students to the University. Such, however, was far from being the case. The number of degrees conferred was the only mode of testing the attractiveness of the University; but from a summary, taken from the Commissioners' Report, of the degrees which were granted in the eleven years from 1840 to 1850 inclusive, it appeared that the average number of persons who passed as it were through the mill of the University for the B.A. degree, during this period, was only 336 in each year. This, too, was probably a fair average, because he found that in 1854 the number of B.A. degrees granted was 330. He had referred also to a record of the degrees given in the seventeenth century, upwards of 200 years ago; and he found that in the thirteen years beginning in 1620 and ending in 1632, before the civil troubles began, and when the University was moving along quietly and prosperously—much as at present—the average number of B.A. degrees at that period was 293. Now, if the House would bear in mind that since this time a very considerable number of Irishmen and Scotchmen came to the University of Cambridge to complete their education, he thought they would see that, practically, the educational result of this great institution had not increased, though the population had increased meanwhile from 300 to 400 per cent. He felt, then, he was justified in maintaining that the effect of these enormous educational appliances was eminently unsatisfactory as to the amount of work done. Look at the matter merely as one of pounds, shillings, and pence, and see what each degree cost these corporations, irrespective of what the students themselves paid. In 1854, as he had said, 330 B.A. degrees were conferred, and, the incomes of the colleges and of the University being £209,000 a year, it followed that the cost of each B.A. degree was between £600 and £700, or about £200 a year, independently of what each student paid out of his own pocket. It might be said that the object of these great institutions was to educate clergymen for the Church. Well, on that point also he had a circumstance to mention to the House. It appeared that in 1850 there were 205 theological students who passed what was called the voluntary theological examination now established at Cambridge. The Bishops, as he understood, now required all candidates for orders to pass this examination; which was, therefore, in effect, a compulsory one. Now, as in the year mentioned, 205 aspirants for ordination passed the examination, assuming that the college and University incomes were devoted to achieving this result, the cost before ordination of each of these clergymen during their residence at the University would be more than £1,000. Now, he asserted, broadly, that this result, as compared with the amount of education afforded, was, considering the enormous revenues at the disposal of the University, anything but satisfactory. Having thus spoken of the amount of education, he would proceed now to speak of its quality. No doubt it would be some compensation for the limited results attained in the one case if the quality of the education were much above the medium—if the 350 students annually turned out into the world were perfectly educated in the various branches of knowledge required for professional life; though the number might be small, they would be a little leaven in a large lump, and a happy influence would thereby be exerted upon the moral and intellectual character of the country. As far as he could ascertain, however, he was afraid that no such thing could be predicated as to the quality of education given at Cambridge. What were the three great functions devolving upon the University with respect to those whom it received within its walls? The first and one of the greatest functions of the University of Cambridge was to give a liberal education to the sons of the gentry of this country—to those who by the industry of their ancestors were placed above depending upon their own exertions for a livelihood. He held it to be of the last importance that the education imparted to that class should be of a first-rate character. From that class were taken a large proportion of the Members of that and the other House of Parliament, of the justices of the peace, and of all those who held the foremost places in the country. As a practical test whether a liberal and satisfactory education was given by the University of Cambridge, he would ask whether there existed a general ardent desire in the minds of the gentry of this country to provide an University education for their sons? He denied that such a desire existed. He declared that numbers of gentlemen in this country who could afford the expenses of University education for their children did not desire to give it, having no faith in the power of the University to bestow an education which would qualify their sons for the duties of the world. In these days the question, whether a first-rate education was given to this class, became doubly important, when, as it had been said, "Brains, and not blood, carried the day." Birth alone did not now qualify for distinction or office; he had considerable faith in the virtue of blood; but it was with men as with horses—the best bred could not hope for success unless properly trained. He asserted that the education now given at the University did not confer any such decided advantage in after life and its struggles upon those who were educated there as was sufficient to induce gentlemen to make every sacrifice to send their sons to the University. Hon. Members not personally familiar with Cambridge and its education were apt to be dazzled by the distinctions obtained by those who competed for honours. No doubt an immense struggle had to be maintained by those who competed for mathematical or classical honours, but that referred only to a small section of the University. He (Mr. Bouverie) was speaking of those who only took a simple degree, who passed the ordinary examinations, and who were supposed to be qualified for all the pursuits in life for which the possession of mental acquirements could prepare them. What were such persons required by the University to know? There were two examinations, one of which all were required to undergo, and which was known at Oxford as the "little go," in which students were examined in one Latin classic and one Greek classic, *Paley's Evidences of Christianity*, the 1st and 2nd books of *Euclid*, the common rules of arithmetic, and Old Testament history from Genesis to Esther. All who knew anything of Cambridge would agree that it did not require any very great learning to pass such an examination. Upon the next examination the subjects were, one-half of the Acts, one or two of the canonical Epistles, one Greek, and one Latin author, three of the six books of *Paley's Moral Philosophy*, the *History of the Christian Church up to the Nicene Council*, the *History of the Reformation*, the rudiments of algebra, part of the six books of *Euclid*, and the elements of hydrostatics and mechanics, or just enough mathematical knowledge to enable them to describe a pump or a screw. The two latter subjects had been added since his (Mr. Bouverie's) time, as had also a requirement, that students should attend the lectures of certain professors, and pass an examination upon the particular subjects of such lectures, to the satisfaction of those professors. Thus, when a gentleman had spent three years and a half at the University in order to render himself an accomplished man, the above examination was made the test of his efficiency for his future career in life. He (Mr. Bouverie) declared it was a farce to take that as the standard of a gentleman's education. All who knew anything of the University were aware that all the knowledge required to pass this examination could be got up in three months' "cramming" under a tutor. He further declared that the amount of learning required to pass that examination was such that any schoolboy of fifteen or sixteen, decently educated, need not be unsuccessful, and any intelligent boy of that age could prepare himself in six weeks to pass it. No knowledge of history was required except that of the Church up to the Council of Nice, nor any knowledge of English history except of the Reformation, nor of the literature of the country; neither were any facilities offered at Cambridge for acquisition of such knowledge. An undergraduate, it is true, had access to the libraries of the college, but not only no instruction in English literature was given to him, no facilities or inducements were extended to him to cultivate it. He was required to read *Sophocles*, but need not know *Shakspeare*. No knowledge of any modern language was required—not even of French—nor any acquaintance with the laws and constitution of England. The University sent forth young men to compete for all the dignities and advantages of the world with so imperfect an amount of knowledge as that which he had described. Therefore, he thought that so far as the first great function of the University—to educate the gentlemen of the country—it had not done what ought to be expected from it. And what was the practical result? He held in his hand a Report from Mr. Moseley, who had conducted the examination for military commissions at the beginning of the year. And what did that Gentleman say with regard to the nature of the education at the University? That Gentleman said—

> "As it regards other subjects than classics and mathematics, I regret to have no such favourable opinion to record. In English literature, &c., 'there were not so many total failures as before, but the average was low, and there were scarcely any who rose above it.' Although most of the candidates who presented themselves for examination in French were able to hold a conversation of a few minutes with a certain degree of fluency, 'yet it was easy (say the examiners) to see that they had hardly an idea of grammar or of the rules of writing correctly.' 'But if (say they) we advert to history, our strictures ought to be still more severe. The amount of general ignorance in this respect is scarcely credible, and the question naturally arises, have most of these candidates any historical knowledge whatever?'"

He maintained that it ought to be an essential part of a gentleman's education that he should be able to carry on a conversation in French, and write a French letter at least creditably; but this was what one of the gentlemen who conducted the examination said with regard to French—

> "I was greatly surprised to discover such a general amount of ignorance as to the French language, and more particularly as to history. It is indeed rather an untoward circumstance that out of about fifty candidates, brought up doubtless at some of the best public schools in the United Kingdom, so few should have been able to write correctly even eight or ten lines in French; and yet most of these young men seem to have studied it a considerable time, as was tested by the blundering fluency with which they endeavoured to keep up any hacknied conversation started by the examiners. But when we came to paper work, or written part of the examination, orthography, grammar, idioms of the language, &c., were all set at defiance in the most ludicrous manner."

That being the result of a University education, he must say the system did not come up to the requirements of the present time. If they required a higher standard of knowledge at the University it would impose on the schools which sent scholars the necessity of raising their standard of instruction. They could not raise the school system while the University system remained low; but if they raised the University system the schools would educate up to the standard of the University. He would now refer to the University as a place for the study of the learned professions. First as to theology. The theological examination was a new institution. It was only within the last few years that the University of Cambridge had had any theological examination whatever of candidates for orders. When he was at Cambridge all that was required was that the student should attend the Norrisian Professor's lectures, the principal portion of which consisted of reading "*Pearson on the Creed*," which the rules of the foundation of the professorship required that he should read. That no doubt was a very valuable book; but it was not a book likely to attract the attention of many young students, especially when their attendance was compulsory; and the consequence was, that while the lecture proceeded, the students were engaged in reading other books of amusement or instruction. Candidates for orders were required to pass a theological examination; but what was that examination? The historical books of the Old Testament; the New Testament in Greek; the Articles and Liturgy of the Church of England; the Ecclesiastical History of the first three centuries; and the history of the Reformation in England. That was the substance of the examination which was to indicate the qualifications of men who were supposed to cultivate that highest and most important branch of knowledge—theology. What was the result? The Commissioners said—

> "There are only three Professors of Divinity in the University, a number which is altogether inadequate either to teach or to represent this most important department of human knowledge."

Having pointed out the defective arrangements in reference to lecturers and lecture rooms, the Commissioners further remarked—

> "It is almost a necessary consequence of these defective arrangements, as well as of the want of a sufficient lecturing force, that no proper school for professional instruction in theology has been hitherto formed in the University. When such systematic instruction is sought for, students are accustomed to avail themselves of the assistance of a private tutor, or to resort to some of the diocesan institutions which have been recently formed for this purpose. It is true that the University has instituted a theological examination, and has required from all persons who offer themselves for it a certificate of attendance during one term upon the lectures of two at least of the Professors of Divinity; but the obligation to attend this examination is imposed by the Bishops, and not by the University; and the examination itself is one for passing only, where there is no classification or public certificate of honour; and though the preparation for it requires no small amount of time and labour from young men of slender capacity, or whose previous education has been neglected, it is not calculated to exert a very stimulating effect upon the studies of those who are in a condition to regard it without apprehension of failure."

Then they pointed out that the means of education were thoroughly defective, and that the University did not possess the facilities for conveying that instruction. So that, while the University did not fulfil the function of educating theologians for the Church of England, it was accounted for by the fact that the University had no method of remedying the evil. Take the other learned profession—the law. There was the same absence of distinct education. The University did not afford the foundation for subsequent pursuit of the profession. Mr. Amos, the Downing Professor, than whom no one was better qualified to speak of the science of jurisprudence, referring to the facilities for educating lawyers at Cambridge, said—

> "I think there can be little doubt but that, for future lawyers, it would be desirable, if they were not induced or compelled to read so much classics and mathematics at the University, as at present, to the exclusion of English law and other cognate sciences, such as the civil law, moral philosophy, and modern history, for which professorships have been established." "It would, I think, be attended with great benefit to the community if the authorities of colleges, in awarding fellowships, would pay an obvious regard to honours obtained in the moral and natural sciences triposes; which might be accomplished without relinquishing a paramount consideration of mathematical and classical attainments. It is far less usual than formerly for barristers to be educated at the Universities. Their parents probably think that they have read at school enough of classics, except as their own inclinations may prompt them, and that there is no paramount necessity for further mathematical reading than, at most, what is required for an ordinary degree, but would gladly send them to the University for the purpose of studying law scientifically, and in connection with the other moral sciences, provided that a degree could be thus obtained, and still more so if it were an honorary degree, or if it led to academical emoluments."

The Professor went on to state his firm conviction that the tendency of the present system to drive from the University all who intended to enter upon the study of the law as a profession, and to induce persons to embark in that profession who had not the benefit of the general education which a University ought to confer. Then, as to the other learned profession—the medical—why should not Cambridge have as good a medical college as any of the towns on the Continent which were much smaller than Cambridge? The late Professor Haviland said:—

> "The general condition of this branch of study in the University is at present at a very low ebb. For the current academic year, only two or three young men have made known their intention of entering upon medical studies. There has been for some years a gradual falling off in the number of medical students, which perhaps may be accounted for in a great measure by the improved condition of the modes of medical education in London and elsewhere, and the superior advantages which teachers in other medical schools have in the opportunities of teaching the subjects connected with medicine, as anatomy, chemistry, pharmacy, &c., and by the entire want here of teachers, in some very important and necessary branches of medicine, as forensic medicine, hygiene, comparative anatomy, &c., and especially by the shortness and want of continuity in the course of medical lectures given here, compared with those given in London and in other schools. The most obviously desirable change would be, that which should give medical students opportunities of acquiring within the University a knowledge of all the necessary branches of their profession, and of thoroughly completing their medical education here, without which opportunities no university can in strictness be considered as a medical school. Towards this much has been done of late years, and it has been the endeavour to teach all that our present medical staff enables us to do; but it must be confessed that very much remains to be done, which can be effected only by increasing the number of our teachers, and, it may be added, by making the endowments worthy of the appointments, and such as would be sufficient to procure the services of men eminent in their respective departments."

Dr. Bond, the Regius Professor of Physic, gave the same evidence. He said—

> "The number of students attending the medical classes of the University has been at all times very variable from year to year, and has for several years past steadily and very materially declined. I believe this is to be attributed in great measure to the relation in which the Universities of Cambridge and Oxford stand to the College of Physicians in London having been altered by the recent regulations of that body, to the rising reputation of the London schools, to the existence of the London University, and to the estimation in which physicians individually are held by the public having less reference than formerly to the university where they are known to have studied and graduated. The privilege and *prestige* which once attached to the education of the physician at either Cambridge or Oxford having ceased to exist to the same extent, there remains little to countervail the greater expense incurred, and the longer time necessary before the doctorate in medicine could be obtained, and a position in the profession be secured. These circumstances have, I believe, deterred many from coming to the university as medical students who in former years would have done so."

He had now shown by indisputable evidence that, in the three learned professions, theology, law, and medicine, the state of education was eminently unsatisfactory, and that the quality of the article afforded did not compensate for the deficiency of quantity. There was only one other function of a university, not the least important of the functions of a university, to which he should allude—that it should be a seat of learning and science. A university ought to be a place in which those higher branches of science not immediately remunerative ought to be cultivated; and it was of the last importance that, in a commercial country like this, the higher sciences should be cultivated with diligence. In this respect the shortcomings of the University of Cambridge were not to be disputed. Men of learning and science were to be found there; but the University was not a place in which the higher branches of learning and science were cultivated as they ought to be. Lord Bacon had pointed out the importance of the junction of our University in this respect—

> "Among so many great foundations of colleges in Europe, I find it strange that they are all dedicated to professions, and none left free to arts and sciences at large. For hence, it proceedeth that princes find a solitude in regard of able men to serve them in causes of State, because there is no collegiate education which is free, where such as were so disposed might give themselves to histories, modern languages, books of policy and civil discourse, and other the like enablements unto service of State."

Lord Bacon also said:—

> "Colleges and schools of learning are to be cherished and encouraged, there to breed up a new stock to furnish the Church and Commonwealth when the old store are transplanted. This kingdom hath in latter ages been famous for good literature; and if preferment shall attend the deservers there will not want supplies."

Two or three most distinguished witnesses before the Commission had shown that the result of the existing state of society was, to diminish the attractions of the University. The various opportunities of obtaining a high income in the legal professions and in commercial pursuits, the application of cathedral and chapter benefices, not to men who had distinguished themselves in university pursuits, but to those who had been engaged in the more active walks of the Church of England, and the requirements of residence—had all worked to diminish the attractions of Cambridge life. While the attractions outside had increased, the attractions within the University had not been correspondingly augmented; and the consequence was, that the prospects of the cultivation of the higher sciences were anything but promising. There was no attraction to induce men to pursue the higher branches of science like that which allured them to active pursuits beyond the walks of University life. Mr. Hopkins, a gentleman of the first eminence as a scientific man, and perhaps the best instructor in mathematical pursuits that Cambridge had ever known, said:—

> "Our system is admirably calculated to stimulate the younger students to exertion; nor do I believe there is any place in the world where greater intellectual efforts are called forth in that class of persons than in this University. At the same time, the small number of our professors, and the transitory tenure of all tutorial offices deprive the university of means of offering any considerable encouragement to the continued study of the higher branches of science. As the reward for early exertion, she offers a competence for a single man and consequent leisure to prosecute any favourite study, but direct encouragement after the B.A. degree is wanting."

He had to apologise to the House for having gone at such length into these points, but it was his wish clearly to make out what he had said he would establish. He had endeavoured to show that the amount of education afforded by the University was small when compared with what it was natural to expect from it—that it was not what it ought to be in respect to the education of gentlemen of private station, nor for those intended for the liberal professions, nor as a seat for the cultivation of learning and science.

If the Universities were free, and had had free action, and if restrictions had not been imposed upon them with which they could not contend, the blame of this state of things, which was certainly not creditable to the educational institutions of the country, would rest upon the University. But he did not blame the University; nor did he bring in this Bill in any spirit of hostility to the University, or with the desire to disparage its disposition to improve, or to depreciate its exertion to amend the existing system. On the contrary, he was ready to admit that it had been making considerable exertions in the right direction, especially during the last ten years, and that some of the ablest and most powerful minds of the University had devoted themselves to this object. But the University had small power of self-improvement. There were internal causes which did not depend upon the will of the University, which tended to neutralize these exertions; and, therefore, Parliament was asked to enable the University and the colleges to amend the present state of things, if they were so disposed. He admitted that there were external causes which had their influence upon the state of the University—for example, the great attractiveness of commercial pursuits, and the unwillingness of young men who directed their attention to these pursuits to spend three years and a quarter in the pursuit of a University education. It should be recollected, too, that there had been a great growth of other educational institutions, such as University College and other institutions, which might be considered, to some extent, as rivals of the University affording the means of education. But it was to the internal causes that the present Bill addressed itself. The University of Cambridge was, in the first place, troubled with an antiquated and confined constitution. It had a code, framed 300 years ago, in the time of Queen Elizabeth, and a still more ancient code, going back, he believed, into the thirteenth or fourteenth century. But the principal statutes for the Government of the University were those framed by Archbishop Whitgift, and imposed upon the University against its will. That was the law under which the University professed to live, and which gave it existence. But its law and its life were at variance. A system of examinations had grown up irrespective of the University code, which, in regard to that portion of it which minutely directed the studies of the University, had become almost obsolete and disregarded. The other portion of the code, referring to the government of the University, was an impediment to the free action of the University, and to its endeavours to meet the requirements of the time. A certain portion of the statutes of the University were Royal statutes, given by the Crown, and acted upon by the University, and these they could not change. Then, again, there were statutes of the nature of bye-laws, made by themselves, which they were able to change. The constitution was the most obstructive one ever invented. The legislative body was the Senate, which consisted of two houses; the Regent's House, composed of M.A.s of five years' standing, and the non-Regent's House. The Senate had no debating power; it could discuss nothing, and merely gave its assent or dissent to the measures submitted to it by the Caput, a body consisting of the Vice Chancellor, who was elected by the Senate on the nomination of the heads of Houses—one doctor of each of the faculties of divinity, law and medicine, and an M.A. representing each of the Houses. Every Member of this body had an absolute veto upon all propositions. Without the assent of each of those no measure could be submitted to the Senate; and as the Caput was composed of the most conservative portion of the University, it was inclined to resist all improvement, and all change. With such a conservative constitution as this, it was astonishing to him, not that the University had done so little in the way of improvement, but that it had accomplished so much. This Bill proposed to do away with this Caput, and that a body, to be elected by the resident members of the University, should have the power of initiating measures. To that body he proposed to intrust, not only these legislative functions, but also the power of framing statutes for amending or repealing the University statutes, the code of Whitgift, or any other Royal statutes in existence, together with a general power of imposing and altering bye-laws. There could be no doubt of the necessity of a considerable change in the constitution and laws of the University. The oaths of the University also demanded great alteration. He, in common with all other M.A.s of the University, had taken an oath to observe the code which, he was ashamed to say, it was impossible in all respects to obey; practically, in fact, no one was acquainted with it. But these oaths and tests produced an effect to which the attention of the House ought to be directed. The Universities were formerly national institutions, practically open to all the nation; but now, by the system of oaths and tests that had sprung up, half the public, the Dissenters, were excluded from University degrees, and this not by any Act of Parliament, but in consequence of a letter of James I., never formally recognised, although acted on by the University, in which he required all who took degrees to subscribe to the Articles of the Church of England as well as to take the oath of supremacy. In the last century the University passed a statute of its own, apparently without legal authority, enabling a person who took the degree of B.A., instead of subscribing to the thirty-nine Articles, to make a declaration that he was a *bona fide* member of the Church of England. With reference to the oaths required upon taking degrees, Dr. Peacocke observed:—

> "We have found that they relate to observances which have become obsolete or impossible; to statutes which, to a great degree at least, have ceased to be obeyed; to studies and exercises which have ceased to be followed or performed; to payments which have ceased to be paid; to official duties which have ceased to be discharged; to continual residences within the University which have ceased to be demanded."

It was proposed by the present Bill that none of these oaths or declarations should be required upon taking degrees. He would now proceed to another point. It was his strong conviction that one of the great defects of the University was the great expense attending its education. The Report of the Commissioners stated the expense of the residence of a young man residing at the University, in order to obtain the benefits of the education imparted there, varied from £200 to £600, that was for a residence there which did not extend to more than six months in the year. He (Mr. Bouverie) saw no occasion for that. What did they find in the sister country? At the Scotch Universities the sons of decent persons engaged in day labour, and earning daily wages were able to go to the University of St. Andrews for a few years and to enjoy the advantages of a good education at an expense of not more than a few shillings a week. Many such persons had become able and accomplished men. He had an application only within a few days in which a young man, the son of a labourer and the brother of a labourer, belonging to the class he had mentioned, was anxious, after being educated at the University of Aberdeen, to come to London and earn his bread by teaching Greek, Latin, and Hebrew. They would not find a case of that kind in any of the English Universities, but he was quite sure that if proper efforts were made, as great facilities for education could be given at our Universities in England as were given at St. Andrew's and Aberdeen. His hon. Friend the Member for Lancashire (Mr. Heywood) had an Amendment on the paper to which he was not prepared to give his assent. The colleges to which that hon. Gentlemen's Amendment referred stood on a different footing from those under discussion. It was believed that the new halls, if properly managed, would afford a great opportunity of extending the usefulness of the University. There was no reason why different sects of Christians should not have the advantage of a University education, and why they should not have their degrees. He believed that, combined with that, there might be considerable reduction made in the expense of education at the University, and the Bill sought to make provision for such a reduction by providing for the establishment of private halls. The principal feature of the Bill was, to give the colleges the fullest powers and the freest action. It was not fair to deprive them of anything until they had had an opportunity of showing what they could accomplish by their individual exertions. Over the whole of the powers given to the University on the one hand, and to the colleges on the other, it was proposed to set a Parliamentary Commission. Great powers would be given to that Commission, in order to operate as a check and control over the colleges. He believed that there were to be found in the colleges men who were disposed to promote every improvement that was necessary, and to use the fullest powers given by the Bill for the benefit of the University. The right hon. Gentleman concluded by moving that the House go into Committee on the Bill,

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

Mr. WALPOLE: Sir, while I feel bound to acknowledge the ability which my right hon. Friend has displayed in explaining the objects and provisions of this Bill, I cannot but regret that he should have assumed so depreciating—so disparaging—a tone in reference to the University of Cambridge. The right hon. Gentleman has brought to bear everything that has been urged elsewhere, I will not say against the Universities, but against the "results" of the University system, as he himself has been pleased to call it; but he has entirely left the House in the dark as to everything that has been said or done in their favour. He compared the state of education in the University now with the state of education in that establishment 200 years ago—namely, in the reign of Charles I.—and drew an inference by that comparison unfavourable to the present system. He complains not only of the comparatively limited number of those who participate in the advantages of the institution, but of the defective quality of the education there imparted. But, Sir, my right hon. Friend in his own speech has partly accounted for the insufficient increase in the number of those educated in our Universities by the circumstance that so many more persons are now employed in commercial pursuits at an early age than there were at the time to which he refers. As to what my right hon. Friend said with reference to the expense of education in the University of Cambridge, I entirely concur with him; but I do submit that when he spoke of the want of proportionate increase in the number of students, he should have remembered that 200 years ago most students went to both the Universities at a much younger period of life than they do now; greater attractions now draw them away; and the consequence is, that persons are engaged in other pursuits before the time when they would have an opportunity of still continuing their educational course. The fact is, in a country where great attraction exists for profitable employment elsewhere — employment which carries away young men at an early period of life from those higher studies and that larger branch of education which our Universities afford—you will always have, comparatively speaking, a relative diminution in the number of students; and I fear that those who enter the Universities and become candidates for University honours and degrees, will always bear a small proportion to the number which we should wish, if we had our own way, to obtain very generally such an education as those institutions offer. My right hon. Friend then went into the question of the quality of the education supposed to be imparted at the University of Cambridge, repeating everything that has ever been said with reference to *minimum* tests; but surely, Sir, upon this point, he might have tried the quality of the education given by the University by a better criterion, namely, by the men she has sent forth into life, who have signalised themselves in every station, and whose education has not proved defective or inadequate in regard to all that makes men capable of usefulness in the world. I own, Sir, I was surprised—particularly surprised—at what my right hon. Friend had the boldness to say with reference to the education afforded at Cambridge to men preparing for that profession to which I have the honour to belong; when, if there be any one quality in connection with the education given at Cambridge more remarkable than another, it is the admirable manner in which it has trained up a succession of lawyers who have attained to the highest positions at the Bar and on the Bench. My right hon. Friend having thus stated what he conceives to be the defective and inefficient education imparted by the University of Cambridge, in amount and in quality, then says that the object of this Bill is to supply these defects; but as to the connection between this Bill and those alleged defects, that is a point which I own I cannot see. I am not aware that any great opposition is about to be made to the measure proposed by my right hon. Friend, though notices of Amendments have been given, both by my hon. and learned Friend behind me (Mr. L. Wigram), and by the hon. Gentleman the Member for Lancashire (Mr. Heywood). With regard to my own feelings in respect to the Bill, I still stand upon the same principle which I more than once announced and advocated in reference to the Oxford Bill when it was before the House—namely, the principle that Parliament should impose as little restraint while it takes care to give as much freedom as possible to those who constitute the governing bodies of our Universities and Colleges in making such improvements as circumstances may require. Therefore, I shall not oppose this Bill, except upon those points where I think it militates against that principle. And this leads me to another reason why I think that this disparaging tone in reference to the University of Cambridge ought not to have been indulged in. When we discussed the Bill relating to the University of Oxford, it was not denied — indeed it was almost admitted — that that University, as compared with Cambridge, had flagged, as it were, and somewhat lagged in the alteration which the times demanded; but no one has said the same thing of Cambridge, nor could any one, knowing the facts, make such an allegation with anything like truth. My right hon. Friend seemed to believe that the University may be reformed by its own efforts. He said that his only astonishment was, that with such a constitution as that on which the University was founded, it had not remedied its own deficiencies. Is not that a strong reason why the House should pause before it passes any compulsory measure? If a University so constituted has made such improvements for itself as my right hon. Friend acknowledges it to have done, can you not trust it to go on in that course without imposing any compulsion or restraint upon it? I trust, Sir, the House will pardon me—connected as I am with that University—if I point out some of the things which the University has done within the last few years as evidence of the confidence to which it is entitled. Twenty years ago the only degree for which an honour could be obtained was the mathematical degree. Now, without at all disparaging the importance and advantage of the study of mathematics—for I believe that there is no study more useful in fixing the attention and expanding and invigorating the intellectual faculties of the mind—I think it must be admitted that to confine education, so far as regards the principal honours, to one subject was a great defect. The heads of the University were sensible of that defect, and accordingly a classical test was established, and a Tripos—a classical Tripos—with three classes, was opened, in which students could take honours as well as in mathematics. Mathematics, therefore, no longer remained the exclusive branch of study at that University to which honours were attached. Still the system as regarded honours was defective. It was felt that the students should not be confined to mathematical and classical studies, great and valuable as those studies are as the foundation of all education, whatever pursuit or whatever profession the student may afterwards be likely to follow. My right hon. Friend has already pointed out that, in one respect at least, the University has supplied the deficiency which existed, for he says it is required that previously to obtaining the common degree, students should attend certain lectures which are given by professors, and pass a satisfactory examination on the subject of those lectures; but did the Universty stop there? No, Sir, the University went much further. Every possible encouragement was given for the study of other branches of learning besides those contained in the classical and mathematical course. Rewards and honours are given in what are called the natural and moral sciences—including in the name of the natural sciences, comparative anatomy, chemistry, geology, and certain other subjects; and the moral science reaching onwards to those very studies to which my right hon. Friend said he was anxious that young men at the University should apply their minds to;—namely, moral philosophy, political economy, jurisprudence, and history. Now, when you consider these things—when you find the students at the University of Cambridge encouraged to attain distinction, according to the bent of their minds, either in mathematics or in classics, or in the moral and natural sciences—I ask you whether you find any reason to suppose that any Bill of this description would be likely, more than the University itself, of her own efforts and by her own directions, to secure the benefit of a more extended and better kind of education? Sir, I agree with my right hon. Friend that, much as the University has done, there is still more that it may well do. I agree with him with reference to one subject particularly—that of the modern languages—that too little encouragement is given to the study of them. Certainly, there is at present no inducement given in the University for the study of modern languages; but I believe that the University is alive to that defect—indeed, I know that some of those who take the greatest interest in the education of the students of the University are sensible that more might be done in that matter, and I think it not improbable that the time will come when, to a certain extent, that vacuum will be filled up. Now the point which I wish to press on my right hon. Friend is this—if the University has done these things for herself, why not leave her as free as possible to do still more; but if she have not all that freedom which my right hon. Friend thinks her present constitution prevents her from enjoying, how will his Bill give it to her? I wish to ask him this question, what does his Bill do for her? And I would further beg of him to consider, whether there are not clauses in the Bill which will rather prevent than stimulate and encourage the very object which he desires to achieve? The Bill before us may be divided into two parts—one which relates to the University itself, and the other which relates to the colleges. That part of the Bill which relates to the University, provides the new constitution for the government of the University, to which the right hon. Gentleman has adverted; provides for the introduction of private halls, confers powers even of legislation on the Commissioners, and relaxes certain restrictions which now exist, with reference to the qualifications for taking of degrees. I think that is a true description of this portion of the Bill. As far as relates to the colleges, I think I may describe the principal portion of the Bill as abolishing the oaths which are now imposed, and as a consequence of the abolition of those oaths, enabling the colleges to deal more freely with their collegiate property than they now can do. If the House will permit me to make a few observations on this subject, I think my so doing will not interfere with the progress of the Bill, because, after the matter has been brought before the House in as connected a view as possible, we shall be able to discuss the details, where discussion shall be necessary, with greater advantage. With respect, then, to the first point—the constitution of the new Government: acting on the principle which I have always advocated—namely, that of giviving or securing perfect freedom of government for the University; and the non-interference of Parliament, except where such interference is necessary—I must say at once that although I would not have proposed the exact council which my right hon. Friend proposes, yet I am bound to add that it being proposed, I see no reason for offering opposition in order to defeat it. I should not have proposed the exact council, because, with the strong opinion I entertain, that the University should be left to settle matters as much as it can for herself, I should have hoped, when the University did provide a council which it thought would be satisfactory, and which had been received in strong terms of approbation by the Commissioners, that it would not have been turned round upon in reference to that point, but rather that it would have been trusted to form for itself its own constitution. Under these circumstances, I think it would have been much better to let the University have a council such as it had framed for herself, and, if it should not have been found to answer, it might have been enabled to make subsequent alterations to remedy the defects which might have become apparent by experience. In the Report of the Commissioners, I find this strong recommendation of the council proposed by the University:—

> "We cannot hesitate to express our pleasure to find such a proposal emanating from the University itself. It has evidently been framed with careful deliberation, and with an especial view, as well to preserve a balance and power among several colleges, as also to prevent the excitements and rivalries of a more popular and unlimited mode of appointment. The suggested scheme has received the unanimous approval of the syndicate; and we hope it may in due time receive the sanction of the Senate."

Unfortunately, Sir, the Inquiry Commissioners, after expressing an opinion thus favourable to the council suggested by the University, have thought it right to change their mind; and by so doing they have been the cause of the only material difference which has taken place in the University with respect to the measure to be passed by Parliament. Since that change, the Government have proposed a somewhat different council. It is my duty, however, not to cavil against this or that variation, because the exact council is not proposed that the University would have suggested or that I should approve of; but to see if there be in that proposal any objections which we ought to remedy. Well, Sir, my opinion, on the whole, is, that the council proposed is not a bad one; and as it corresponds very much with the council which was given to the sister University of Oxford, and since I have always felt that it is a matter of paramount importance to put the two, *mutatis mutandis*, as much on the same footing as possible, I shall not attempt the rejection of the council as here constituted, but finding it in the Bill, and not entertaining any serious objection to it, I am prepared to give it my support, although, I repeat, it is not exactly the council I should have proposed. As to the second point, which relates to the University—the establishment of private halls—there is an important point of difference between this Bill and the Oxford Bill. These halls were much discussed when the Oxford Bill was before the House. And I will here repeat what I said when the Oxford Bill was under consideration, that I do not think well of them. I do not think they will diminish the expense of education to the student, while they may tend to impair the usefulness of the Universities in an essential particular. One of the best things about the University system of education is the domestic character which it obtains by means of the collegiate system. By that system you have students under every possible variety of circumstances associating together at all times. Meeting in the same lecture-room, competing for the same prizes, dining in the same halls, worshipping in the same chapel; and though those things may at first sight appear trifling—I should not say trifling, but not very important—yet I am perfectly confident, from observation, from experience, and from that which is still better, from the mature opinion and judgment of others, that there is hardly anything that has a greater effect on the moral and even intellectual characters of students than those circumstances to which I have referred. Strongly do I deprecate any step which in any degree tends to impair the efficiency of the collegiate system, and for that reason I contended against the establishment of private halls at Oxford; but, again, I say that as you have given them to Oxford, and inasmuch as I think the two Universities ought to be placed as much as possible on the same footing—and since my right hon. Friend has urged the only strong reason which can be urged in favour of these private halls, namely, that you thereby give a greater latitude to persons who dissent from the Established Church, and afford them a greater opportunity of obtaining a University education, I will admit at once that I shall not oppose their introduction into Cambridge. At the same time there is one portion of the Oxford Bill applicable to this subject, which is omitted from this Bill, and which I hope my right hon. Friend will consent to insert in the measure now before the House. In the Oxford Act the University is empowered to make certain regulations for different things connected with the private halls, and, amongst other things, with reference to the religious instruction and the attendance at Divine worship of the students. That provision has been omitted from the present Bill. I beg of my right hon. Friend to insert it. Such a power of laying down regulations for the guidance and discipline of the young men who are there to be educated, I look upon as necessary for the well-being of the government and discipline of the University, especially when I remember that at the age of many of those students the passions are strong and the judgment weak. My hon. and learned Colleague (Mr. L. Wigram) proposes to insert a clause to this effect; and I shall certainly support him in the introduction of that clause if my right hon. Friend does not insert such a provision himself. The third part of the Bill to which I shall advert is that by which a kind of legislative power is given to the Commissioners. My right hon. Friend observed, that in giving that power to the Commissioners he did not mean to do away with the free action of the University, but only to induce the University to act freely for herself. Now, there is no similar provision in the Oxford Act; and I ask, does Cambridge require such a stimulus, when she is so willing to act freely and of herself? Why bring an external power to bear upon her in forming her own statutes? Why is she not as likely as the Commissioners to make statutes suited to her condition, and which shall best promote her own interests? She must know her own requirements better than any Commissioners outside her walls. I think such a provision shows an undeserved distrust in the University, and if adopted may lead to disagreements but little likely to promote that peace and tranquillity which ought to reign in a seat of learning. But even if I did not feel thus strongly as to the compulsion and restraint thus put upon the University, I believe the provision to be otherwise most unwise. For how stands your Bill? The Bill proposes that the University shall make statutes for herself till the year 1858; that the Commissioners shall then have power to make statutes for her till the year 1860; and that when 1860 shall have arrived, that power shall be again restored to the University. Now, I think this may create a conflict of opinion that will lead to absurdities. When you propose to give the University the power of making her statutes permanently hereafter, why create the interval of two years during which the Commissioners may propose something entirely opposed to the views of the University, and to the feelings of those who best know her interests? I hope my right hon. Friend will either omit that part of the Bill altogether, or at least qualify it to this extent—that the alteration of the statutes shall only take place, like the proposed alteration of college statutes, with the consent of a certain portion of the governing body. The last part of the Bill is that relating to the intended relaxation of some of the restrictions in taking degrees; and here again my right hon. Friend has departed from the terms of the Oxford Act. That Act made, I think, the best provision that can be made with regard to those who are not members of the Established Church. It said, "You shall impose no test; you shall require from the student no declaration; you shall force upon him no oath which will prevent him from taking a B.A. degree;" but further than this it did not go. My right hon. Friend now says, "Remove these restrictions up to the time of his taking a M.A. degree." My first objection to this is, *cui bono?* Is it for the purpose of education? I deny that it is necessary on this account, because the educational course may be said to end with the degree of B.A. And then, again, I think you ought to keep these Universities on the same footing, or else you will have one bidding against another, or members in this House will be holding up one in contrast to the other, until at last you will make these Universities totally different from what you intended when you commenced this reforming process. Since you can gain no advantage in an educational point of view by extending the periods of time during which these restrictions shall not be imposed, I see no reason for introducing this clause into the Bill, and I hope it will not be persevered in. The result, then, is that, so far as the measure relates to the University, I shall not feel it my duty to offer any material opposition to it; and I shall only seek to amend the Bill in that portion of it which relates to private halls, the omission of regulations on the subject of religious instruction and public worship. I shall also beg my right hon. Friend to omit Clause 31, which will really enable the Commissioners to act by compulsion upon the University, or, at least, I shall beg him to add such a proviso as will give the University a voice in the matter; and with regard to Clause 44, I shall endeavour to assimilate that clause to the corresponding section in the Oxford Act. The alterations in the Bill respecting the colleges, upon which a difference of opinion may arise, are two. The one is the abolition of oaths; the other is the power to be conferred upon the colleges—which power, if not exercised by the colleges, is to be conferred upon the Commissioners, of altering the tenure of college emoluments, and, indeed, of disposing of them in a different manner from that which their founders and donors prescribed. With regard to the abolition of oaths, I am in entire agreement with my right hon. Friend. Nothing can be more disadvantageous than the attempt to bind fallible man by a fallible machinery, especially when circumstances may be so materially altered as to render necessary an alteration of it. The variation of laws, customs, and habits—any variation which may take place, and which cannot have been contemplated at the time—may make all the difference at some future period with regard to the propriety of imposing such tests. If I required an argument upon that opinion, I could not find a better one than is to be drawn from a period of time remote from the present, when new statutes were given to Balliol College, Oxford, by Pope Julius II. The preface to those statutes is so perfectly applicable to that part of the subject which I am now animadverting, and agreeing with my right hon. Friend upon, that I hope the House will allow me to read it. The Oxford Commissioners say:—

> "The preface to the present statutes of Balliol College, given to it by Pope Julius II., well expresses the necessity for alteration, which is equally applicable to all colleges in all times:—'We do not issue these statutes because none previous have been issued; for, in fact, this is the fouth code promulgated; but because those statutes framed up to this time have, by the changes of times and men, after the fashion of human affairs, reached that point, that what in the beginning brought to the framers profit and use, afterwards, in the course of time, brought loss and the greatest mischief.'"

Now, that is as applicable to the present times as it was to the times in which it was written. I concur with my right hon. Friend in thinking that those oaths require alteration; and I think it better that the only declaration that a member of the University should make is, that he will abide by the rules and customs observed in the colleges; that any oath not to disclose any matter or thing relating to the college, to resist or not concur in any change, or to do or forbear from doing anything the doing or not doing of which tended to such change, would only encourage the evasion of an oath which he knows he cannot comply with; and that, therefore, there is a necessity for effecting an alteration. Now the consequence of an alteration in the college oaths will lead to an alteration in the college emoluments. But I cannot agree with my right hon. Friend in carrying that alteration to so great an extent as he proposes, and here, therefore, I shall be constrained to oppose him unless he consents to reintroduce into this Bill some words which he himself has struck out of it—some words which are contained in the Oxford Act, and which ought, I contend, to be contained in any Act, if you desire to deal justly with the rights of property and the intentions of the benevolent founders. Now, in the Oxford Act there is a long preface to the clause which corresponds with the one to which I am alluding—namely, the 27th clause of this Bill. In the Oxford Act there is a long preamble which says that alterations may be made by the colleges in their statutes, for the purpose of promoting the personal merits or fitness of the candidates, or students, or members of those colleges; but that general power is qualified to this extent, namely, that in making such alterations you ought to have regard to the main designs and intentions of the founders. So I think you ought in all cases. If you leave out those words intentionally—meaning thereby that the colleges or the Commissioners, or both, may divert the trust upon which property is given to an entirely different purpose, then you, in reality, strike at the very root and foundation of property, and the tenure upon which it is held. More than that, if this be your intention in omitting the words, I am perfectly convinced that all that bounty and generous benevolence, which has provided and is constantly providing either these or similar institutions for the benefit of their fellow men, will be dried up, because they will object to giving their property away for such purposes, if they know that the strong arm either of this House or of Commissioners delegated by this House may take it away and divert it into another channel. I am confident that that principle is so unsound and untenable that I hope we shall succeed in inducing my right hon. Friend to reintroduce those words. I will then give him the full latitude which he desires to obtain by this clause in order to enable the colleges to deal with their property (subject only to that qualification) in the way they think most advantageous and proper. In the observations which I have felt it my duty to address to the House, I believe I have not shown any disposition or intention either to obstruct the measure of my right hon. Friend or to take an illiberal view of a great subject which has reference to the prosperity of those noble institutions the Universities of our land. On the contrary, be it remembered that my argument rests upon these two points—first, that it is a matter of sound and good policy to extend and improve freely and voluntarily the education and instruction which the

Universities can give; and, secondly, that you ought not to impose any greater restraints upon Cambridge than you have imposed upon Oxford, but should leave her as free to act as Oxford is enabled to do, in order that she may promote the advantage of her members. By this Bill, however, I think you have not done either the one or the other to the full extent that you ought. Is there, then, any reason upon which my right hon. Friend can resist the application I now make to him to act strictly on those two principles? I have pointed out the alterations I would make, and also the grounds upon which I would make them. I take my position first of all upon the great principle that that which is voluntarily and freely done is always better done than that which is done under the compulsion and restraint of another; next, that the University of Cambridge deserves your confidence, since she has already done so much for the cause of education and science, and, I firmly believe, if you let her alone, that she is still likely to do much more. But if I wanted another argument to induce me to take the course which I am now pressing upon the consideration of the Government, I should find it in the good fruits that have been produced. I would take it from results which are palpable and notorious to all—the great and eminent who in every sphere of life she has nurtured and sent into the world. I cannot refrain from reminding the House that Cambridge in this respect stands—I will not say as high as, but I will venture to say higher than any institution that you can name, either in this or in any other country in the world. Sir, I am proud to think that I belong to a University which, in science, has produced a Bacon and a Newton; which, in theology, can boast of a Barrow and a Jeremy Taylor; which can show you a Bentley in scholarship, and a Porson in learning; whose sons in poetry have charmed, aye, and instructed too, thousands and thousands before, and will charm and instruct thousands and thousands to come after us—a Spenser, a Cowley, a Milton, a Dryden, a Gray, and a Byron. And if I go to that profession for which my right hon. Friend appears to suppose a Cambridge education does not qualify her sons—if I go to the persons who fill the highest ranks in the law, produce to me if you can nobler names than those of Coke, Camden, Ellenborough, and Thurlow. Or, if I turn to the great statesmen of our country, none are higher, none more celebrated than the sagacious Burleigh, the prudent Sir Robert Walpole, and I might add as equal to either, that first and most finished of orators, and perhaps most dignified and virtuous of statesmen, William Pitt. I forbear—properly forbear, I hope from filling up the blanks with other names only inferior to those I have enumerated, because I believe it would almost occupy a winter's night to do so completely. I forbear to touch upon living contemporaries, the ornaments of Cambridge, that I may not be supposed to make my selection from partiality or affection; but the noble Lord opposite (Viscount Palmerston) —than whom there is none our common University may be more justly proud of—will agree with me when I say that there are three names to which I may advert—living though the bearers be—as preeminent examples of what Cambridge has done and will continue to do for her devoted sons. I take, first, the brilliant genius and the amazing stores of literature and learning which have charmed us so often when Mr. Macaulay sat within these walls, and which charm us still when we read his works. I will take another instance in one whose gigantic powers have compassed almost every kind of knowledge; who, as tutor of his college, has devoted those powers to the instruction of hundreds; and who now, as the master of that college—the head of Trinity—the Vice Chancellor of the University—has done, and I will undertake to say, will do more to reform and improve our education than all the Commissioners you can ever send there. But to the last of those names I refer with peculiar pride, to that eminent individual who is, at the present moment, Steward of the University, and I think his example will clearly point out what Cambridge can do when I remind you of that remarkable man who, first, as an undergraduate, then at the Bar, next on the Bench, and subsequently on the woolsack, achieved for himself the highest distinctions, and who now at the age of fourscore and four years, can vindicate in the House of Lords the privileges of his own order, can stand up to assert the rights and freedom of his country when assailed as she was in the late war—that greatly gifted man who brings to bear upon any subject which he touches not only the maturity of judgment and the wisdom of age, but a vigour and elasticity of mind which even the youngest amongst us may

*Mr. Walpole*

well desire to possess. Of course I refer to Lord Lyndhurst. And now I conclude. I hope I have not trespassed unnecessarily upon the attention of the House in bringing these points before them. To give freedom to the University is the main object I desire in supporting this measure, or in proposing or supporting any amendments upon it. With reference alike to the past, the present, and the future, you will indeed, confer upon her a great boon and blessing if you attend to those principles upon which I rest my case—principles almost identical with those which have actuated the Commissioners in their labours.

> "In proposing reforms," the Commissioners say, "we do not wish to dissociate the present from the past; neither do we recommend changes except for the purpose of removing positive evils."

Again:—

> "The teaching of the University should be the exponent of what is highest and best in the condition of literature and science; and should be in part also the help and guide to her sons in their aspirations after moral and intellectual excellence. Where she has failed in this, it has been partly, we think, from the want of that legislative freedom which we would wish to give to her."

I am afraid that, by some of the clauses in this Bill, you are taking that freedom unduly away. But I trust you will alter them. And now I cannot express the feelings with which I regard the future career of the University of Cambridge more felicitously and more accurately than by adopting the closing sentences of the Commissioners' Report:—

> "What above all other things gives us hope for the future good of Cambridge is the manly, free, and truth-loving character of her sons, springing—in part, at least—from her collegiate system, the character of her studies, and the uprightness of her administration, producing in return confidence and goodwill on the part of those committed to her care. In all her members she believes that she possesses a body of men who, strong in their historical remembrances, cling to what is truly good, would seek for no needless change, and would admit of no change which had not the fair promise of scientific, moral, and religious benefit."

With these sentiments, Sir, I am prepared to go into Committee.

MR. POLLARD-URQUHART observed that, before undertaking to legislate on this subject, it would be well for the House to determine a question in which the country felt much interest—namely, whether our Universities should be places of training for men who meant to devote their lives to science and literature, or whether they should be schools in which men should be educated for the stirring pursuits of every-day life. A combination of both purposes would meet most satisfactorily the views of the country. A little more of practical education and rather less of erudition would be an improvement. Science and literature should still be cherished in the Universities, but care should also be taken that in those institutions men were duly qualified for the active duties of Church and State. Many young men who were by no means unambitious or destitute of application were prevented from turning their attention to the course of University studies because they thought them too severe, and did not wish to take only second-rate honours. To obtain any reform in this respect it would be necessary to make the constitution of the University less "donnish"—to take the government, to some extent, out of the hands of those who were resident at the University; and in this respect the Bill was, in his opinion, entitled to support. It might, however, have gone further. He desired to see the council elected almost entirely by the Senate, and reminded the House that the electoral body, as now constituted, did not include such men as Airey, Macaulay, Herschel, or Babbage, and many others, who were distinguished alike for scientific acquirements and for success in active life. Many of the alterations which he wished to see introduced into the Bill would be effected by the Amendments of which notice had been given by the hon. Member for North Lancashire (Mr. J. Heywood). These he should support, and he hoped that at least some of them would be assented to by the right hon. Member for Kilmarnock (Mr. Bouverie). Upon the whole, he should support the Bill, which he thought would, to a certain degree, attain objects much to be desired, notwithstanding all that had been alleged with regard to the self-reformation of Cambridge.

MR. HEYWOOD said, he thought the House ought not to go into Committee upon this Bill without considering the application of the £185,000 which the right hon. Member for Kilmarnock had, on the authority of the Commissioners, stated to be the total amount of the incomes of the various colleges at Cambridge. In his opinion these large incomes made the principal difference between the Universities of Oxford and Cambridge and other Universities, for he believed that as good a degree, so far as learning and acquirement were concerned, could be obtained in the University of London. Originally the colleges were devoted to the religious profession, and their incomes were frequently derived from the custom, in ancient times, of giving large sums of money to indigent priests for praying for the souls of deceased persons. That custom prevailed at the University of Cambridge in early ages, and a large quantity of college property was collected in that way. That income, in process of time, was given to maintain the students from early life, and during a period of nineteen years which were necessary to reach the degree of doctor of divinity. That maintenance was indispensable, for no one would have stayed in a college for so great a part of their lives without it. There was a difference between Oxford and Cambridge in this respect, that Oxford had never published its records, and it was not known what had happened with regard to the disposition of its property at the time of the Reformation; whereas Cambridge had published many statutes passed at the Reformation. No doubt the money was left for the purpose of enabling persons to pursue theological studies, and was intended for the support of persons seeking professions. He meant to show that that money was not now dedicated to professions. The way in which the pursuit of these professional studies had been extinguished was curious; in fact, it had been caused by the impossibility of getting persons to stay in the University so long as had been necessary to obtain the degree of doctor of divinity, and statutes were passed enabling persons to leave after attaining the degree of bachelor of arts; the consequence of which was, that almost every one left when that degree was attained. This gave the death-blow to the ancient professional studies. Very few persons now remained at college after taking the degree of bachelor of arts unless they wished to be tutors, or to hold office. The ancient system was broken down, and there was no reason why further alterations should not be made, as the circumstances of the times required them; but, in his opinion, there ought to be a more complete alteration of the ancient constitution than was provided for by this Bill, which he could only accept as an instalment of what was needed. Another great principle which he wished to see established at Cambridge was, that the ordination of fellows should be perfectly voluntary. The experience of the Oxford Act was not favourable to hasty legislation. In Oxford three colleges only had prepared new statutes, but they had proved so unsatisfactory to the House, that they had not yet been approved. The Commissioners had sanctioned a statute for Lincoln College continuing one of the founder's statutes, which declared that any person who advanced any heretical opinion in public or private should be called before the rector and expelled. He was sorry to see that the Commission to be appointed by the Bill was headed by a couple of Bishops. That was certainly to be regretted, for one of the great reasons why there had been so much larger an amount of freedom at Cambridge than at Oxford was, that it had had an happy immunity from episcopal visitations. The University had been exempted from the visitation of the Bishop of Ely, by the Pope about the twelfth or thirteenth century, and when Archbishop Laud wished to visit it the feeling against his visitation was so strong in the University, which then happened to be full of Puritans, that he was obliged to give it up. The right hon. Member for Kilmarnock was wrong in saying that colleges were places into which Dissenters could not be admitted, because the fact was that they were admitted. There was nothing to hinder Dissenters being educated at Cambridge; he himself had been educated there at Trinity College; and the establishment, therefore, of private halls was not so great a boon to the cause of religious liberty as the right hon. Gentleman would make out. In the old times colleges were certainly private institutions, but in the reign of Elizabeth they became more closely connected with the University. The charter by which the University returned two Members to Parliament, granted by James I., expressly stated that the University consists of the colleges—the word in the original was *constat*—so that the two hon. Gentlemen opposite were Members for the colleges of Cambridge as well as for the University. It was most unreasonable, therefore, to say that, though Dissenters were to take secular degress, they should not be admitted into the Senate, for the Senate was the constituency of the University, and Dissenting graduates would thus be disfranchised. That clause in the Bill by which the statutes of Elizabeth were to come to an end in 1860 was a most valuable one. He did not think, however, that the University ought to be left unrestricted to make whatever alterations were necessary. Parliament ought to have the power of discussing and revising them, and it was his intention to move that the statutes, as altered by the University, should not have the force of law until four months had elapsed from the time of their being laid before Parliament, instead of forty days. In questions of religious liberty these monastic establishments ought to be viewed with great jealousy, though he was quite willing to bear his testimony to the feeling of impartiality and honour with which Dissenting students were treated by the University. He saw no difficulty whatever in Dissenters being educated at the University if the statutes of the colleges were only put on a more liberal footing.

Mr. J. G. PHILLIMORE said, the great fallacy which had run through the debates on this Bill and on the Oxford University Bill, was the attempt to institute an analogy between English and foreign universities. Men stayed many years in German universities, looking to the means by which to make a great and European reputation, and not turning their attention at all to the affairs of the country. But in England it was just the contrary, because the great majority of men went to the English Universities with the view of becoming statesmen or lawyers. Was it not, then, most important that, during the few years while they could call their time their own, they should be storing their minds with that knowledge which hereafter would be of the greatest possible advantage? In Germany men might, in the course of ten or twelve years, go over the same writers again and again; but in England, if they did not acquire the tastes and habits for consecrating their minds to particular subjects while at the Universities, the attempt would afterwards be vain. Nothing was more to be deprecated than turning the Universities from their original purposes into mere schools for modern languages. What was wanted was, that they should lay the solid foundation of classical and mathematical knowledge, rather than develope the premature and precocious reputation which left nothing to fall back upon when great qualities and talents were required for the public service. The great object of Universities should be to prepare men for the active service of the country. Reference had been made to the number of eminent men reared in the Universities, and to the small number of graduates in that House. He thought the test extremely fallacious. He did not mean to say a word against the Reform Bill, but the inevitable result of it was to throw open the avenues of that House to a class of people who were not brought up at the Universities, and to make it more difficult for those who were brought up at the Universities to find their way there. The activity, opulence, and enterprise of commerce, and the absence of patronage, had prevented young men regarding that House in the light of a certain profession. Many of them looked to other quarters for advancement, and if they entered Parliament, entered it at a very late period of life. But if he were asked whether he thought the Universities had not degenerated, he thought they had. The system of cramming was fatal to many understandings. The violent exertions of a few years inspired disgust with study, and a disposition to consider the knowledge acquired at a University all the knowledge that was necessary; whereas it was of very little importance compared with the acquisition of taste for literature, which should be the effect of a University education. He asked any one of refinement or taste whether he thought the writers of this century could be compared with the writers of Queen Anne's time? Talk of the genius of *The Times*, was there anything in *The Times* at all to be compared with Addison's papers in the *Spectator*? Did they think writers for *The Times* could write day after day such papers as were written week after week by Addison, or that the political writings of the age were equal to the political writings of Swift and Bolingbroke? His right hon. Friend had dwelt upon the advantages of mathematics in regard to the strength it gave to the reasoning powers; but he thought that, carried to excess, it was apt to blunt the sense for moral reasoning. He concurred in the wish that Cambridge would borrow a little of the Oxford classics, remembering that Gibbon had said he fortunately left off the study of mathematics before he had pursued it long enough to lose the power of giving due weight to reasoning on moral subjects. In one remark of the right hon. Gentleman (Mr. Walpole) he entirely agreed, and he should give every support in his power to preserving the intentions of the founders. Nothing could be more unjust or unreasonable than to accept a gift and reject the conditions with which it was accompanied. By sweeping away the conditions annexed he thought they would be drying up the sources of educational gifts, and, in his opinion, nothing was more touching than to see a man who had risen from humble life, making bequests to a college for the advantage of a particular school, that others might be raised by the same means which had enabled him to raise himself.

Mr. WIGRAM said, they might pursue the subjects touched upon by the hon. and learned Gentleman to great length, and with considerable interest, but he hoped the House would proceed in Committee, that they might make some progress with the Bill.

Motion *agreed to.*

House in Committee.

On Clause 1,

Sir WILLIAM HEATHCOTE suggested that the Government should consider whether, in appointing Commissioners, five was not a sufficient number, or, at all events, whether seven was not better than eight.

Clause 1 *agreed to;* also Clauses 2 and 3.

Clause 4 (Commissioners empowered to require production of documents, &c.).

Mr. STAFFORD, in the absence of Lord John Manners, moved the omission of the words "and no oath which may have been taken by any such officer shall be a bar to any authorities of the Commissioners." The words assumed that Parliament had power to dispense with the obligation of an oath, and the effect of them would be to interfere with liberty of conscience. The question had been raised on the Oxford Bill, and he would divide the House again on it.

Mr. BOUVERIE explained that the words were inserted not to constrain persons who had conscientious scruples, for there was no penalty on refusal to give information, but to ease persons who, without the words, might think the giving information would be a violation of their oaths.

Mr. WALPOLE thought it a most objectionable form of legislation. He had divided against similar words in the Oxford Bill, and if the hon. Member divided on the Amendment he should support him.

Mr. J. G. PHILLIMORE argued that oaths were taken with a reservation of their being lawful, and if an Act were passed requiring information to be given it would be no violation of an oath for a person to fulfil his duty as a citizen by giving that information. He therefore did not see what was gained by the insertion of the words.

Viscount PALMERSTON said, that if it were intended to relieve persons from the obligations of their oath, it was better that distinct words to that effect should be inserted in the Act of Parliament, rather than that it should be left to inference.

Mr. WIGRAM said, no matter what the intention might be, the popular impression on this subject was that the House of Commons by this clause undertook to absolve persons from the obligation of the oath; to remove the impression, he thought the words ought to be left out.

Mr. BOUVERIE said, as a matter of authority with Gentlemen opposite, the words were suggested by Lord Lyndhurst, and were slightly different from those in the Oxford Act.

Mr. LLOYD DAVIES thought it very important to retain the words, as information would otherwise be refused on the ground that the oaths required its concealment.

Mr. MALINS thought the words unnecessary.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided:* — Ayes 75; Noes 31: Majority 44.

Clause *agreed to.*

Clause 5 (Establishment of Council of the Senate).

Mr. HEYWOOD moved to omit the word "sixth" and insert the word "first," his object being that the election of the Vice Chancellor should take place under the new system.

Mr. BOUVERIE said, it was thought better that the new machinery of the Bill should be put into operation on the 7th or 8th of December, which was the close of the present academic year.

Question put, "That the word 'sixth' stand part of the clause."

The Committee *divided:* — Ayes 86; Noes 19: Majority 67.

Mr. HEYWOOD then moved after the words "exercised by," to insert "the heads of Houses in their collective capacity." The hon. Member said, the object of this Amendment was to assimilate the Cambridge to the Oxford Bill, by transferring the discipline of the colleges from the heads of Houses in their individual capacity, to the council generally. The result would be, that the heads of Houses here would correspond with the "hebdomadal board," at Oxford, before the Act passed.

Mr. BOUVERIE thought the Amendment unnecessary. The most material power of the heads of Houses was as to discipline; and that power was not to be forced upon the new council, but left to its discretion to accept.

Mr. HEYWOOD said, this was the important point. The heads of Houses had no knowledge of the students, and were a very unfit body to have charge of their discipline. He himself, during all his residence at the University, never spoke to the head of his House.

Amendment *negatived.*

Clause *agreed to.*

Clause 6 (Composition of the Council).

Mr. HEYWOOD moved to leave out the words "four Heads of Colleges and four Professors of the University;" the effect of which would be not to compel the new council to elect four heads of Houses. The reason of the Amendment was the unsatisfactory way in which the Oxford Act, from which the clause was copied, had been found to work.

Mr. BOUVERIE very much preferred the clause as it stood. This was a question as to the constitution of the council, and he confessed he should like to see all the different interests represented.

Sir WILLIAM HEATHCOTE did not think that any council elected by the University of Oxford would be likely to adopt the Amendment of the hon. Member. That University had elected more heads of Houses than it was really incumbent on them to do.

Mr. CRAUFURD opposed any restriction being placed on the electoral body of the University, and should therefore support the Amendment.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 102; Noes 38: Majority 64.

Mr. HEYWOOD then moved the omission of the following words, after the word "Members of the Senate," from the proviso at the end of the clause, "not elected as heads of colleges or professors; and if any member shall be elected of the council in two or more classes he shall, when he first takes his seat in the council, declare in which class he elects to be a member, and thereupon his seat in the other class shall be vacant."

Mr. WIGRAM opposed the Amendment.

Mr. WALPOLE thought that the proviso, as it stood, was very objectionable, for it acted as a restriction upon the freedom of election.

Viscount PALMERSTON said, that if it were desirable—and he thought it was—so far to restrict the choice as to point out in what proportions the different classes or interests should be represented, it would be necessary to retain the words proposed to be left out,

Question put, "That the words 'Provided also, that nothing herein contained' stand part of the clause."

The Committee *divided:* — Ayes 63; Noes 111; Majority 48.

Clause *agreed to.*

Clause 7, requiring members of the Senate to reside at least twenty weeks in the University in every year, "fourteen" was substituted for "twenty," and the clause, as amended, was *agreed to.*

Clauses 8 to 19, inclusive, *agreed to.*

Clause 20 (The quorum of council to be five; and questions in the council to be decided by the majority).

Mr. WIGRAM moved that, at the end of the clause the following proviso should be inserted:—

"Provided always, that in case of a difference of opinion between the Chancellor, or the Vice Chancellor, or his deputy, and the majority of the members present at any meeting of the council, the question as to which such difference may exist shall not be deemed to be carried by such majority unless the same shall constitute a majority of the whole council; but in such case the question shall be adjourned to the next meeting of the council, and such adjourned question shall be finally decided by the majority of the members of council then present."

Clause, as amended, *agreed to.*

Motion *agreed to.*

Clauses 21 and 22 *agreed to.*

On Clause 23, giving power to the Vice Chancellor to license members of the Senate to open their residences for the reception of students.

Mr. HEYWOOD proposed to omit the words "any member of the Senate." It had been stated that these private halls were intended for Dissenters, but a member of the Senate must be a member of the Church of England. By the clause none but members of the Senate were to be at the head of these private halls; and, therefore, Dissenters might as well go to the existing colleges. He moved to insert, instead "of any member of the Senate" "any person."

Amendment *agreed to.* Clause, as amended, *agreed to.*

Clause 24, giving the title of "Licensed Masters" to those opening their residences as before mentioned.

Mr. HEYWOOD proposed that they should be called "Principals" instead of "Licensed Masters," for the latter appellation was not liked, as it seemed to bear some resemblance to the term "licensed victuallers."

Amendment *agreed to;* and on the Motion of Mr. Wigram the term "hostel" was substituted for "private hall."

Clause *agreed to.*

Clause 25 (Power of University to make Statutes as to Hostels).

Mr. WIGRAM moved the insertion of the word "instruction," which would enable the University "to make regulations for the government of hostels, the instruction and discipline of the students therein," &c. His object was to assimilate this Bill to the Oxford University Act.

Mr. BOUVERIE thought the Principals who conducted the hostels should be allowed to adopt such a system of instruction as they deemed most likely to enable the students to acquire University degrees.

Viscount PALMERSTON said, that if it was intended to make the two Bills identical, the course to be pursued was of course clear; but if any improvements were to be considered, it would be for the Committee to make, if possible, Amendments in the Oxford Bill.

Amendment *negatived.*

Mr. WIGRAM then moved that after the word "therein" the following words be inserted—"Their attendance on Divine worship."

Mr. BOUVERIE observed, that the private halls were intended to be places of resort for students who did not conform to the Church of England, and no one would deny that daily worship ought to be conducted in such establishments. The Senate of the University was, however, composed entirely of members of the Church of England, and if the Amendment were adopted, power would be given to the Senate to make regulations with reference to Divine worship applicable to persons who were not members of the Church of England, and the main object of the Bill might thus be defeated. He did not believe that any Dissenting parents would entrust their sons to the charge of Principals of private halls, unless they were satisfied that in such establishments due provision was made for religious worship.

Mr. PELLATT said that, although daily prayer was offered in almost all Dissenting colleges, Dissenters would object to prayer being compulsorily ordained by law; and he hoped, therefore, the Committee would not adopt the Amendment.

Mr. WALPOLE remarked, that it was not intended to require that students who were Dissenters should attend Divine worship according to the forms of the Church of England, and any abuse of the power proposed to be given to the Senate would be guarded against by the provision that no statute could have any force or effect unless it was approved by the Queen in Council. Unless some such rule as that proposed by his hon. Friend (Mr. Wigram) was adopted, they might, for the first time, admit the principle of allowing students who were subject to no regulations with regard to attendance upon religious worship to enter the University. He believed the matter might be very safely left to the University.

Mr. HEYWOOD said, he had not the slightest confidence in the University of Cambridge in a matter of this kind. He knew that at Trinity College a gentleman of the Jewish persuasion had been forced to attend the worship of the Church of England, to the great annoyance of some of the senior members of the college. He had also seen a Roman Catholic gentleman attending the chapel of Trinity College, and he could state that he himself, although a Dissenter, had been obliged to attend the Church of England service at that college.

Mr. WIGRAM said, he did not suppose there could be the slightest objection to attendance at the service of the Church of England by Roman Catholics or by most Dissenters, but the attendance of a Jew would certainly be most objectionable. He thought the hon. Member was under some misconception when he stated that a Jew had been compelled to attend Divine service in the chapel of Trinity College. He (Mr. Wigram) was acquainted with an instance where a Jew, who was at the University, did attend the chapel for some time, but when the attention of the dean of the chapel was called to the circumstance, he thought such attendance was highly improper, and at once dispensed with it.

Mr. HEYWOOD said, his authority for the statement he had made was the Rev. Mr. Carus, Fellow of Trinity College, Cambridge, who had expressed the pain he felt at witnessing the attendance of a Jew at the service of the Church of England under such circumstances. There were some Dissenters who did not believe in the Nicene creed. He (Mr. Heywood) was one of them, and it had been most annoying to him to be forced to attend chapel when that creed was read.

Mr. BOUVERIE said, that in enacting that the University should draw up regulations according with the different forms of Dissenting worship they imposed upon the governing body a task which they were not competent to perform. How could they draw up a form of prayer, for instance, in which Unitarian, Baptist, and Quaker could join ?

Mr. WALPOLE did not ask that the University should be empowered to make forms of worship, but only that she should prescribe regulations for the attendance of students in private halls at Divine worship in some place or in some manner.

Viscount PALMERSTON would ask the right hon. Gentleman whether each college did not make its own regulation on this point, and if the colleges were trusted to require religious observance on the part of the students, why should not these hostels be equally trusted ?

Sir WILLIAM HEATHCOTE said, the reason was obvious. In the one case there was a body acting under statutes ; in this case there would be no such statutes and no bodies to administer them. As these hostels, therefore, would be fluctuating in character, and entirely dependent on the individuals placed at their head, something like stability ought surely to be given to their regulation on this point.

Question put, "That those words be there inserted."

The Committee *divided* :—Ayes 79 ; Noes 121 : Majority 42.

Clause *agreed to*, as was also Clause 26.

The House resumed : Committee report progress,

The House adjourned at a quarter after One o'clock, till *Monday* next.

## HOUSE OF LORDS,

*Monday, June* 2, 1856.

Minutes.] Public Bills.—1ª Reformatory and Industrial Schools ; Pawnbrokers ; Factories ; Police (Counties and Boroughs).
2ª Reformatory Schools (Scotland).
3ª Annuities (No. 2) ; Fire Insurances.

### REGULATIONS FOR SAILING VESSELS IN THE CHANNEL—QUESTION.

Viscount DUNGANNON asked the President of the Board of Trade whether it was intended by Her Majesty's Government to introduce any Bill into Parliament compelling vessels sailing along the coast or in the Channel during the night to exhibit lights ; and whether any new and recently-recommended plan for safe lights for sailing vessels was at present under the consideration of the Board of Admiralty ? Under the present regulations sailing vessels were bound to exhibit lights only when at anchor ; the consequence was that the mail packets, which were forced to cross the Channel at all hours of the night, were exposed to the greatest danger, and several accidents had occurred.

Lord STANLEY of ALDERLEY admitted the importance of the subject. By the Merchant Shipping Act the Board of Admiralty had power to make regulations for all classes of vessels. The present regulations had been in force since 1852 ; but in the early part of this year a memorial had been presented from Shields complaining of them in several respects ; the memorial had been referred to a Committee composed of Admiral Chads and other officers, who had lately made their report, and the whole question was now under the consideration of the Board of Admiralty.

Lord CAMPBELL said, he was glad to hear that the subject was being considered ; because, from the number of collision cases which came before him, he was enabled to bear testimony to the necessity for some regulations.

Viscount DUNGANNON wished to know whether he was to understand that it was intended to compel sailing vessels to exhibit a light.

Lord STANLEY of ALDERLEY replied that that was one of the points which were under the consideration of the Admiralty.

The Earl of HARDWICKE said, he doubted if sailing vessels should be compelled at all times during night to carry lights, since steamers always did do so, which was one of the distinctions between them and sailing vessels at sea; and it was extremely important to be able to distinguish them, as the course they took was so different—steamers taking a direct course, whereas the sailing vessels were compelled to regulate their course according to the winds and currents.

**Lord STANLEY of ALDERLEY** said, this was part of the subject under consideration.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Monday, June* 2, 1856.

Minutes.] New Member Sworn.—For Lichfield, Viscount Sandon.

2° Parochial Schools (Scotland); Excise.

3° Joint-Stock Companies; Public Health Supplemental; Sir William Fenwick Williams's Annuity.

### THE DANUBIAN PRINCIPALITIES—QUESTION.

**Mr. ROEBUCK**: Sir, it is understood that the Plenipotentiaries at Paris have appointed certain Commissioners to inquire into questions relating to the Principalities of Wallachia and Moldavia. I wish to ask the noble Lord at the head of the Government whether any instructions have been framed by the Plenipotentiaries for the guidance of those Commissioners, and, if so, whether there is any objection to lay a copy of them upon the table of the House.

**Viscount PALMERSTON**: Sir, no instructions were framed by the Congress. It was determined by the Congress that Commissioners should be appointed by the Turkish Government and by the English, French, and the Austrian Governments to proceed to Moldavia and Wallachia, and to place themselves in communication with certain assemblies called "Divans," to be convoked by the Porte in those provinces with a view to come to some understanding as to a form of government for the Principalities which should be recommended to the representatives of the allied Powers at Paris. It rested with each Government to give its Commissioner such instructions as it might deem fit and proper. I may say, however, that those Commissioners will not proceed to transact any business in the Principalities until the assemblies are convoked, and it is the opinion of Her Majesty's Government and also of the French Government, that no preliminary steps, such as elections with a view to the constitution of these assemblies, should take place until the Principalities shall have been evacuated by all foreign troops. That has yet not taken place—the Austrian troops are still there, and the Russians at present occupy that portion of Bessarabia which is to be included in Moldavia, and which they cannot evacuate until the line of frontier has been traced and agreed upon by the Commissioners appointed for that purpose. Therefore, some little delay may occur before the Divans and the Commissioners enter upon business.

**Mr. ROEBUCK**: Would there be any difficulty or impropriety in placing before Parliament a copy of the instructions framed by the Government for the guidance of the British Commissioners?

**Viscount PALMERSTON**: It is not usual to do so. The House usually wants to know what is done in consequence of instructions, but it is obvious that circumstances may occur in the course of the transactions which may render particular portions of the instructions previously given inapplicable.

Upon the Motion for going into Committee of Supply—

### THE STATE OF GREECE.

**Mr. JAMES MACGREGOR** said, in bringing under the notice of the House the present state of Greece, he must state that it was his opinion that the subject was germane to the question of Supply, inasmuch as the financial mismanagement of the Greek Government entailed upon this country a charge of £47,000 a year for interest on the Greek loan. The present Viceroy of Ireland (Lord Carlisle), who had recently visited the East, said the Government of Greece seemed to him to be the most inefficient, corrupt, and, above all, contemptible Government with which a nation was ever cursed. It was to diplomacy alone that they had trusted for many years to release this country from the guarantee into which it had entered on behalf of Greece, the hope of such a release being founded on the possibility of a better administration of the public funds by the Greek Government. In 1845, in answer to the late Lord Beaumont, Lord Aberdeen said that England, in conjunction with France and Russia, had created the State of Greece, guaranteed the independence and integrity of its territory, and guaranteed also the interest of a loan; and the Greek Government would do well to recollect that those Powers could enter into possession of any of the Greek revenues for the repayment of the interest of the loan so contracted. The same noble Lord added that the provinces were infested by robbers, and the then state of Greece was such as to give pain to all who wished for the welfare and prosperity of the State. The exercise of diplomacy for eleven years had left the condition of Greece the same as Lord Aberdeen described it in 1845. But since the war with Russia commenced, the noble Lord at the head of the Government had taken military possession of the Piræus, and he wanted to know what was to result from that military occupation? Were the people of England, through the instrumentality of this military occupation, to be relieved from the payment of £47,000 a year? Was King Otho to be supported in carrying on a Government described by the noble Lord (Viscount Palmerston) as destitute of administrative talent, and by Lord Carlisle as the most corrupt with which a country was ever cursed? He therefore wished to know what course would be taken by the Government in behalf of this country or in conjunction with its Allies? When the late respected Lord Dudley Stuart brought the subject under the consideration of the House, in August, 1851, the noble Lord now at the head of the Government stated that Greece had stipulated by treaty to apply the first produce of the Greek revenues to the payment of the interest on the loan, but, he was sorry to say, that they had from first to last disregarded that engagement. If the Greek Government had properly managed its financial affairs there would have been ample means to meet all the charges upon it. It had failed to do so; the liability had fallen upon the Powers which guaranteed the loan, and representations innumerable had been made upon the subject to the Greek Government, but without effect. It was, however, intended, he supposed, again to endeavour to make some impression upon the sense of right and justice of the Government of Greece. The Congress of Paris were of the same mind as the noble Lord in 1851, and desired to make some impression on the sense of right and justice of the Government of Greece. He therefore hoped that he should elicit from the noble Lord a statement of the policy or coercion which it was intended to exercise towards that puny and imbecile Government. It was no doubt the intention of the noble Lord, in creating the kingdom and appointing a king, to found a constitutional Government in Greece; and if that constitution had worked well in Greece it would have had great influence upon the civilisation of the East. But very little progress had been made with it, and it was his impression that the non-compulsion of the payment of interest on the loan had been a real disservice to the Greek Government, because it had left the means of corruption in their hands. He was quite aware that in asking what was the policy of Her Majesty's Ministers he might meet with the declaration that no policy was so distinct as the occupation of territory by a military force. The conduct of the King of Greece was certainly most treacherous; and, although only 6,000 French and a regiment of British troops had been sent to the Piræus, who could estimate the value of that force if it had been available for the siege of Sebastopol? The necessity for coercion had arisen, and he hoped to hear that the noble Lord would feel it consistent with his duty and with the interest of this country, that coercion would be applied with a definite object—either to lessen the extravagant expenditure and corrupt practices of the King of Greece, or, if he would not listen to sound advice, to reduce him to the condition in which the noble Lord found him—that of a German Prince.

Viscount PALMERSTON: Sir, with regard to the general condition of Greece, I have nothing to add to those opinions which the hon. Gentleman has quoted as having been expressed by me on former occasions. I adhere entirely to them, and I am sorry to say the course pursued since by the Government of Greece only confirms the justice of anything I may have said in condemnation of it. With regard to the occupation of Greece by detachments of French and British troops, that occupation took place in consequence of measures of aggression either instigated or permitted by the Government of Greece against the Turkish territory. The Governments of England and France thought, and justly thought, that when they were engaged in a war with Russia for the defence of the Turkish dominions, it was not fitting that a small State like Greece, which was essentially bound by obligations to neutrality, should attack on the one side that empire which the two Governments were defending against the assaults of a larger Power on the other. For that purpose the Piræus was occupied by the forces of the Allies, and during the occupation the aggressions which led to it have ceased. I wish I could say that the occupation had produced any improvement in the system of the government of Greece, or the internal tranquillity of the country. I cannot state that; for the system of government is just what it has been considered to be hitherto, and those disorders commonly called "brigandage," such as carrying off people for their ransom, of pillage, of robbing villages and highway travellers, continue to take place to a great and lamentable extent. The real fact is, that the Government and Court party have been ever since the accession of King Otho in a state of conflict with the representative system. The three allied Powers of England, France, and Russia, when they made their arrangement with Turkey for the independence of that territory which constitutes the Greek kingdom, issued a proclamation to the Greeks, promising them a representative Government, and that was delayed until the King attained his majority. He was then called upon to fulfil his engagement, but he evaded it. At last, in 1843, an insurrection broke out, which extorted from the King the representative constitution that he was unwilling to give; and from that time to the present there has been a perpetual endeavour to get rid of the constitutional Government by corrupt and indirect means; and that money which ought to have been appropriated to the payment of the debt of Greece was appropriated in corrupting the electors, and afterwards those who were elected, so as to make the Greek Parliament a mere shadow of the substance. With regard to enforcing the payment of the debt, as the guarantee was common to the three Powers—England, France, and Russia—it has always been held that no one Power can rightfully enforce this claim without the concurrence of the other two; because it is clear that if the surplus revenue will only pay one-third of the debt, one of three Powers, by taking the whole, would naturally deprive the other two of that which would give them a fair share of the surplus. That view of the case has always been taken by the Government of this country. With regard to the future policy which England, in conjunction with France and Russia, may think proper to pursue, I am sure the hon. Gentleman will perceive that would be an anticipation of the future which it would not be proper for me to enter upon.

Mr. MONCKTON MILNES said, he believed that the system of brigandage in Greece was on the point of being arrested by a treaty of extradition between the Greek and Turkish Governments. That treaty was begun when Kalergi was in office, and was now, he trusted, on the point of being acceded to.

Motion *agreed to.*

## SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee; Mr. FitzRoy in the chair.

(1.) £3,461, Ecclesiastical Commissioners.

Mr. W. WILLIAMS said, he objected to the Vote, as most monstrous. He hoped that some reason would be given for taxing the people of this country to the amount of this Vote for the exclusive benefit of the Established Church, which was already possessed of ample funds to defray all expenses connected with it. Surely it could afford to pay Commissioners, whose sole duty was to protect its own property. Every principle of justice was opposed to such a vote as this, and he felt it his duty to divide the Committee upon it.

Motion made, and Question put—

"That a sum, not exceeding £3,461, be granted to Her Majesty, to defray a portion of the Expenses of the Ecclesiastical Commissioners for England, to the 31st day of March, 1857."

The Committee *divided:*—Ayes 166; Noes 66: Majority 100.

(2.) Motion made, and Question proposed—

"That a sum, not exceeding £16,022, be granted to Her Majesty, to defray the Charge of the Salaries and Expenses of the Charity Commission for England and Wales, to the 31st day of March, 1857."

Mr. MOWBRAY said, he wished to know whether it was the intention of the Government to introduce any measure to carry out the various schemes set forth in the last Report of the Charity Commissioners? More than a month ago he had himself called attention to the state of the charity called the Sherburn Hospital, in the county of Durham, which, in consequence of the death of the master, had been in a state of abeyance for nearly two years. He had received a letter from the chaplain of the hospital stating that, whilst they had been waiting for legislation, a fourth of the occupants of the hospital had died, while many repairs, of which the institution stood in need, were left undone, because there was no one in authority to sanction the outlay. It certainly seemed strange that a great war with a country like Russia could be commenced and brought to a close in a less period of time than it took the Government to regulate a single charity.

Viscount PALMERSTON said, it was not altogether different from the ordinary course of events that large and important questions should be settled in a much shorter period of time than was taken up with the arrangement of comparatively minor interests. No doubt the delays in regard to the settlement of those local charities upon a satisfactory basis was in great measure owing to a want of power on the part of the Charity Commissioners. However, the question had engaged the attention of his right hon. Friend the Secretary of State for the Home Department, and it was his intention shortly to introduce a Bill on the subject.

Mr. LIDDELL: Can the noble Lord give a pledge that the Bill will be introduced during the present Session?

Viscount PALMERSTON: I may undertake to say the Bill will be introduced during the present Session.

Mr. INGHAM said, he believed matters would have been in a much more forward state had it not been for the jealousy of Parliament in preventing the Charity Commissioners from sitting in Parliament. Had they been allowed to do so, they would then have had some one in the House willing to attend to the preparation of Local Charity Bills.

Mr. W. WILLIAMS said, he thought that the Commissioners attended to charities which did not require their attention, while they neglected those into which they ought to inquire. The charities of Coventry were administered satisfactorily by the Commissioners appointed by the Lord Chancellor, and nobody wanted the interference of the Charity Commissioners. Two of the charities required some change, and the alteration proposed by the Lord Chancellor's Commissioners met with almost universal approbation; but the Charity Commissioners, who knew nothing about the wants of the population, disagreed, and persisted in recommending a plan of their own. He thought it most unjustifiable to pay a Commission for acting in opposition to the wishes of the people and doing mischief, and therefore he should move that the Vote be reduced by £2,632, with the view of making the amount of it the same as last year.

Sir JOHN TROLLOPE said, he thought there was much reason to complain of the arbitrary spirit with which the Charity Commissioners had dealt with local charities, besides in many instances acting in exact contravention of the wishes of the founders. Some time ago he had presented a petition signed by upwards of 1,000 inhabitants of the town of Spalding, in Lincolnshire, protesting against the manner in which the Commissioners had dealt with a local charity of theirs. It appeared, from investigation, that a former inhabitant had left a sum of money to be distributed amongst the poorest of the population, either in fuel or in doles of money. Well, the Commissioners proceeded to found a school out of the produce of the charity, and although the inhabitants pointed out that they already possessed an endowed grammar school, while there were other schools well supported, supplying adequate means of instruction to both rich and poor amongst the 9,000 inhabitants comprising the population of the town, no notice had been taken by the Commissioners of the remonstrances of the inhabitants, and there the matter remained.

Mr. HEADLAM said, he did not see that the diminution of the Vote would have any tendency to improve the working of the Charity Commission. It was utterly unfit for the work it had to do, and the House should determine whether it should have its powers increased, or whether it should be altogether abolished. The whole thing was at present in a very unsatisfactory state, great evil arising from delay in obtaining a sanction by Bills to the schemes of the Charity Commissioners, and the expense and delay were now even greater than under the former system, when the sanction was given by the agency of the Court of Chancery. He wished to know whether an attempt would be made by the Government to give validity to the schemes of the Charity Commissioners, and also to improve their powers of working? He considered that the Government were bound to give a clear intimation of their intentions.

Mr. BAINES said, that his connection with the Charity Commission was but of recent date, and he had no personal knowledge of some of the cases which had been brought under the notice of the Committee; but he certainly would have been prepared to give explanations respecting them, had it been previously intimated to him that they would have been referred to. In answer to the question put by the hon. Member for Newcastle-upon-Tyne (Mr. Headlam), with respect to the schemes of the Charity Commissioners, contained in their last Report, he could state that it was the intention of the Lord Chancellor forthwith to introduce in the other House five or six Bills for the purpose of obtaining legislative sanction to the schemes relating to Dulwich College and some other charities. Short as had been his connection with the Charity Commission, it was long enough to convince him of this—that no men could exert themselves more strenuously and zealously in the performance of their duties than the Charity Commissioners. They felt that the law under which they acted was in an unsatisfactory state, and that the powers given them were in some respects extremely limited. An Amendment of the Act was promulgated last Session, but that was by no means sufficient to remedy the evil. If he should have the honour of retaining his connection with the Charity Commission, he should feel it his duty to bring in some measure to improve the powers of the Commissioners.

Mr. HENLEY said, he could not agree with the right hon. Gentleman in the mode of dealing with this matter. He was much satisfied that the subject had been brought forward; but he did not see how cutting down the Vote would have any bearing on the subject. No doubt some cases had arisen which had created considerable alarm, he might say, in many minds. The Commissioners apparently had got some kind of hobby in their minds in respect to some of those charities. Instead of seeing the charities of England properly administered, according to the obvious intentions of the founders, the Commissioners appeared to be determined to apply them all in the general way of education. They were in this difficulty—suppose the Commissioners had the absolute power of dealing with the charities without coming to Parliament, the House might reasonably complain that they could not stop this mischief. He, therefore, thought that the necessity of coming to Parliament was a very wholesome check. They were now somewhat advanced in the Session; and those Bills spoken of by the right hon. Gentleman (Mr. Baines) were not as yet introduced into the other House of Parliament. He (Mr. Henley) had only to express a hope that they would be brought before the House of Commons in time to enable them to discuss their merits with that gravity which their importance demanded. If they were held back, however, until the last fortnight or three weeks of the Session, it would then be impossible that they could receive that care and attention from that House which they deserved. He had been in communication with some of the people of Coventry, and they quite confirmed what had been stated by the hon. Member for Lambeth (Mr. W. Williams). He was very glad to see the right hon. Gentleman (the Chancellor of the Duchy of Lancaster) the representative of the Commission in that House. Whatever body the right hon. Gentleman was a Member of, would derive great weight from his high character and position. His great talents and judicial mind, when applied to the business of the Commission, would be of great public service, because he was the last man that was likely to be led away by any particular fancy as to the distribution of those funds. There was one matter which was not in a very satisfactory position in the Estimates; there was an item of £3,400 under the head of "inspection."

Mr. WILSON said, the increase in this year's Vote was rendered necessary by the increased work which the Commission had to do. When the Commissioners were first appointed, they only employed as many clerks and inspectors as were absolutely necessary for the duties to be performed; but as their work developed itself each year and the range of their operations was extended, an increased staff was necessary in consequence. Last year they had thirty-six officers, while this year they had forty-six, and that was why the Vote was so much larger.

Mr. MOWBRAY said, he hoped that the Commission had not lost sight of the Sherburn Charity, but that it would be provided for in the Bills which were about to be brought forward.

Captain STUART said, he must beg to express his satisfaction at the announcement which had been made by the Government of the intention to introduce measures during the present Session for sanctioning the schemes already decided upon.

Sir JOSEPH PAXTON said, he objected to the manner in which the Commissioners got the information on which they founded their Reports. He thought that they should take down the evidence of parties in the places where the charities were situate. In the case of Coventry, they did not take that course, and the consequence was, that they had made a Report which the inhabitants entirely repudiated, and it was acceptable to no one.

Sir HENRY WILLOUGHBY said, that with reference to the five or six measures that were to be introduced upon this subject in the other House, he believed that they would be sent down to the House of Commons in the dog-days, when it would be perfectly impossible to give them proper consideration. It was quite clear from what they knew of the feeling of the people in regard to those charities, that the movements of the Commissioners would be more closely watched than those of any other body. Now, what he wanted to know was, what was the cause of the delay in the introduction of those Bills? Four months of the Session had now passed by, and yet those measures, they were told, were not yet ready. In respect to the financial part of the question, it appeared to him that it turned very much on the question of inspection. He had not heard from the right hon. Gentleman (Mr. Baines) any statement to show the necessity of this increase of £2,000 or £3,000 for inspectors. The number of inspectors in this kingdom had increased to an alarming extent. We expended £5,250,000 upon the civil service, out of which we paid a large sum in the way of superannuations. Unless the right hon. Gentleman could give very strong reasons for so great an increase in the way of inspectors, he thought that the Committee would neglect their duty if it did not support the Amendment of the hon. Member for Lambeth.

Mr. W. WILLIAMS said, that the Charity Commission had started with a very small number of clerks. At present, however, there was employed under it a greater number than in the Home Office, and exactly the same number as in the Colonial Office, where the business of our forty-eight colonies was transacted. Of the three additional inspectors whom it was proposed to appoint at the salary of £800 per annum each, he (Mr. Williams) understood from authority that could not be doubted that one of them was a country attorney who had been an active electioneering agent for some Members in that House.

Mr. SPOONER said, that they had voted last year £5,000 for the Solicitors' Bill, and £5,000 more in the present year, although no Bill of the kind had as yet been received. He thought it was a bad system to be voting this money for two years together, in the absence of the examinations of any accounts for which the money was given. He would beg to call the attention of the hon. Gentleman opposite to the point he had just alluded to, and to inquire the reason why no explanation had as yet been given of it?

Mr. WILSON said, that the Bills referred to by the hon. Member for North Warwickshire did not apply to the Charity Commission at all; they were connected with the business done under the authority of the Lord Chancellor. Those additional inspectors were appointed, because it was found that the two inspectors previously employed were utterly inadequate to the work that devolved upon them. With regard to the number of clerks employed, the Commissioners had shown the greatest anxiety to keep them down to the lowest possible number; but the increase during the present year in the number was occasioned by the immense amount of work that was to be performed.

Mr. SPOONER said, he should wish to have some explanation as to the respective duties of the Court of Chancery Commissioners and the new Charity Commissioners.

The ATTORNEY GENERAL said, that the existing Commissioners would gradually supersede the former Commissioners in respect to the work remaining to be done under the latter; but the former Commissioners would still have the power to put the Attorney General in motion in reference to those proceedings that could only be conducted in Chancery, and in connection with those proceedings it was necessary to have a solicitor.

Sir FRANCIS BARING said, that the Vote for the Commission last year was £12,390. The payments made by the Bank of England, on account of the Commission, had been during the past year £13,502. He wished, therefore, to know how there could be a balance of £750 as stated in the Votes to the credit of the Commission?

Mr. WILSON said, the balance was in the Treasury, and not in the Bank of England. Of the payments made, some were for the expenses of the preceding year, and consequently their amount exceeded that of the Vote.

Sir JOHN TROLLOPE said, he should like to know if all those charitable estates were gradually to merge into the Charity Commission, what was to become of the properties that were locked up in Chancery, a portion of the proceeds of which had been devoted to the payment of costs incurred? There was a vast number of estates locked up in the name of the Attorney General.

The ATTORNEY GENERAL: They will not merge into the Charity Commission.

Mr. HENLEY said, he would ask then, whether they were to understand that no further suits could be instituted in the Court of Chancery without the direction of the Charity Commissioners?

The ATTORNEY GENERAL said, he did not think that there remained any cases in which the former Commissioners had reported that proceedings had been taken. As to any new proceedings, the present Commissioners would supersede the old.

Mr. KNIGHT said, he must congratulate the parties interested in those charities, upon the accession of the right hon. Gentleman the Chancellor of the Duchy of Lancaster to the Commission. The present conduct of charity suits had given rise to great dissatisfaction, owing to the enormous expense with which they were attended. Returns of the cost of those actions from 1821 up to the last year, showed that the amount disbursed had been constantly increasing. During the period between 1821 and 1835, when Mr. Hindes had charge of these proceedings, the sum expended was £21,503, or at the rate of about £1,500 per annum. The corresponding item for the next six years, up to June, 1841, was £19,193, or equal to £3,199 a year. This augmentation occurred under Mr. Parkes' tenure of the office of solicitor, and from this last-named date to December, 1847, the costs of these suits still further increased, the amount expended on them during that period being upwards of £39,000, or not less than £6,140 per annum. Mr. Fearon then succeeded to the office of solicitor, when the annual cost at first rose to £8,400, and during the last four years, ending March, 1855, the sum actually reached £10,500 per annum. From these facts it would be seen, that since Mr. Hindes had had the conduct of these suits, the expense had increased sevenfold. Great dissatisfaction was the natural consequence of such a state of things. In the case of a school charity in his (Mr. Knight's) own district (Worcestershire), the matter was taken in hand by Mr. Parkes, and, owing to the delays which occurred in the course of the proceedings, the charity was extinguished for a period of fourteen years, and costs exceeding £1,200 were incurred. He thought it absolutely necessary that the law officers connected with public establishments of this description should be paid by salaries instead of by fees, for it would then be their interest, as well as their duty, to bring any legal business in which they were engaged to as speedy a conclusion as possible. Mr. Fearon might be animated by very good intentions, but it was his interest, under the existing system, to promote rather than to discourage litigation. He (Mr. Knight) believed that the solicitors to nearly all the great public bodies in England and to most of the Government departments were now paid by salaries instead of by fees, and he did not see why the same principle should not be adopted in the case of the Charity Commission.

The ATTORNEY GENERAL said, he was not anxious to continue the present discussion, but he felt that he should be wanting in common justice if he did not say a word in behalf of one of the most meritorious officers in the public service—he meant Mr. Fearon. If the Committee chose to put that gentleman on a salary, of course it could do so; but surely it could not be ascribed to Mr. Fearon that Parliament had passed a Bill appointing Commissioners, and that a vast increase of business had resulted therefrom. The hon. Gentleman (Mr. Knight) seemed to complain that Mr. Fearon had superseded the ordinary relators in charitable causes; but if that were so, it was entirely in consequence of the measures of Parliament itself. It had been found that the proceedings in charity matters in relators' suits were attended with the most abominable abuses, and that such suits had frequently been got up by attorneys with the view of making costs out of them. So far, then, from desiring to see the Charity Commissioners deprived of the authority now vested in them, and these suits left to the mere optional proceedings of private relators, he believed they could not do better than persist in the course which Parliament had deliberately adopted; and it was also his opinion that no man was more competent to discharge the duties of his office than Mr. Fearon. If, however, the hon. Gentleman (Mr. Knight) wished for inquiry as to the manner in which the business of the charities was managed in the Attorney General's office, and would move for a Committee on the subject, he (the Attorney General) would be happy to second the Motion; and he had no doubt the result would be to show that there was no public officer more entitled to their thanks than Mr. Fearon.

Motion made, and Question put—

> "That a sum, not exceeding £13,390, be granted to Her Majesty, to defray the Charge of the Salaries and Expenses of the Charity Commission for England and Wales, to the 31st day of March, 1857."

The Committee *divided:*—Ayes 40; Noes 146: Majority 106.

Original Question put, and *agreed to.*

(3.) £1,911, Statute Law Commission.

MR. LOCKE KING said, he had made so many complaints against the Statute Law Commission that it would not be necessary for him to say much upon the present occasion. If the Government were determined that no reform should take place, they could not adopt a more effective plan for accomplishing their purpose than that of continuing the Commission in its existing state. He could only characterise the Commission as a "complete delusion" on the public. In 1853 no less a sum than £7,500 was voted for it, and a kind of promise was then made by the hon. and learned Gentleman the Attorney General, that it really was to be a working body of men. At the same time, the Lord Chancellor, in another place, stated the outline of a plan for clearing the Statute Book of certain Acts which were completely useless, and for bringing the written law into a uniform shape. Since that period other sums had been voted for the Commission, which made the total expenditure nearly £12,000, but up to the present time not a single result had been obtained. At one period there was a working staff attached to the Commission, consisting of three learned Gentlemen—Messrs. Rogers, Anstey, and Coode—well known for their great desire to effect a reform of the Statute Book; but at the end of the first year they were discharged, certainly not for having done little, because they laboured most zealously in the work. The present Chief Commissioner was Mr. Bellenden Ker, who had been a member of the Commission since 1853, and had received the greater part of the sum already voted by Parliament. He was also for no less a period than seventeen years on the Criminal Law Commission, which cost the country £50,000, also without a single result. Surely the Committee would not think that such a state of things ought to be continued. Since the abandonment of the plan laid down by the Lord Chancellor, the hon. and learned Member for East Suffolk (Sir F. Kelly), in February last, with a great flourish of trumpets, had asked leave to introduce two Bills for the consolidation of the Statute Law; but those Bills had not yet made their appearance, and he much doubted whether they would be passed, even under the most favourable circumstances, during the present Session. The hon. and learned Attorney General, in his memorandum recently laid on the table of the House, suggested a most admirable plan for the reform of the Statute Book. His hon. and learned Friend adopted that plan which nearly every sincere law reformer sought to obtain—namely, the expurgation from the Statute Book of all that mass of obsolete laws with which it was at present incumbered. At the end of his paper he expressed his conviction that the necessity for a consolidation of the Statutes being now so strongly and so generally felt, Parliament would readily supply whatever funds might be required for its accomplishment, if once convinced that the work was undertaken in earnest and with a reasonable security of a speedy and satisfactory result. The hon. and learned Gentleman proceeded to say that he saw no reason, if a sufficient number of able hands were employed, why the work should not be achieved in twelve months; while he was convinced that if we proceeded in the present manner, twenty years would not suffice even for its imperfect completion. Such was the deliberately expressed opinion of the Attorney General, and there could be no doubt that he was right. Parliament, he felt assured, would gladly grant almost any sum that might be asked for the consolidation of the Statutes, provided it were assured that the duty would be efficiently discharged; but he certainly did object to vote sums year after year without anything being done. The present constitution of the Commission was radically defective. It was well known that the first Commissioner, who received a salary of £1,000 per annum, did not devote his whole time to the work, and it might also be questioned whether, looking at his antecedents and his ordinary occupation, he was the fittest man for the place. What the country wanted was, not a useless Commission, consisting exclusively of the favourite of some Member of the Government, but a really effective body, able and willing to reduce the Statute Book into something like shape. There were between 200 and 300 Acts relating to the Poor Laws, which required consolidation. A digest had been prepared of these laws, and he had moved for a return of it, but by some mistake an incorrect copy had been printed, and although he had pointed out the fact, the incorrect copy was that subsequently issued for circulation. It was, of course, perfectly useless. A correspondence had taken place between the Lord Chancellor and Mr. Coode on the subject, in which Mr. Coode offered a digest of those Acts. That correspondence was excluded from the Return. He begged to say that he had no personal motive whatever in making these observations with regard to Mr. Bellenden Ker. He did not even know the gentleman by sight.

Mr. BAINES said, he had the honour of being a member of the Statute Law Commission, and he hoped the Committee would allow him to make a statement in reference to the observations of the hon. Member for East Surrey. He could not help saying that on several occasions, when the Statute Law Commission was under consideration, notwithstanding the disclaimer of the hon. Member (Mr. L. King), the hon. Member had shown a hostile feeling towards Mr. Bellenden Ker. He was quite convinced that the hon. Gentleman was acting under a sense of public duty; but at the same time he believed that he was labouring under some misapprehension as to the conduct of Mr. Bellenden Ker. The hon. Gentleman had evidently implied by his remarks that the Lord Chancellor had exercised his patronage in regard to Mr. Bellenden Ker from personal friendship towards that gentleman. He (Mr. Baines) had the authority of the Lord Chancellor for saying that Mr. Bellenden Ker had no personal claim on him, nor any other claim beyond that which his well-known ability naturally commanded. The reason why the Lord Chancellor adopted the services of that gentleman in the Statute Law Commission was this, that Mr. Bellenden Ker had been engaged for a number of years in the Criminal Law Commission, and on which he had shown considerable ability. The hon. Member for East Surrey had said that there was no result from that Commission. He (Mr. Baines) would appeal to many hon. Gentlemen of the legal profession, now Members of that House, whether there had not been some most important results. If there had not proceeded many new Acts of Parliament from its labours, much preliminary matter had been produced, which must ultimately result in several Acts of the greatest utility. To say, therefore, that there had been no result from the labours of the Criminal Law Commission, was to state what was not borne out by fact. When the present Statute Law Commission was proposed, his noble and learned Friend the Lord Chancellor thought he could not do better than avail himself of the ability of the same gentlemen who had been employed on the Criminal Law Commission; he accordingly engaged the services of Mr. Bellenden Ker. The hon. Member for East Surrey had said that Mr. Bellenden Ker did not give the whole of his time to his work, but he gave full half of his time to his work. He (Mr. Baines) would appeal to the hon. and learned Member for East Suffolk (Sir F. Kelly), whether the conduct of Mr. Bellenden Ker had not been such as to justify the trust reposed in him by the Lord Chancellor. He (Mr. Baines) believed that that gentleman had discharged his duty in a vigilant and able manner. If, indeed, they looked at the number of Acts of Parliament already passed in consequence of the labours of the Commission, he admitted that they were not very numerous; but if they regarded the Acts that were likely soon to pass, they would be of opinion that a very different result had proceeded from the Commission. A great deal of labour had necessarily been devoted by the Commission in the preparation of Bills to be brought before Parliament. He would now state to the Committee what had been the labours of the Commission. The question the Commission had to inquire into was a very complicated one, and the duties of the Commissioners were of a very laborious nature. There had been the consolidation of the National Debt Act, the Landlord and

Tenant Act, the Master and Workman Act, the Law relating to Prisons, to Stamps, to the Statute of Limitations, to Bills of Exchange and Promissory Notes, the consolidation of the Criminal Law, consisting of eight Bills under those heads. Then there were the following subjects also dealt with—namely, Offences against the Person, Offences against Property, Malicious Injury to Property, Forgery, Treason, and other Offences against the State; and the law of General Procedure. On all these points Bills had been prepared, and other Bills in regard to other subjects of the law were in forward preparation, such as the consolidation of the law of Carriers by Land and Water, and the law of Aliens and Denizens. The classification of these Statutes brought him to another part of the labours of the Commission of very considerable importance, which was embodied in their second Report. In that Report they stated that their attention had been called to a most important subject—namely, the appointment of a public officer, or of a Board to revise current legislation. He was glad to say that some most valuable suggestions had been made by the right hon. Member for the University of Cambridge (Mr. Walpole), as well as by the hon. and learned Member for East Suffolk (Sir F. Kelly). Those suggestions were taken into consideration by the Commission, and in their Report the Commissioners had stated a plan for the purpose of carrying into effect most of the objects which he had mentioned. After the various labours to which the Statute Law Commissioners had devoted themselves, it could not in justice be said that there had been no results from the labours of that Commission. He trusted that he had said enough to satisfy the Committee that the Commissioners had been judiciously exerting themselves in the prosecution of their arduous and valuable duties. They were, however, still most diligently exerting themselves to carry out the objects for which they were appointed, and when they finally closed their duties, he trusted it would appear that their labours had not been thrown away.

SIR FITZROY KELLY said, he was by no means sorry that the hon. Member for East Surrey (Mr. Locke King) had taken that opportunity of depreciating the labours of the Statute Law Commission, for it would afford him an opportunity of addressing a few words to the Committee on the subject of the Commission. He was quite ready to confirm all that had fallen from his right hon. Friend (Mr. Baines) respecting the very great merits of Mr. Bellenden Ker. He ventured to say, without fear of contradiction, that it would be totally impossible to effect any of the great objects for which the Commission was appointed without the aid of Mr. Bellenden Ker. That gentleman had attended every meeting of the Commission, and he had dedicated a great deal of his time, which he might profitably have employed on other business, to business relating to the Commission, but which did not fall within the scope of his duty. The salary paid to Mr. Bellenden Ker, which if even doubled in amount would still be inadequate, was paid him for services rendered to the Lord Chancellor in advising upon all Law Bills, without which assistance it would be quite impossible for the noble and learned Lord properly to fulfil all the duties of his high office. Quitting that personal subject, he would now call to the notice of the Committee what the Commission had really done. During the first one or two years of its existence, the Statute Law Commission, although it failed to do anything that could be called a consolidation of any definite portion of the Statute Law, did much which facilitated the task of those who were now engaged in that work. They had directed the preparation of Consolidation Bills upon several important and complicated subjects, and also of various indexes of obsolete, expired, and repealed Statutes, and other Statutes that ought not to remain on the Statute Book. At an early period of the present year the Commissioners perceived that, however useful might be the consolidation of Statutes upon particular subjects, yet the time was come when it was necessary to determine upon some fixed and practicable plan in order to bring the chief objects of their labour to a successful issue; and accordingly, in March, the Lord Chancellor invited the members of the Commission to bring forward any plans they might have formed for the complete consolidation of the Statute Law. He (Sir F. Kelly) submitted a plan, and the Attorney General also intimated his intention of submitting one, but, in consequence of the pressure of the hon. and learned Gentleman's other duties, he had stated that he was unable to bring it before the Commission for some weeks. His (Sir F. Kelly's) plan was considered by the Commission, and it was agreed to proceed upon it, and instructions were given to prepare two or three Bills upon very important subjects. Some weeks later the Attorney General produced his plan, and upon examination it was found that everything that was proposed by the hon. and learned Gentleman which was practicable had been proposed, and was actually being carried into operation under the other plan previously adopted. The Statute Law of England was at present spread over no less than forty volumes, containing upon an average 1,000 pages each. Through those volumes enactments were scattered without order or arrangement, sometimes embracing ten or twelve, or even as many as twenty, different subjects in a single enactment. The object of the Statute Law Commission was to get rid of those forty volumes with all their defects, and to substitute some five or six volumes which should contain the whole Statute Law of England, reduced to about 300 Acts of Parliament, each Act embracing a single subject, but the whole of that subject. Those 300 Acts again were to be reduced into classes, each constituting a complete class of the Statute Law. The reason why no Bill had been as yet laid by the Commission on the table of the House was this, that it was found necessary to collect one or two classes, and to collect the whole of the Bills that would come within those classes, before proceeding with a single Bill. The Criminal Law —that which the hon. and learned Gentleman the Attorney General considered most important—had been first taken in hand. That law had been divided into classes, forming in the whole eight Bills, which Bills, with the exception of the whole of one and a part of another, he (Sir F. Kelly) had revised from beginning to end. Those Bills only awaited the revision of Lord Wensleydale and Sir John Jervis—two members of the Commission — and would be laid on the table of the House in a few days; and when they should have been so laid on the table, hon. Members would be able to form an idea of the difficulty which the Commissioners had had to encounter at every step, and they would at the same time have an opportunity of judging whether the consolidation of this one class did not afford the strongest ground for hoping that the whole work would be completed within the time specified. He hoped the statement he had made would satisfy the hon. Member for East Surrey, that, so far from doing nothing, the Statute Law Commission had done much towards the achievement of a great national undertaking, and as a proof of it he might say that the Sleeping Statutes Bill, introduced by the hon. Member himself, was the result of the labours of the Statute Law Commission, and was in fact taken so literally from a plan of theirs that some errors which had been detected by him (Sir F. Kelly) had been adopted by the hon. Member in his Bill. So far from the Statute Law Commission being open to reprehension or suspicion, they had done all that could be done by a body of learned and distinguished men, and that which they were doing, if they were permitted to do it, by the support of Her Majesty's Government and of Parliament, would be the achievement of one of the greatest national undertakings ever executed in this country.

Mr. WATSON said, he was quite prepared to vote the money asked by her Majesty's Government, but at the same time he required an assurance that it would work some good. The Commission, which had now been sitting three years, had done nothing in the world. Enormous sums were paid for the Criminal Law Commission, which was employed for many years to consolidate the Criminal Law, but no fruit had ever yet been obtained from the labours of that Commission. The hon. and learned Gentleman (Sir F. Kelly) told them in the month of February there was no difficulty in consolidating, the great difficulty being in codifying, and he now said there was nothing but difficulty in consolidating. The hon. and learned Gentleman asserted that in eighteen months he would not only prepare, with the assistance of his friends, but pass through both Houses, a perfect consolidation of the Statute Law of this country; but now, according to his account, there were nothing but difficulties on all sides. He took the liberty of repeating what he had said privately at the time, that if the hon. and learned Gentleman did in eighteen years one-half what he said he could do in eighteen months he would be entitled to a higher statue to his memory than the Duke of York's. He hoped the hon. and learned Gentleman the Solicitor General would let them know what was really doing in this business. The hon. Member for East Surrey (Mr. L. King) proposed first to ascertain the obsolete laws and laws out of use, and to expunge them from the Statute Book, and then to begin consolidation. Until that was done, nothing, in his opinion, could be done; and they had not taken the first step. But the hon. and learned Member (Sir F. Kelly) said it was beginning at the wrong end to take out the repealed Statutes, and they ought to begin to consolidate before they knew what there was to consolidate. He conceded that the difficulties in consolidation were immense, the ancient and modern Statutes being full of contradictions. He wished to see them not only consolidating the Statute Law, but making positive enactments out of the unwritten law, and then, and not until then, would they have the law brought into a scientific state. The learned Judges upon the Commission were constantly employed in the high duties of their profession, and one good head constantly employed, and with efficient subordinates, would be worth the whole fourteen members of the present Commission.

SIR FITZROY KELLY said, he could assure the hon. and learned Gentleman that certain Gentlemen were at present, and had been for some weeks, engaged in the work of expurgation of obsolete Statutes. Seventeen or eighteen Bills had been prepared, any one of which would take any hon. Member six months to frame, and they were nearly ready to be laid upon the table. The difficulties surrounding the question were immense. When he brought forward the question early in the present Session he said it would be necessary that he should have the support of the Government, and that they should undertake to supply the funds. Six weeks afterwards the question was brought under the notice of the Cabinet, which had given the necessary authority. Since then not an hour had been lost. From twelve to fifteen barristers had been constantly employed, and as fast as they had prepared Bills he had been engaged in revising them. As soon as possible those Bills would be laid on the table.

MR. MALINS said, he fully agreed with his hon. and learned Friend the Member for East Suffolk (Sir F. Kelly) that Mr. Bellenden Ker had been unjustly attacked. It was true he received £1,000 a year, but he had assured him (Mr. Malins) that, if he were relieved of his duties, he would most willingly relinquish his salary. He was perfectly satisfied, looking at what Mr. Ker's private practice as a conveyancer would be if he were not so engaged, that, so far from deriving any advantage from his appointment in a pecuniary point of view, it was a disadvantage to him. He therefore regretted to hear the hon. Member for East Surrey renew his attacks this year upon that gentleman. His hon. and learned Friend (Sir F. Kelly) spoke of the great difficulty which attended the consolidation of the law, and as if there were no digest which could guide the profession to all the really important Statutes. But it should be remembered that several learned gentlemen had prepared valuable works, either with respect to their professional views or their own emoluments. There were, for instance, certain collections of Mr. Evans and Mr. Chitty, which had been ably edited by Mr. Welsby and Mr. Bevan, and by referring to which the practitioner could find brought together all the laws on certain particular subjects. He had not the slightest doubt that a great deal might be done by the Statute Law Commission, but he believed that the difficulties which beset its operations were very great. In the short Report made by the Commission two points of great importance were touched upon. The first was the appointment of a Minister of Justice, or some such officer, to superintend the passing of any Bill on the subject through both Houses; the second was the classification of the Statutes, and he thought that, if the recommendation of classifying them every year were adopted, it would be a great advantage to the public as well as the profession.

SIR HENRY WILLOUGHBY said, he wanted a little explanation as to the expenditure of this sum of £1,911, and how far it would advance the object of the Statute Law Commission. He thought the Committee could not make a greater mistake than by giving money to a gentleman for one service, while he had a salary for performing another. That was the position of Mr. Bellenden Ker. It was said that Mr. Bellenden Ker rendered great service to the Lord Chancellor; but if so, he should be paid as legal adviser to the Lord Chancellor, and not in some other capacity which he did not fill. He entertained great doubts as to the possibility of any codification of the Statutes. He thought one of the first objects of the House of Commons should be to amend its system of legislation. He wished to know whether the fifteen gentlemen of the Statute Law Commission, who were said to be on the work of codifying the Statutes, were paid or were amateurs?

MR. BOWYER said, he did not rise to

object to the Vote. He would willingly vote ten times the amount proposed, if a business so important to the public service would be thereby placed upon a satisfactory and efficient footing. The staff of the Commission consisted of a Commissioner at a salary of £1,000; a second Commissioner at £600; and a clerk at £100; which, in the aggregate, amounted to a sum rather less than what was paid for the staff of the National Gallery. He had latterly voted against a sum of £22,000 proposed for improvements in the parks. Now half of that sum would suffice to consolidate the Statutes in a proper manner; but that, he believed, would never be done until it was made a department of the State, and a proper number of persons were appointed to do the work.

Mr. HADFIELD said, that, since 1853, a sum of £11,000 had been expended for the purposes the Commission had in view. The Statute Book contained, he believed, 17,000 Acts of Parliament, in forty volumes, but of these only some 2,500 were operative, the remainder being for the greater part obsolete. There was, therefore, only about one-sixth of the whole which required revision, thus reducing the forty volumes to something like seven, and that was the amount of work which eminent gentlemen described as fraught with such difficulties that the human mind was unable to perform its task. He believed that the difficulties had been very much exaggerated, and he trusted that the item would be disallowed.

Mr. J. G. PHILLIMORE said, he wished to know what benefit the country had derived from the money which had been expended in the attempt to consolidate the Statutes? No doubt there was a certain amount of difficulty in the undertaking, but, if properly managed, it could unquestionably be accomplished. The difficulties which would attend the consolidation of the law of this country would not be as great as those under which the Roman Code was framed, nor as those under which was drawn up the Code Napoleon, which, with all its imperfections, was a model of legislative wisdom. As to the present Commissioners, he did not think—and he said it with the utmost respect—that the Lord Chancellor had sufficiently estimated the importance of the task, nor did he think that Mr. Bellenden Ker was the person best fitted to preside over the Commission. In his opinion the best method of accomplishing the task would be, instead of having a Commission composed of eminent men who entertained contradictory opinions, to have two or three eminent men, aided by an efficient staff, under the guidance of one person. There was no difficulty in the case which might not be easily surmounted in four or five years by pursuing a right system. He would be prepared to vote a very considerable sum of money for such a purpose as that; but with regard to the present Vote he looked upon it as money not merely thrown away, but as money expended in a manner that was positively mischievous.

Lord JOHN RUSSELL said, he considered that the desirability of codifying the law was a question, and perhaps a doubtful question, for a nation like England; but there was no question as to the fact, that it would be most unwise for Parliament to profess that a code ought to be drawn up, unless it was prepared to set seriously about the task. Now, as to the performance of that task, he could only say that it appeared to him no nearer to completion than it was three years ago. It had been said that the present Commission had been very successful; but in order to be successful three things were necessary. The Commission, in the first place, to have been successful, ought to have been able to consolidate the law clearly; in the second place, they ought to have been able to obtain the approval of Parliament for the Statutes which they proposed; and thirdly, those Statutes ought to have received the approbation of the Judges. Now, had the Commission performed their task to the satisfaction of any one but themselves. It was surely most desirable that the House of Commons should have some prospect of this work being speedily accomplished. The hon. and learned Member for East Suffolk (Sir F. Kelly) had stated that certain Bills had been introduced which might prove exceedingly useful if they only received the support of Her Majesty's Government. Now, he willingly confessed that was a point of the most vital importance. The task was one of great importance, and one which required great authority for its execution. It was by no means matter for despair that with regard to some portions of the Criminal Law the late Sir Robert Peel had, with the assistance of his own law officers and of a gentleman of great ability, Mr. Gregson, been able to introduce and carry a very clear law upon the subject. Afterwards, when it became desirable to mitigate the severity of the criminal code, he (Lord J. Russell) had introduced various measures upon the subject, and he had been greatly assisted in the task by the Criminal Law Commissioners, and one of the Judges had assured him that the Judges generally were satisfied with those measures. In order, however, to carry measures of that character, it was necessary that some Minister of the Crown should undertake the matter, and that the Government should not merely undertake to support those measures, but that they should consider those which they approved as their own, and should use all their influence to carry them into law. If a number of Bills were thrown upon the table of the House providing for the consolidation of the law, not supported, or rather adopted by the Government, he should despair of their success. One of the greatest men of modern times—the late Emperor Napoleon — when he was first Consul, and when he was engaged in considering the provisions of that code which would ever be a monument of legislative wisdom, was in the habit, from ten o'clock in the morning until five in the evening, of taking counsel with his law officers and discussing its provisions. After the articles had been framed according to the sense of the majority of the Council, they were sent to the different departments of France for the consideration of the tribunals. Now, he (Lord J. Russell) thought that, in like manner, after the subject had been fully considered by those who were selected for the work, the product of their deliberations might be submitted to the Lord Chief Justices, the Master of the Rolls, and other high legal authorities. To employ those high legal functionaries in the initiatory labours was to put them in a position that could hardly be useful, but their services would be of great value if they had the supervision and, if necessary, the correction of the work of others. Even three times the expense at present incurred would not be thrown away if, by such means as he had hinted at, those separate Bills, having the approval of the highest authorities, were brought into Parliament under the sanction of ths Government. Whether they were brought in by the Home Secretary, the Solicitor General, his right hon. Friend the Chancellor of the Duchy of Lancaster, or by a Minister of Justice, let it be understood that they were the measures of the Government —that it was their object seriously to improve and reform the Statute Book—to make that the principal business of the Session—and that they were prepared to form a code on which the reputation of the country might be staked. If that were done, then we might expect the production of such a code as could be placed in competition with that of any other country in the world. As to the particular plans which had been brought forward he would express no opinion. It might be that the plan of his hon. and learned Friend the Attorney General was better than that of the Commissioners, or that the plan of the Commissioners was better than that of the Attorney General. On that matter he gave no opinion, but he would most earnestly repeat the view he had expressed, that on a question of such serious importance the labours of those appointed to discharge this duty ought to be submitted to the highest and most competent authorities, and then such a reform of the Statute Book would be obtained as he felt assured would satisfy the House of Commons and the country.

THE SOLICITOR GENERAL said, he wished to say a few words on the question under consideration which he must admit was one of paramount importance, though much that he intended to say had been anticipated in what had fallen from the noble Lord the Member for London. He must of course believe that the mode of procedure which had been adopted was the best that could be followed considering the high authority on which it rested, and he could with great sincerity bear testimony to the zeal, energy, and industry which the Statute Law Commission had exhibited; but it was unreasonable, within so short a time, to look for anything as the direct fruits of their labours. The results of their exertions would be produced in a short period in a collected form, and therefore he thought that a great deal of what had been said was unseasonable in point of time. When the question was first mooted in 1853, he had doubted whether the object could be effectually completed by a gratuitous Commission. He did not think that the House of Commons would in the first instance have been willing to assent to the method by which it was conceived the object could be attained. His hon. and learned Friend the Attorney General and himself thought that the best thing to do would not be to make a mere consolidation of the Statutes, but to codify the law; but their views were overruled, it appearing that the Commission were in favour of the mode now adopted. Let hon. Members look at the paper of business of that day, and then say what chance there was of any measure of legal reform receiving the attention of that House during the Session. He therefore contended that Government were not answerable for the alleged delay that had been commented upon by the hon. and learned Member for Leominster. The Commission had been industriously collecting materials, and a number of consolidated Statutes would shortly be laid before Parliament. Much had been said about the slow progress that had been made, but it should be borne in mind that the members of the Commission could not devote to its duties the whole of their time, having their own proper offices to attend to. The duties of the Commission could only be discharged by each of the Commissioners directing such time as they were able to command to the superintendence of the labours submitted to them. Those duties, however, had been performed most zealously, and those who complained that nothing had been done could hardly have taken a view of all the circumstances. With regard to the gentleman appointed to superintend the labours of the Commission, there could be no imputation more unfounded than that his appointment emanated from an undue exercise of the Lord Chancellor's patronage. The Lord Chancellor selected him chiefly because he had discharged with fidelity his duties on the former Commission. Supposing the course taken to be a right one—and he was bound to suppose it was —no person could more efficiently have promoted the objects which the majority of the Commissioners had resolved on than that gentleman. Undoubtedly he should have been glad if the House had recognised the appointment of a great officer charged with the duty of amending the law, but the mode of proceeding by Commission had been deliberately adopted, and the result obtained was more than might have been expected. He could assure the Committee that the Commissioners were prepared to submit to Parliament Bills which would fully justify the representation made of their labours, and he therefore thought that it would be unreasonable to refuse the Vote now asked.

Mr. LOCKE KING said, he trusted he need not assure the Committee that there was nothing whatever personal in his motives in this matter: but, unfortunately, some hon. Gentlemen, when they had a bad cause to defend, were apt to impute personal motives. His complaint was, that this Commission and the Commission which preceded it, the Criminal Law Commission, had spent enormous sums of money and done very little. With respect to the Sleeping Statutes Bill, he was willing to admit that he stole that out of the Report of the Commission, for it had been sleeping there so long that he thought it right to tear it out of the Report and introduce it to the House. He would state a reason for the Committee not agreeing to the proposed Vote. By a return distributed that morning it appeared that the actual balance in the hands of the Statute Law Commissioners on the 30th of April last amounted to £3,029, and he saw no ground why the Committee should now add to that sum.

Motion made, and Question put—

"That a sum, not exceeding £1,911, be granted to Her Majesty, to defray the Charge of the Salaries and Expenses of the Statute Law Commission, to the 31st day of March, 1857."

The Committee *divided*:—Ayes 70; Noes 54: Majority 16.

Vote *agreed to*, as was also (4.) £6,900, Civil Service Commissioners.

(5.) Motion made, and Question proposed—

"That a sum, not exceeding £8,152, be granted to Her Majesty, to defray the Charge of the Salaries and Expenses of sundry temporary Commissions, to the 31st day of March, 1857."

Mr. BLACKBURN said, he should move that the Vote be reduced by £900, as the travelling charges of the Endowed Schools Commissioners (Ireland) appeared to be excessive.

Mr. WILSON said, he would beg to ask the hon. Gentleman to say what salary the Commissioners would have left if they had to pay their travelling expenses, which the hon. Gentleman appeared to think they ought to do out of their salaries?

Mr. BLACKBURN said, he had been misunderstood. The salaries had been fixed at £200, but had been raised by this Vote to £500. He did not propose to reduce the travelling expenses, but the salaries to the amount originally fixed by Act of Parliament.

Motion made—

"That a sum, not exceeding £7,252, be granted to Her Majesty, to defray the Charge of the Salaries and Expenses of sundry temporary Commissions, to the 31st day of March, 1857."

Question put, and *negatived.*

Original Question put, and *agreed to.*

(6.) £21, 842 Patent Law Amendment.

MR. W. WILLIAMS said, he must complain of the large sum paid under the Act, especially the sum of £8,400 paid to the present Attorney and Solicitor Generals for patents, and £702 for their clerks. He must also complain of the amounts paid to the Irish Attorney and Solicitor Generals for patents. He fully admitted that men of eminence should fill those offices; but he thought the sums paid to them under the Act excessive. He considered the time was come when patents might be done away with.

MR. WILSON said, that three years ago, a Bill was passed for the improvement of the Patent Law, and at that period the law officers made a great sacrifice of the fees to which they were entitled by Act of Parliament. They were entitled to a fee of ten guineas on each patent, but by the new law it was fixed at six guineas, and the Lord Chancellor and the Master of the Rolls were empowered to reduce the amount of the fee. Two years subsequently it was reduced from six guineas to three guineas, the sum which the law officers now received. The amount of the Vote was £21,842, and the sum which had been paid into the Exchequer was £90,000, and, therefore, the public were the gainers to the amount of the balance.

MR. CHEETHAM said, he thought it monstrous that the mechanical ingenuity of the country should be taxed to the amount of £90,000 a year.

Vote *agreed to.*

(7.) £13,500, Board of Fisheries in Scotland.

MR. W. WILLIAMS said, he expected that this Vote would certainly have disappeared by this time from the Estimates altogether. There was a time when those fisheries required encouragement, but that time was certainly passed. They were never in a more prosperous state than at present. The hon. Under Secretary of the Treasury stated last year that the Vote was to cease, and he now asked for an explanation of its continuance?

MR. WILSON said it was the intention of the Government to have expunged the Vote from the Estimates; but on further inquiry it was found impossible to do so this year. He proposed to take the Vote for the ensuing year for the last time, and to issue a Commission to inquire if the continuance of the Board was necessary, more particularly with reference to the "brand," and if so to make it self-supporting.

MR. W. WILLIAMS said, that after the explanation of the hon. Gentleman, he had great pleasure in withdrawing his opposition to the Vote.

MR. FERGUS said, he thought they were not justified in maintaining such a Board at the expense of the public. Had the hon. Member for Lambeth divided the Committee he would have supported him.

SIR ARCHIBALD CAMPBELL said, that the only objection to the Vote which he had heard as relating to piers and harbours was that it was too small. He fully acquiesced in the proposal to issue a Commission of Inquiry, although he had no doubt the result would be the continuance of the Board in some shape or other.

MR. CUMMING BRUCE said, he had been informed that one effect of the Board had been a great increase in the herring fishery on the east coast. In 1829 there were exported 85,000 barrels of herrings. In 1855, 350,000 barrels. He had also been told that the "brand" was regarded by foreign purchasers as a proof of quality. He was glad that the Government was not going to abolish the Board but to inquire.

MR. LLOYD DAVIES said, he must protest against the Board being supported out of the public funds.

MR. BLACK said, he had been informed by a person conversant with the subject that it would be a great national injury if the grant were withdrawn.

MR. BLACKBURN said, as a Scotch Member he thought the Vote was indefensible. The Government last Session gave the House to understand that the propriety of discontinuing it should be inquired into; but it was not until November that the Treasury sent down a minute on the subject to the Fishery Commissioners. The Board made a long and somewhat irrelevant reply vindicating its existence, as of course all Boards would do. He had seen a letter written by a large herring curer at Anstruther, who gave it as his opinion that the development of the trade was due to causes wholly irrespective of the Vote, which he thought might be withdrawn not only without detriment, but with positive advantage to private enterprise.

MR. SPOONER said, he wished to

know in what shape, if any, the Vote was likely to come before the Committee next year?

THE CHANCELLOR OF THE EXCHEQUER said, he must beg to explain to the Committee that, exception having been taken to the Vote last year, the Government then admitted that it was open to serious objection, and promised that it should be carefully considered before being again submitted to Parliament. During the recess the subject was examined accordingly, and the Government, being of opinion that the principle on which the grant was founded was untenable, and that it ought not to reappear in the Estimates, made a communication to that effect to the Fishery Board. The Board in reply, perhaps not unnaturally, defended the Vote. They made strong remonstrances to the Treasury, which were supported by many hon. Gentlemen connected with Scotland, sitting on both sides of the House. It was represented that this question involved not merely the "brand," which belonged to an antiquated system, but was connected with piers and harbours in the small ports on the coast of Scotland, and affected a branch of trade which afforded the means of subsistence to a very considerable class of the poor population of that country. Under such circumstances the Government were unwilling to take a course which they were told by persons fully acquainted with the subject might be attended with very serious results, but they determined to propose the Vote this Session, and to send down to Scotland a Commission to make a close investigation and to report to the Treasury, who would then decide whether the Vote should again be submitted to Parliament, or whether it should be altogether discontinued.

MR. W. WILLIAMS said, it seemed to him that there was such a considerable discrepancy between the explanations of the Chancellor of the Exchequer and the Secretary to the Treasury that he now felt it his duty to divide the Committee.

MR. WILSON said, he had stated that a Commission would be appointed upon the distinct understanding that, if the brand was to be continued, such a fee should be paid as would defray the expenses of the Board and render it self-supporting, and that if the Vote should appear in the Estimates another year it would be in such a form that no expense would be entailed upon the country.

SIR GEORGE PECHELL said, he wished for some explanation relative to an item of £200, and another of £100, for two of Her Majesty's ships which had been employed in the north of Scotland in connection with this fishery which he considered a scandalous job.

MR. WILSON said, the two vessels were old ships of the Navy, employed in the police of the fisheries.

MR. E. ELLICE (*St. Andrews*) said, that the employment of these ships, so far from being a scandalous job, as asserted by the hon. and gallant Member for Brighton, was essential to the interests of a very large portion of the Scotch community. He could not agree with what had fallen from the hon. Secretary of the Treasury, respecting the object of the proposed Commission. He thought that the Commission ought not to be a foregone conclusion, and that the Government ought not to commit itself to any opinion. It ought to take the Vote for the present year, and wait the Report of the Commission before taking any further decision. He thought, therefore, that they should not be told previously what the Government intended to do. The matter affected a very large class of his constituents. He willingly admitted that the principle of the brand was indefensible, and could only be kept up by an appeal *ad misericordiam.* The herring fishery was carried on by persons in remote islands, where it was impossible they should be known elsewhere by their names, and when the article could only be known and bear its price by means of the "brand." The matter was but little understood, and on that account he would press upon the Government to institute the inquiry by an impartial Commission, to see if the "brand" was necessary or not. The "brand" could only be kept up upon the distinct recommendation of a Commission. He did not defend the "brand," he required only that it should be fairly examined into. The herring fishery was a peculiar one, it was carried on only at a particular time of the year. It was only by proper police and abstinence from confusion that the shoals were prevented from escaping. It was therefore essential that a proper police should be maintained. It was likewise necessary there should be harbours of refuge under such circumstances; and he thought that, as Ireland had been benefitted during the last ten years to the extent of £70,000 or £80,000, while Scotland had received only £17,000 or £18,000 for harbours for fishing purposes, it was but fair that Scotland should receive a further share.

MR. W. WILLIAMS said, he wished to know whether he was to understand distinctly that the various items composing this Vote of £13,500 would hereafter disappear from the Estimates?

MR. WILSON said, he could only repeat the statement which he had already made, that the Report of the Commission would decide whether the Vote should cease and the Board be abolished, or whether the Board should be continued upon the principle that a fee should be charged for branding equivalent to the sum now imposed upon the public for that purpose. Under no circumstances, however, could the Vote be entirely given up, for, whether the Board was abolished or not, it would still be necessary not only to continue the pensions and allowances granted to retired officers, but to provide compensation for the present active officers of the Board. He might state, as an additional reason for continuing the Vote for another year, that contracts had already been entered into with continental purchasers for the delivery of herrings next season with the Government brand.

MR. LLOYD DAVIES said, he hoped the Opposition to the Vote would be persisted in. It was most absurd that such a large sum should be annually spent in assisting in the catching of Scotch herrings.

MR. WALPOLE said, he wished to know what the Government would decide, if the proposed Commission reported in favour of the Vote?

MR. WILSON said, the Commission could not Report in favour of the Vote as it stood, for the question would go to them upon this basis, already determined by the Government, that the expenses of the branding system should no longer be imposed upon the public.

Motion made, and Question put—

> "That a sum, not exceeding £13,500, be granted to Her Majesty, to pay the Salaries and Expenses of the Board of Fisheries in Scotland, to the 31st day of March, 1857."

The Committee *divided*:—Ayes 162; Noes 39: Majority 123.

Vote *agreed to*. House resumed.

## PAROCHIAL SCHOOLS (SCOTLAND) BILL —ADJOURNED DEBATE (SECOND NIGHT).

Order read, for resuming Adjourned Debate on Question [25th April], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

SIR JAMES FERGUSSON said, the people of Scotland felt great interest in the Bill. Last year he felt himself compelled to join in opposition against the Bill which the right hon. and learned Lord Advocate then introduced, because the right hon. and learned Lord proposed to do away with a time-honoured system in Scotland, which had for centuries fostered education and been a blessing to that country. But the present Bill was of a different nature, and he wished to state his reasons why he should no longer oppose the Bill, but why, on the contrary, he was ready to offer his support to the right hon. and learned Lord in carrying it into law. The present Bill did not propose to alter the existing system, although it would certainly introduce many startling changes if adopted in its present form, and some of which he certainly did not think it was expedient to introduce. The opposition which had been raised against the Bill appeared to him to be founded on a total misapprehension of the real object of it. It was supposed that the Bill would effect a severance of the schools from the Church of Scotland. He agreed with the petitioners, who opposed that Bill on that ground, that such a severance would be productive of the worst possible effects; but he did not conceive that any severance of the schools from the Church would be effected by the Bill. It was his opinion that the right hon. and learned Lord had no wish to sever the schools from the Church; that question, therefore, was no longer a matter of argument. Had that been the object of the Bill he should have continued to have given it his most strenuous opposition, because he could not conceive that a pure religious education in the schools could be insured except by a connection of those schools with the Church. One great change in the Bill, and that which had excited considerable difference of opinion in the Church of Scotland, was the proposed abolition of the test of the schoolmaster which the Church of Scotland had hitherto required. He had always felt that the obligation that the schoolmasters appointed to the national schools should belong to the Church of Scotland was unjust in principle and oppressive in practice. Considering how many men of piety and intelligence there were in Scotland professing the same doctrines virtually as those of the Established Church, it was, in his opinion, unjust to say that they were unfit to be teachers in the schools simply because they differed from the establishment in some unimportant part of Church discipline. Any law which operated to exclude them from such an office was unjust and uncalled for at any time, and assuredly more particularly so at the present day. The religious feeling in Scotland was as strong as ever; he therefore did not believe that in seeking to share in the management of the schools the large Dissenting bodies in Scotland had any wish to do away with the religious character of those schools. If it were possible to abolish the obnoxious test of adherence to the Established Church, without giving up the religious character of the teaching in schools, he conceived it to be most desirable. At present, he might safely say that the teaching in the schools was not in the slightest degree of a sectarian tendency. He had found in his district one-third of the school children belonged to various sects of Protestant Dissenters, and a considerable proportion were Roman Catholics, and yet there had not been a single complaint against the doctrines taught. It had been said that all change should be opposed, because some Dissenters had declared that, having obtained one advantage over the Established Church, still more would be required; but he hoped the House would not be guided by hasty expressions from any source. He hoped rather that the Established Church would, by timely concession, obviate the necessity of future changes more sweeping and, possibly, more dangerous. Another feature in the Bill was the appointment of Government inspectors, and he thought experience was in favour of that enactment. When it became necessary to inquire into the character of schoolmasters, it was a great advantage to have a man to conduct the inquiry who would not be bound by any petty local feelings. He would, however, wish to put it to the right hon. and learned Lord Advocate whether, having no desire to interfere with the religious character of the schools, it would not be as well that that desire should appear upon the face of the Bill, in order to refute any opposition from those who opposed changes upon that ground; and if that were done it would have a great tendency, he apprehended, to diminish the opposition to the Bill. In the clause by which private prosecutions against schoolmasters were to take place at the instance of the heritors only, if an alteration were made to allow prosecutions at the instance of individual heritors or of the minister, he thought there would be a sufficient security that Roman Catholics or Dissenters could not override the feelings of the clergy or the people by subverting the minds of those placed under their care. There should be some enactment that schoolmasters must be of some Christian denomination, and, as the Westminster Confession of Faith was ackowledged alike by the United Presbyterians, the Free Church, and the Established Church, he thought that might safely be made a test. If those concessions were made, he believed they would disarm much opposition from that side of the House. He would also beg to remind his Friends, from whom upon this occasion he might in some degree differ, that it was most essential that the question should be settled during the present year, and he would put it to them whether, if they could make concessions not inconsistent with their principles and at the same time retaining the religious character of the schools, it would not be advisable to yield some points in order to settle this much-vexed question?

MR. CUMMING BRUCE said, it seemed to him that the argument of his hon. Friend (Sir J. Fergusson) ought to have led him to a conclusion directly opposite to that at which he had arrived.

SIR JAMES FERGUSSON: Not a test requiring adhesion to the Established Church, but only of the religious character of the schoolmaster.

MR. CUMMING BRUCE: His hon. Friend would destroy one species of test, but would establish another in its stead. Now, he (Mr. C. Bruce) could see no reasonable objection to that provision in the present system under which the schoolmasters were required, as they had been required for 200 years, to be in communion with the Established Church. He was one who entertained serious objections on principle to the clauses of the Bill; but supposing they were to throw out the Bill on the second reading, they would not settle the question, which might be brought forward again on a succeeding night. It was, therefore, not his intention to divide the House, although he should undoubtedly say "no" to the second reading. Unless his right hon. and learned Friend should expunge the objectionable clauses, he should, when the House went into Committee on the Bill, move that it go into Committee that day six months. His right hon. and learned Friend who introduced the measure had declared that he was willing to make every concession which he could, preserving at the same time the principle of the Bill; but those concessions were rendered of no value by retaining the obnoxious provisions to which he (Mr. Bruce) objected. The 9th clause seemed to him to aim at the entire separation of the long connection which had existed between the parish schools and the Established Church. He could not, therefore, consent to that clause. No doubt his right hon. and learned Friend would deny that his object was to abolish religious in favour of secular education, yet that was a natural consequence which would result from the measure. He thought that the opponents of the Bill were entitled to much greater concessions than had been made by his right hon. and learned Friend, especially after the previous decisions of the House last year and the year before. In the House of Lords, which was not to be put out of consideration entirely, it was rejected at once; so that they had a right to expect very material concessions, and especially a guarantee of the continuance of the intimate connection between the Church and the schools. Not to concede that was to "keep the word of promise to the ear, and break it to the sense." The hon. Member for Edinburgh (Mr. Black) had professed himself not only perfectly satisfied with the Bill, but avowed his intention to support it. That hon. Gentleman was held in high consideration both by that House and by his constituents, and, therefore, his observations were entitled to great weight. He had advised them to accept this measure as an instalment, and had referred to the High School of Edinburgh, and cited it as a proof that the constitution of parochial schools in Scotland was not one necessary to maintain; because that school had eight masters of different denominations, and yet it enjoyed a large amount of popularity. But the hon. Gentleman had forgotten to state that that school was purely a grammar school, devoted to secular teaching, and providing for the education of the children of the middle rather than of the poorer classes. Edinburgh, indeed, had many advantages in respect of religious teaching which country parishes in Scotland did not enjoy. The hon. Gentleman also said that the existing constitution of the parochial schools was opposed to the spirit of the age. He really was at a loss to know what was meant by such an argument, because the spirit of the age was a very volatile spirit, and very different in different countries. The spirit of the age delighted in putting down all old institutions, however they might venerate them. The House of Commons, however, he trusted would respect existing institutions, while at the same time it desired to promote social progress and the advancement of truth. Among the institutions of the country, he believed that it respected none more than the Established Church, whether of England or Scotland. Now, the noble Lord at the head of the Government was said to be an incarnation of the spirit of the age; and the House could not have forgotten the eloquent and statesmanlike declaration of that noble Lord the other night in favour of the Established Church in Ireland. In his (Mr. Bruce's) opinion this measure of the right hon. and learned Lord would, if passed as it at present stood, be a heavy blow and great discouragement to the Established Church in Scotland; and the more they inquired into that Establishment, as respected its relation not only with schools but other institutions, the more they would have reason to rejoice that it had so faithfully performed its legitimate functions. He believed that no useful or satisfactory school superintendence could be exercised by the ministers of one denomination over the children of another. There were, undoubtedly, parts of the Bill of which he approved; but without a distinct assurance that the 9th clause would be given up, he should certainly oppose the measure in Committee, for if it passed as it was it would destroy that valuable connection of which he had spoken, and would introduce disunion and heart-burnings into every parish in Scotland, and sound teaching in its schools would become impossible.

MR. BLACK said, he felt called upon to vindicate himself after what had been said by the hon. Member for Elginshire, who had last addressed them, and he would say that if the hon. Gentleman was not more accurate in his arguments than in his report of what he (Mr. Black) had said relating to the High School, in Edinburgh, they would be entirely groundless. In that school the Bible was regularly read, and a desire was manifested that the instruction which was given should be of a religious character. It was not correct, then, to say that secular instruction alone was given in that school. Every master in the High School of Edinburgh desired his class to be a large one, and they knew too well that the people of Scotland wished their children to have religious instruction not to supply this want. The petitions against the Bill came from two sources—one from the Established Church, and another from the Commissioners of Supply. There were about 1,000 parishes in Scotland, and these met in a collective capacity—first, as presbyteries, then as synods, and, lastly, as the General Assembly. Then the General Assembly had its Commission. No sooner did any question arise affecting the Church than the Commission or the General Assembly gave the word, and every parish minister must then set about getting up petitions. This body had a monopoly of the schools at present; and no corporation, especially an ecclesiastical one, gave up a monopoly without some resistance. He willingly admitted that the Commissioners of Supply were very estimable gentlemen; but they had not exhibited much statesmanship. They had opposed the repeal of the corn laws, the repeal of the Test Acts, and other liberal measures, and they did not appear to exhibit more liberal feelings in these case of the parochial schools. They appeared to consider it their duty to support every thing which was antique, so that Dr. Chalmers once said, "There are two things in nature which never change —the fixed stars and the Scotch lairds." No public meetings of any consequence had been held against the Bill, and he trusted that if the Bill passed, the heritors of the Church would not stop in the march of improvement, but would proceed so as to relieve themselves of the present incubus. What showed the real opinion of Scotland in the strongest manner with regard to this Bill was the meeting of the Convention of Royal Burghs, which was the remains of the Scotch Parliament. At the last annual meeting of that body, held in Edinburgh, a Motion was submitted approving of the general principle of this Bill. To that Motion an Amendment was proposed, demanding the insertion of a clause providing that the schoolmaster, on induction, should be bound to subscribe the Confession of Faith, as by law established. The numbers were—for the Motion, and in favour of the removal of tests, thirty; for the Amendment, only nine. It was quite absurd to say that there was no "test," for a book of 500 pages had to be subscribed, the tenets of which those who subscribed promised to adhere to all the days of their lives; but he believed that but a very small proportion of schoolmasters had read this book. Such a system of tests would deprive the country of the services of great men. By this Bill the minister would retain the same power that he held before. It was a mistake to suppose that the minister and the presbytery laid down what was to be taught in the schools. That power was really exercised by the heritors. The presbytery was merely a examining body. The heritors selected the schoolmaster. The presbytery retained a veto to dismiss an immoral man; but, practically, all questions affecting a man's morals were settled in the Court of Session. The great guarantee that religion would be taught in these schools was to be found in the religious character of the people. Besides the High Schools of Edinburgh, there were schools teaching 3,000 scholars; but when these schools were founded it never entered into the imagination of the ministry to require religious tests in the schoolmasters.

Mr. BLACKBURN said, the boroughs whose representatives had expressed an opinion in favour of the Bill were without parochial schools, and he thought they would do well to attend to their own affairs, and leave the country parishes alone. The first six clauses of the Bill, the object of which was to provide larger salaries and better dwelling-houses for the schoolmasters, were unobjectionable; but he objected to the rest of the Bill, because it would, in his opinion, have the effect of depriving the Church of the superintendence of the schools. There was no objection, on the part of the people of Scotland, to provide funds necessary for those purposes. The remaining clauses of the Bill entirely related to the question of religious teaching. At present the presbytery exercised a controlling power with respect to religious teaching; but the provisions of the Bill of the right hon. and learned Lord Advocate would take that power away. The practical action of the ninth clause would be to take away the test altogether; and many of the other clauses of the Bill tended to sever the schools from the Church, and turn them into secular schools, somewhat after the fashion of the Resolutions of the noble Lord the Member for London (Lord John Russell), which had been so unanimously rejected by that House. Another matter to which he wished to call attention was with reference to the appointment of inspectors. By the fourteenth clause of the Bill, power was given to divide Scotland into districts, and appoint inspectors to superintend them. Now, that was a provision introduced into the Resolutions of the noble Lord the Member for London, but it had been unanimously objected to. In England, grants of money were advanced through the Committee of Privy Council. Nevertheless, no such power was exercised in this country as was proposed by the present Bill to be put in practice in Scotland. He should like to know why it was attempted to exercise a power in Scotland which had been unanimously rejected as regarded England? Although he had so many objections to the Bill, he did not intend to divide against it at that stage. However, it was but fair to give notice that unless the right hon. and learned Lord Advocate previously placed on the table such Amendments as would meet many of the objections urged that evening, he should deem it his duty to offer even opposition to the Bill going into Committee.

MR. MACKIE said, he had serious objections to the Bill. It was his belief that the schools of Scotland were at present in a more efficient state than they had ever before been, both as to the qualification of the teachers and the number of the schools. He would have no hesitation in inviting the right hon. and learned Lord Advocate to go with him into any district in the south of Scotland, and if he found any young person of the age of fifteen, and of sound mind, who could not write or read, he would give up his opposition to the measure altogether. To the inspection of the inspectors proposed by the Bill he also objected—their supervision, in his opinion, could never be as effectual as that exercised by the clergyman of the parish—and he would advocate the selection of the best schoolmasters without the regulation for their being of the Established Church being so stringently enforced—a declaration, he thought, to the effect that they were protestants, and would never teach anything contrary to the truths of the Bible, would be quite sufficient.

MR. JOHNSTONE said, he desired to express his concurrence in the general objects of the Bill, but, with respect to the appointment of others besides members of the Church of Scotland as schoolmasters, he was bound to say that he thought the Bill went a great deal too far. It was his earnest conviction that the Legislature was bound by the Act of security, passed at the time of the union of the two countries, to maintain the Presbyterian religion in Scotland. The required subscription to the Westminster Confession of Faith was the assertion of that principle, and the abolition of the subscription was the abolition of the obligation that the schoolmaster should be Presbyterian, and that his teaching should be Presbyterian. He could as yet discern nothing in the religious circumstances of Scotland to justify such a change in the character of Scotch schools. The people of Scotland were at the present day as thoroughly Presbyterian as at the time of the Union. They had the same antipathy not only to papacy but to prelacy; and that antipathy had increased by circumstances which had lately occurred in the Episcopal Church of England. No doubt, the Presbyterians were no longer united, and that was a reason why the test should be altered so as to adapt it to the present circumstances of Presbyterianism in Scotland, and such a change he considered might be made in complete harmony with the Act of Union; but that was no reason why the Presbyterian character of the schools should be swept away entirely. He therefore trusted that alterations would be made in the Bill to meet the objections he had stated.

THE LORD ADVOCATE said, as he was given to understand that there was to be no division on this stage of the Bill, he hoped he might be allowed shortly to explain its objects. His desire in introducing the Bill was to place the schoolmasters, at the expiration of the present Act, in a proper and decent position with respect to remuneration, and at the same time to do away with the exclusion which prevented a man, however orthodox his belief might be, from being a schoolmaster, unless he was a member of the Established Church of Scotland. He had been complimented by hon. Members on the improvement of the present Bill compared with former propositions, but he could not accept the compliment, as he did not think the present Bill so efficient; but it was not necessary or right to go on year after year in contention if there appeared to be any mode of settling differences. Accordingly, having made up his mind to leave the parish schoolmasters as they stood, with only such modifications of their position as seemed necessary, he proposed the present Bill. He did not, however, call the Bill a measure of education for Scotland, but only a step towards it—a necessary step undoubtedly, because when the present Bill was passed then all parties might unite in ulterior measures for the education of the people of Scotland. Along with the increase of salaries and house accommodation he proposed to abolish the test. With respect to the abolition of the test, there were two views held—one, that the test was a security for the teacher being a member of the Established Church of Scotland; and the other, that it secured the religious character of the teacher. He would put it to the House whether that test was an efficient one for those purposes? Hon. Gentlemen seemed to forget that the Test and Corporation Act had been repealed. Nevertheless, he believed there was more real religion in the corporations of Scotland than in any others. The university test had been abolished in the same way, and he believed no Scotchman would wish to see it reimposed. This test he therefore proposed to abolish, as applied to schoolmasters. It was a mistake, however, to suppose that there was no test left in the Bill for the schoolmasters. He did not suppose that the present was the best constitution for the schools that could be instituted, but nevertheless he felt a certain amount of respect for ancient institutions, and thought that the powers proposed by the Bill were justly left in the hands of the Presbyterian ministers. An hon. Gentleman had said that the seventh clause of the Bill took from the Presbyteries the right of initiating proceedings. That was true, because the power they possessed was the power of acting both as prosecutors and judges—a combination of functions which was admitted on all hands to be vicious. He should be inclined, however, to give the power of complaint to any three heads of families. It had been said that the eleventh clause took away all power of examination from the Presbytery; but the clause had no such sweeping operation, for it was expressly limited to such schoolmasters as were not of the Established Church, and it left the right of examination just as it was in every other case. If hon. Gentlemen opposite would be content with that security for religious teaching which was provided in the Bill, by leaving the appointment of the schoolmasters and the jurisdiction over them in the hands where they were now placed, the Bill might pass, but he should be very loath to consent to anything in the shape of a test or a profession.

Sir ARCHIBALD CAMPBELL said, the right hon. and learned Lord had not explained how the Presbytery were to take cognizance of any difficulties which might arise in respect to religious teaching. Either there ought to be a test, as a criterion by which the Presbytery might go, or there ought to be a recognition that the Presbytery was to be the judge of what teaching was orthodox and what not.

Mr. F. SCOTT said, he wished to ask in what way the jurisdiction of the Presbytery was to be preserved? He believed that the last clause was the most general one he had ever seen introduced into any Act of Parliament. The Bill was, in his opinion, most imperfectly drawn, and he was by no means satisfied with the way it was interpreted by the rubrical or marginal notes. He hoped that the right hon. and learned Lord would place upon the notice paper such Amendments as would render the measure more acceptable to the feelings of the people of Scotland. He also hoped that ample time would be given to the House to consider those Amendments before they went into Committee.

Mr. DUNDAS said, that it would be very satisfactory to the people of Scotland if the right hon. and learned Lord Advocate would, before the Bill passed its next stage, introduce into it some provision securing that the teachers appointed to the schools in that country should be Protestants.

Question put and *agreed to.*

Bill read 2°.

On the Motion that it should be committed on Thursday,

Mr. STIRLING said, he would beg to ask the right hon. and learned Lord Advocate when he would lay upon the table the clauses which he had shadowed forth in his speech?

The LORD ADVOCATE said, that, instead of the Bill being imperfectly drawn as had been asserted by the hon. Member for Berwickshire (Mr. F. Scott), he thought it had been imperfectly read. He would do his best to make himself master of the difficulties which had arisen, and if they appeared to be real he would frame clauses to remove them. If he found it necessary to introduce new clauses he would give ample notice of them.

Mr. F. SCOTT said, that these last expressions of the right hon. and learned Lord had inspired him (Mr. Scott) with much distrust of his intentions.

Bill *committed* for *Thursday.*

## JOINT-STOCK COMPANIES BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. SPOONER said, he should move that the debate be adjourned. The right hon. Gentleman (Mr. Lowe) had given notice of a long list of Amendments; and it was too late (five minutes before One o'clock) to proceed with a Bill of such importance.

Mr. LOWE said, that it was of great importance that the Bill should go up to another place as soon as possible, and he, therefore, urged the House to allow him to proceed with it. The Amendments of which he had given notice were intended to meet objections which had been taken in Committee, and he, therefore, apprehended that they would not be opposed. He himself should not oppose the addition of the clause of which the hon. Gentleman (Mr. Spooner) had given notice.

Motion for the adjournment of the debate put and *negatived*.

Bill read 3°.

Clauses *added*.

Mr. HENLEY said, he wished to move the omission of Clauses 46, 47, and 48, which authorised the Board of Trade to appoint an inspector to examine into the solvency of a company. The provision he considered mischievous and fallacious, the only trust-worthy investigation into the accounts of an undertaking being one instituted by the shareholders themselves.

Mr. LOWE said, he could not accede to the proposition of the right hon. Gentleman. Those clauses were originally proposed last year by a noble Lord in another place, who took for his guide the New York Act, which empowered a small number of shareholders, if dissatisfied with the state of a company's affairs to apply to a Court of equity for an inquiry. That was a very objectionable provision, as it would arm a small section of the shareholders with the power of endangering the stability and shaking the credit of the undertaking by giving undue publicity to their internal quarrels; but it was thought that all the benefits of such a clause, without its disadvantages, would be secured by allowing one-tenth of the proprietary, under the guarantee of payment of the costs of the proceeding, to apply to the Board of Trade to appoint an inspector to examine into the accounts. That Board would not, however, be responsible for the report of this officer; and yet it was desirable that it should be enabled to nominate a respectable and impartial person to conduct such an investigation. The Board of Trade possessed an analogous function in its power to select an arbitrator to settle disputes between railway companies. It was true the majority of the shareholders in a joint-stock company could examine into the accounts, if so disposed; but this provision was intended for the protection of a minority suspecting that the affairs of the concern were not going on satisfactorily, and who would thereby have an impartial tribunal to which they could appeal, whose inquiries could be conducted with the least possible detriment to the interests of the undertaking. If some such power as this had existed in the case of the Tipperary Bank, the proceedings which had proved so ruinous to that unfortunate concern might have been arrested.

Mr. NEWDEGATE said, he strongly objected to the appointment of a secret tribunal at the discretion of the Government, and he thought the right hon. Gentleman (Mr. Lowe) could not have referred to a case more fatal to his own proposition than that of the Tipperary Bank. In his opinion, shareholders might safely be left to decide upon matters affecting their own interests, and he felt called upon to protest against the substitution of the secret action of the Board of Trade for the open action of shareholders themselves.

Mr. WHITESIDE said, he could fully comprehend the illustration of the Tipperary Bank, and when the proper opportunity arrived he might be able to afford some information with reference to the gang of persons concerned in that establishment. The Bill under consideration provided that if any officer or agent of a company refused to produce books or documents, or to answer any questions which might be put to him by the inspectors, he should incur a penalty of £5. Now, what was to be done with that sum did not appear. Perhaps it was to be handed to the shareholders. The Bill provided, also, that the Report of the inspectors was to be forwarded to the Board of Trade, and he supposed it would be preserved among the archives of the country.

Mr. WALPOLE said, he likewise objected to this measure, because it would enable a public board to deal with private transactions. One ground on which the Bill was supported was, that the interests of a company might be prejudiced if inspectors were appointed at a public meeting to investigate the affairs of the company; but he thought the same danger would arise if it transpired that an application had been made to the Board of Trade to institute such an inquiry. The Bill was also advocated on the ground that, if a majority of the shareholders were unwilling that an inquiry should take place, the minority might apply to the Board of Trade to direct an investigation ; but he would prefer that such an inquiry should be proposed and discussed at a meeting of shareholders, rather than that it should be undertaken in consequence of a secret application to a public Board.

MR. LOWE said, in explanation, that the Bill did not contemplate any interference on the part of a public department beyond the appointment of persons, for whose impartiality there was some guarantee, to investigate the affairs of companies. The Bill did not merely provide for the infliction of penalties in case of the non-production of books, but it gave power to examine persons upon oath, and if that power had existed previously he did not believe that one person connected with the Tipperary Bank would have obtained possession of £200,000. The Bill was designed to prevent a minority of shareholders from being trampled upon by the majority.

Question put, "That Clause 46 stand part of the Bill."

The House *divided* :—Ayes 42 ; Noes 32 : Majority 10.

Other Amendments made (Queen's *consent* signified on behalf of the Prince of Wales)—Bill *passed.*

The House adjourned at Two o'clock.

## HOUSE OF LORDS,

*Tuesday, June* 3, 1856.

MINUTES.] PUBLIC BILLS.—1ª Joint-Stock Companies ; Public Health Supplemental ; Sir William Fenwick Williams's Annuity.
2ª Juvenile Convict Prison (Ireland).
3ª Oxford University.

### THE APPELLATE JURISDICTION (HOUSE OF LORDS) BILL.

Order of the Day for the House to be put into Committee read.

*Moved*—That the House do now resolve itself into Committee on the said Bill.

THE EARL OF ABERDEEN : Before going into Committee on this Bill I wish to address a few words to your Lordships, not so much with regard to what is contained in it, as having reference to what is omitted from it. The noble Earl (the Earl of Derby) who moved for the Committee upon the Report of which this Bill is founded, advanced, among other reasons why your Lordships should agree to the appointment of that Committee, the manner in which the jurisdiction of this House is exercised with regard to appeals from Scotland, and he stated that it was at present most unsatisfactory. Now, the noble Earl was amply justified in making that statement, and he in all probability expected that a remedy would be provided for that state of things. But what is the state of the case? Why, in the present Bill there is no reference to appeals from Scotland, nor is there any attempt whatever to deal with the grievance so properly referred to by the noble Earl. It is true, my Lords, that in the Report of the Committee there is a reference made to the case of appeals from Scotland, but that expression of opinion is not a satisfactory —perhaps scarcely an honest one. The Report states—

> "That the Committee have paid great attention to the important evidence which they have heard on the subject of Scotch appeals. Nearly all the witnesses who spoke to this part of the subject admit that very material advantages have been derived by Scotland in the course of the administration of the law by the House of Lords, and some of them are of opinion that it is still advisable to keep the appellate jurisdiction entirely distinct from the Scotch Bench and Bar; but, on the other hand, arguments were urged, with considerable force, against the anomaly of the final court of appeal from Scotland being so constituted as never to comprehend a Scotch Judge, or any person necessarily acquainted with Scotch law. It appears that the majority of the Bar, and the writers of the Signet in Edinburgh, are in favour of one of the members of the appellate court being a Scotch lawyer. It is not proved that this is the opinion either of the mercantile classes or of the community at large in Scotland. The Committee are of opinion that no fixed and invariable rule should be adopted on this subject."

Now, I confess I do not know what is meant by that expression. Does it mean that matters are to remain as they have been for 150 years, or does it mean that there is a prospect of a change ? Several witnesses, my Lords, and particularly the Lord Justice General, the Lord Advocate, the Dean of the Faculty, and many of the witnesses examined were in favour of the introduction of a Scotch Judge into your Lordships' House. For my own part I think that that would be an entirely inadequate remedy. It might obviate some evils, but it would, I think, be attended with others quite as important as those for which it provided a remedy. I have often expressed the opinion, and I still adhere to it, that the only way to fully remedy the existing evil would be to remove the Scotch appeals altogether from the jurisdiction of your Lordships' House, and to establish a court of final appeal in Scotland, composed of persons of great weight and authority. This, I am aware, my Lords, may appear to be a somewhat revolutionary suggestion; and I know very well that the opinion very generally prevails in this House, and perhaps, also, out of it, that your Lordships' weight, influence, and authority, in the constitution very much depend upon the preservation of the appellate jurisdiction of your Lordships' House as at present exercised. I confess that, as regards myself, I look at that opinion with considerable doubt, for I believe this House to be quite as much respected in its political character as in its judicial capacity. It is all very well for noble Lords to compliment each other, and to flatter themselves that everything is going on well; but allow me to say that, while that is going on within the House, it is just possible that there may be just grounds for complaint on the part of the profession and on the part of the appellants. What I wish particularly to refer to at present is the appellate jurisdiction of your Lordships' House as regards Scotland. We have been told, upon the very highest authority, that the assumption of an appellate jurisdiction at all by this House was altogether an act of usurpation; but, whether that be so or not as regards England, it most unquestionably is the case as regards Scotland. It is a remarkable fact, that in the Act of Union with Scotland; no mention whatever is made of any appeal to your Lordships' House. The Nineteenth Article of the Act of Union expressly stipulates, that all the judicature of Scotland shall be preserved entire, that no sentence of the Court of Session shall be subject to be reviewed by the Court of Chancery, or the Court of Queen's Bench, or by any of the Courts of Westminster, but not one word is said of an appeal to Parliament, still less to your Lordships' House. I know that by the Scotch Claim of Right in 1688, it was declared to be the undoubted privilege of the subject to protest for a remeid of law to the King and Parliament against the sentence of the Court of Session, provided that the execution of that sentence was not meanwhile stayed. Considerable doubt has existed as to the meaning of the term "protest for remeid of law;" but it has been laid down over and over again by Lord Stair—a very high authority and a person by no means likely to do anything to abridge the privilege of the Crown—being, as your Lordships know, a principal supporter of the Revolution in Scotland, that the protest thus allowed was only a protest in cases in which the Court of Session had exceeded its legitimate power and authority. Others maintain the same opinion, but it is not at all clear what is the precise meaning of the phrase "protest for remeid of law;" and in the twenty years which elapsed from the Revolution to the Union the people of Scotland appear to have been satisfied with having asserted their right, for during that period only six protests were presented to Parliament.

I admit that in such a state of things it does seem extraordinary that the people of Scotland should have submitted to an appeal to a tribunal perfectly foreign and comparatively ignorant of the law which it was called upon to administer. I can account for it only by a reference to the state of the country at that period. I do not mean to say that the Scotch Judges, always learned, were ever corrupt; yet, there is no doubt that at the time of the Union political influences and the influence of powerful families were not without their weight. I doubt much whether the Duke of Hamilton or the Duke of Argyll in those days would stand on precisely the same level with his fellow-subjects as he does at the present moment. It is possible, therefore, that, the people of Scotland may have submitted at first without resistance to an appeal to another tribunal, however strangely constituted. For your Lordships will remember, that although there is a doubt as to the precise meaning of the term "protest for remeid of law," yet the tribunal to which such protests were made was very differently constituted from the British House of Lords. The Lords and Commons sat together in the same chamber; the Judges of the Court of Session were present on the bench assigned to them in front of the throne; they heard the appeals, and many of them were, in fact, members of the Assembly. At least, therefore, the appeal was made to a tribunal that thoroughly understood the subject with which it had to deal. What is the case now? It is true that we have had some most eminent men in this House who have devoted much time and attention to the study of Scotch law. Lords Hardwicke, Mansfield, and Eldon were, no doubt, able to discharge efficiently all the duties that were expected from them—it is said, indeed, that they had improved the Scotch law by their decisions. Upon that point there may be some doubt; but, admitting it to be so, I submit that that is not the way in which the law of any country ought to be improved. I have no desire to see judge-made law, even by such men as Lords Mansfield and Eldon. If the law is to be improved, let it be done by the Legislature, and not by the decisions of a Judge. Yet it is scarcely possible that it should be otherwise; for, although the noble and learned Lords who have presided in this House have most conscientiously endeavoured to apply the Scotch law to the causes brought before them, they must necessarily have failed to do so on many occasions. It is said, that Lord Mansfield, when he sat to administer Scotch law, fancied himself a judge of the Court of Session, and acted as far as he could in that character. That, no doubt, was a most laudable desire, and one which I presume, has been shared by every noble and learned Lord who has exercised the same jurisdiction; but still it has happened that, when English lawyers have been called upon to deal in this House with a law of which they are not only comparatively ignorant, but which they are in the habit of undervaluing as compared with their own perfection of human reason, they have thought that if they did not administer Scotch law they were, at all events, pretty sure of giving something infinitely better. But that is not the mode in which I think justice ought to be administered to the people of Scotland. I recollect hearing in this House, thirty years ago, a noble and learned Lord who had sat on the woolsack declaring that he was as profoundly ignorant of Scotch law as if he had been a native of Mexico. That declaration of Lord Erskine was, no doubt, very frank, but not quite so prudent as might have been desired from a person in his situation. Still it was the truth, and I do not think we should find fault with him for making it. The noble and learned Lords in this House are extremely ingenious, and may have, very likely, no great difficulty in making "the worse appear the better reason," but I think I may defy them to prove that it can be desirable that a noble and learned Lord who may decide alone the most important causes which can be brought before him should be in a condition to make such a declaration as that to which I have adverted. Yet I heard it myself, and I think it speaks volumes for the truth and weight of the objections which I am now taking to the present system of deciding Scotch appeals in the court of last resort. The inevitable consequence of the uncertainty which surrounds the decisions of this House in Scotch causes is, of course, the multiplication of appeals. The appeal is made not to the wisdom of the House, but to its ignorance. We are told by the witnesses who were examined before the Committee that, in bringing his appeal to the House of Lords, the appellant calculates his chance according as his case is likely to be affected by English law. The Lord Advocate says, that the appeal to this House is regarded as a lottery, and the evidence of the Lord Justice General and the Dean of Faculty is pretty much to the same effect. Such being the case, how is it possible to expect that any satisfaction can be given either to the profession or to the public? The introduction of a Scotch Judge would, in my opinion, be but a very imperfect remedy. It would be open to many serious objections, and the only radical cure for the evils of which I have complained is the removal of the appellate jurisdiction to Scotland. Nay, more, notwithstanding the opinion which I know is very generally entertained among your Lordships, that the preservation of your appellate jurisdiction is essential to the dignity and character of the House, I am not sure that it might not be removed in all cases, whether English, Scotch, or Irish, with advantage to the public and without detriment to the House itself. But I know that is not an opinion shared by many of your Lordships, and I must admit also that in Scotland the sentiments which I have expressed are not generally entertained. I believe, however, that the time will come when the evils of the present system will be more strongly felt; and certain I am, at all events, that the Bill which you are now passing will not tend to diminish the objections I have stated as far as Scotland is concerned; but, on the contrary, will strengthen and increase them. The opinions which I have expressed have by no means been recently taken up. I have entertained them for very many years, and, in fact, talk as you will of the impartiality of the Judges, I appeal to the common sense of your Lordships whether the hearing of Scotch appeals in this House is not liable to the objections I have stated. I have heard Lord Eldon say, a dozen times, that it was a wonder to him that so sensible a people as the Scotch should ever submit to such a monstrous practice as that of bringing their causes to be heard in the House of Lords. Lord Liverpool, many years ago, told me that he entirely concurred in the opinions which I have now expressed; but that, unfortunately, the people of Scotland thought otherwise, and he therefore could do nothing to remedy the evil. Upon the present occasion I will content myself with recording my sentiments on the subject; but I cannot conclude without expressing my conviction that, whether I may live to see it or not, the time will come when Scotch appeals will be banished from this House, and it will require the best care and attention of your Lordships to render it possible for you to preserve your English jurisdiction.

The Earl of DERBY: My Lords, as the noble Earl referred to me in the course of his speech, I may be permitted to say a few words in reply to the charges he has brought against the Report of a Committee of which I was a member, and which owed its existence to a Motion which I had the honour to submit to your Lordships. I will not follow the noble Earl into those antiquarian discussions in which he has indulged as to the original mode in which Scotch appeals were transferred to the Parliament of the United Kingdom; nor do I intend to enter into the question whether there might not be a very good reason for carrying Scotch appeals to that tribunal. I will not wound the Scotch feelings of the noble Earl by entering upon the reasons which induced the Scotch to prefer any tribunal, even a foreign one, to their own Court of Session. I am not disposed to lay the same stress as he did on the usages of 150 years ago, though it is not difficult to understand that at the period referred to any foreign tribunal would be preferable to the local tribunals then existing in Scotland. The noble Earl, however, entirely cut the ground from under his own feet when he stated to your Lordships that a very small portion—he might have said an infinitesimally small portion—of the people of Scotland were disposed to abandon that which they believed to be a very considerable advantage—the control exercised over their courts by the appellate jurisdiction of your Lordships' House. The noble Earl objected to that jurisdiction in Scotch cases, yet admits that the sensible people of Scotland are, on the whole, satisfied with the arrangement. For thirty years the noble Earl has held his own peculiar views on this subject. In the Committee he frankly gave expression to those views, and there, as I believe in this House, he found that he stood alone in holding them. I will not, therefore, enter into a discussion of the circumstances attending the transfer of the appellate jurisdiction in Scotch cases to the British Parliament, thinking that a century and a half is quite long enough to enable the people of Scotland to decide whether the jurisdiction exercised by your Lordships is satisfactory or not. My object in rising is simply to notice the allegations with which the noble Earl commenced his speech, and to express my regret that, after the full discussion we had in Committee, he should have been induced to intrude one of the most difficult and delicate questions involved in the subject of the appellate jurisdiction into the consideration of the Bill now before the House. The noble Earl says that, in introducing the Motion for a Committee, I founded my argument for that Motion on the fact that there was no Scotch Judge holding a seat in this House and forming part of the appellate tribunal. The noble Earl, before he could have made such a statement, must have entirely misunderstood my statement. I only stated that as one of certain objections which I had heard taken to the appellate jurisdiction, on none of which did I give any opinion. I asked your Lordships to appoint a Committee to inquire into the nature of those objections, so that if they were well founded, measures might be taken to provide a remedy; but I carefully abstained from committing myself to any of those objections; and though I did say, and say now, that theoretically it does appear extraordinary that Scotch appeals should be heard by a tribunal not necessarily containing any Scotch lawyers, or any Peer familiar with the law of Scotland, yet I did not say that that of itself would be sufficient to necessitate an alteration in the appellate jurisdiction of this House. Now, the Committee went very fully and faithfully through all the objections that were offered to the existing system, and, I must say, I never attended a Committee of your Lordships' House in which there was manifested so strong a desire to arrive at a sound conclusion—at such a conclusion as would relieve the Government and Parliament and the Crown from very considerable embarrassment, and which might lead to an important amendment in the appellate jurisdiction of the House. With regard to the necessary introduction of a Scotch Judge as one of the supreme tribunal, though there was a very strong opinion on that point by lawyers more especially connected with Edinburgh—the writers to the Signet—yet there was considerable difference of opinion both on the part of the witnesses who were produced and their representatives, of the state of feeling in other parts of Scotland, besides Edinburgh. But, supposing his own scheme of taking the appellate jurisdiction entirely out of your Lordships' House to be set aside, I am at a loss to understand what is the object of the noble Earl; for he protested first in Committee, and now in the House, against the necessity of having Scotch cases brought under the jurisdiction of this House, and yet the whole tenor of his speech would lead the House to suppose that he was standing up for his country's rights, and asserting the claim of Scotch lawyers to a seat in the appellate jurisdiction of the House. [The Earl of ABERDEEN: No, no!] That was the ground on which the noble Earl made a charge against me. He said I had made the exclusion of a Scotch lawyer from the appellate jurisdiction the main ground on which I sought the appointment of the Committee, and yet he says, when this Bill comes before your Lordships' House, that it does not contain one single word as to the admission of a Scotch Judge; he says it is notorious to every one that there exists a necessity for introducing a Scotch lawyer, and this he urges as a complaint against me, that the Committee has said nothing on the subject, and that there is not inserted in the Bill a provision for that purpose. But I say that the question has not been left in so vague and indefinite a position as the noble Earl supposes. He does not deny that in the Report of the Committee there is a reference made to the subject. It is there stated that very different views were held upon the question in the abstract by different parties, and that the Committee, after duly considering the question, declined to fetter the decision of the Crown and your Lordships' House by laying down a positive and invariable rule that one of the two Judges who were to be admitted to your Lordships' House, with all the privileges of Peers of Parliament, and with salaries attached to their office, should be necessarily taken from the judicial bench in Scotland. And there might be reasons why such a rule would be inexpedient and improper, and why, as regards Scotland itself, it might be undesirable. It might be that among the legal members of your Lordships' House there would be men already familiar with the law of Scotland, and well qualified to guide the House in its judicial deliberations on Scotch appeals. It might be, also, that the state of the Scotch Bench might be such as to make the removal of leading members of the Scotch Bench injurious, and that you might inflict greater evil by weakening the supreme tribunal in Scotland than would be counterbalanced by any strengthening of the appellate jurisdiction of the House of Lords by the introduction of a Scotch lawyer. But while the Bill does not provide for necessarily placing a Scotch Judge in the court of appellate jurisdiction, it expressly provides that two members of that tribunal shall be persons who have filled some high judicial office for a considerable space of time, and in this provision are especially named the Judges of the Court of Session in Scotland, thereby placing the Scotch Judges, in respect of eligibility for members of the Court of Appellate Jurisdiction, precisely in the same position as the Judges in other parts of the United Kingdom. I think that the Committee, in making that recommendation, and the framers of the Bill in acting upon it, exercised a sound discretion. If it should be necessary, from the circumstances of any particular time, that one of the Judges selected to exercise the appellate jurisdiction should be taken from the Court of Session in Scotland, then the Bill distinctly recognises the claim of Scotland and the Scotch Judges, as persons every way eligible for the office, though it abstains from saying that, necessarily, any of the Judges should come from Scotland. This puts in a stronger light than ever the admissibility of the Scottish Judges as members of the House of Lords and members of the appellate tribunal, and it is an arrangement which I think will be generally satisfactory—though, of course, no proposition that could be made would give perfect satisfaction to everybody—while it is one that will tend considerably to improve the appellate jurisdiction of this House, while it will give Scotland a better chance of being represented in this House by a person having a knowledge of Scotch law than has ever been the case before. I must say the objection to the Bill comes with a bad grace from the noble Earl, who was himself a member of the Committee, and who has had ample opportunities of ascertaining that his opinions are not shared in by any considerable number either of the Committee or of your Lordships' House; and who objects to the measure, because it does not go the length of abrogating the appellate jurisdiction of the House in Scotch cases, and does not insist on a Scotch Judge being necessarily a member of the Court of Appellate Jurisdiction—a proposition which, if made, the noble Earl would be the first to object to.

THE EARL OF ABERDEEN said, the noble Earl entirely misunderstood what he stated. If the noble Earl had done him the honour of attending to what he said, he would have perceived that he never recommended that a Scotch Judge should necessarily form part of the appellate jurisdiction. What he did say was, that the administration of Scotch law in that House was not satisfactory; and that the appointment of a Scotch Judge had been recommended by persons in Scotland, and several Judges on the Scotch Bench, but he said that in his own opinion there were objections to it. The only thing which he recommended was the entire removal of Scotch appeals from this House.

LORD ST. LEONARDS said, that the noble Earl who began that discussion (the Earl of Aberdeen) seemed to take it for granted that the law Lords in that House, including the Lord Chancellor, were wholly ignorant of Scotch law, and he illustrated his assertion by referring to a conversation he had had with a noble Lord once the occupant of the woolsack (Lord Erskine) who said that he knew as much of Scotch law as he did of the law of Mexico. Now that noble and learned Lord was a Scotchman, and, having to decide on the most important rights of his fellow-subjects, he ought to have known something of the laws of his own country. But he (Lord St. Leonards) was prepared, from his own observation, utterly to deny the statement of the noble Earl. He would undertake to say that every one of those noble and learned Lords who had undertaken to administer the Scotch law in that House within his experience possessed—it might not be a perfect and intimate acquaintance with every portion of that law—but an adequate knowledge of its nature and principles. No man could hope to rise to the woolsack who had not made himself a competent master of Scotch law; for it was impossible that he could have arrived at eminence at the Bar without considerable employment in Scotch cases. An English counsel pitted against Scottish advocates of the greatest learning and ability could have no chance of success, unless previously grounded in Scotch law; and therefore a man intending to practise at their Lordships' bar had first to acquire a competent familiarity with this branch of jurisprudence, so as to be able to meet the arguments of Scotch lawyers. Scotch law agents were fully aware of the pains and study bestowed on Scotch law by English barristers, and they unhesitatingly retained them as advocates. Having had to administer the Scotch law himself, he (Lord St. Leonards) should feel mortified and degraded if he thought that the animadversions of the noble Earl applied to him personally; and therefore after the remarks that had been made, perhaps he might be allowed to say that he had had great practice as an advocate in Scotch suits at that bar, and was once requested by a respectable agent to undertake Scotch appeals generally, with a promise from all the leading agents that if he would do so he should have a brief in every case of that description. Scotchmen must be supposed to know their own interests; and their readiness to intrust them to English advocates was some proof that they did not think those interests were likely to suffer in such hands. Moreover, when a law Lord was elevated to the woolsack, it was not to be supposed that he was plunged all at once into the intricacies of Scotch law without assistance. The questions in dispute had all been sifted before they came up for argument on appeal; and having a general knowledge of Scotch law after an examination of authorities a legal Member of that House was qualified to give a decision calculated to afford as much public satisfaction as a judgment pronounced by any Scotch Judge, however distinguished; and he believed that, in fact, no tribunal could give more satisfaction. He deeply regretted the observations of the noble Earl, because, coming from one of his great authority, they must have an inevitable tendency—however remote it might be from his intention—to disgust the Scotch people with the jurisdiction of that House, and to render them discontented with the tribunal to which in the last resort they must come. Every disappointed suitor, relying on the noble Earl's authority, will complain of injustice. The public feeling on the other side of the Tweed was, however, in favour of the retention of this appellate jurisdiction. It was idle now to inquire whether that House, at the time of the union with Scotland, rightfully obtained and exercised the power of hearing these appeals. Than that no point could be clearer; it had been recognised over and over again in Acts of Parliament, and the incontrovertible inference from the section of the Act of Union quoted by the noble Earl, providing that no court in Westminster Hall should have any jurisdiction over the Scotch courts, was that the authority possessed by the House of Lords over English appeals should extend to appeals from Scotland. Every writer on Scotch law acknowledged that benefit, not detriment, accrued to Scotland, from that House taking possession of its inherent right on the passing of the Union, and the people eagerly appealed to that House to review the decisions of their own courts, on which they could not place reliance. Before sitting down he wished to say that he should be the last person to offer a single word in disparagement of Scotch lawyers; and if he opposed the introduction of a Scotch Judge into that House, it was not from any distrust of the ability of such an individual, but from a belief that the amount of his practice would be so limited as to lend to his judgments no greater weight than attached to the decisions of the courts which he would be called upon to over-rule.

THE DUKE OF ARGYLL said, that he did not put the same construction as had been placed by the noble and learned Lord who had just sat down on the speech of his noble Friend (the Earl of Aberdeen), but as far as he himself understood it he feared that that speech would have a damaging effect on the Bill before them, which the noble Earl had not intended it to have. Undoubtedly, when the Committee sat upon the subject, some of the witnesses had urged strongly that there should be one or more representatives of the Scotch law sitting upon questions of appeal. There was every disposition to support, as far as possible, the national feeling, and he himself went into the Committee with every disposition to support that view; yet the impression of every Member of the Committee was, that this was not the proper remedy to adopt, for if the appellate jurisdiction of the House of Lords as a court of appeal was to remain—an alternative in favour of which the Scotch witnesses spoke very decidedly—it was not possible to prescribe to the Crown the manner in which it should exercise its prerogative in favour of Scotch lawyers. Therefore, the objections of his noble Friend had no reference whatever to this particular Bill, and did not intend to damage the Bill. It should be remembered that it was under peculiar circumstances that the Bill came before them. The Bill was virtually a compromise, which had been unanimously recommended by the Members of the Committee, and therefore it had not been scrutinised as a Bill would have been under other circumstances. A wrong impression on the subject of this Bill existed out of doors, and it was therefore necessary that some explanation should be offered as to what was proposed by this Bill. He had not understood the objections of the noble Earl to apply to the Bill as involving objects either unnecessary or dangerous, nor did he suggest any alteration in the Bill as agreed upon by the Committee. The proposition of the noble Earl was entirely new—namely, that Scotch appeals should no longer be brought before the House of Lords, but that a new tribunal should be created in Scotland for the purpose of these appeals. He had alluded to the opinion of Scotland itself as regarded the question of appeals, and he would now remind his noble Friend that not a single witness among those examined before the Committee had recommended such a project; but on the contrary, the whole of the testimony collected concurred in emphatically declaring that abolition of the appellate jurisdiction of the House of Lords in Scotch cases would be a most unpopular measure. He hoped the speech of his noble Friend would not hurt the Bill, as it was directed to a new and totally different matter—the abolition of the jurisdiction of the House of Lords with regard to appeals from Scotland.

THE EARL OF WICKLOW said, that, if the Bill had been introduced into that

House by one of the noble Lords who had voted for the exclusion of Lord Wensleydale from a seat in that House, he could have understood it; but he certainly was surprised that it should have been introduced by the noble and learned Lord on the woolsack, or by any one who had defended the prerogative of the Crown in creating Peers for life. As to the Resolution which they had passed, though they might perhaps have had some influence on the minds of Her Majesty's Ministers, they were worth no more than the paper on which they were written—they had effected no alteration in the law and constitution of the country, and Her Majesty's Government must be as well satisfied of the engagement by the Crown to create peers for life now as when they advised the Crown so to create Lord Wensleydale. There was one point to which he wished to draw attention. It was admitted by all—by those who voted in favour of Lord Wensleydale's sitting in that House and those who voted the contrary—that the power existed in the Crown of creating Peers for life, not having seats in Parliament. But if such Peers were excluded from seats in Parliament, what would be their position in the State? Take, for instance, the case of Lord Wensleydale. Suppose he were to be appointed Deputy Speaker of that House, or one of the Judges of Appeal, and suppose that the noble Lord were to refuse to accept the condition, he might say that he would accept them, if offered to him as to any other Member of their Lordships' House; but when he saw the onerous nature of the duties which he had to perform, and the condition to which they were joined, he might say, "I am old and infirm; I cannot undertake such severe duties." Suppose this case, how anomalous would be the position of Lord Wensleydale? He could sit in neither House of Parliament, and though the Resolutions of that House should prevent him from sitting there, it would not deprive him of the other privileges which attached to his position, and would be in the position of no other British subject. It might, indeed, be said that his position was like that of the Scotch or Irish Peers not having seats in that House; but those Peers might be returned as Representative Peers, or vote themselves for Representative Peers; whereas Lord Wensleydale could not be elected to the other House of Parliament, nor could he vote for a Member of the other House. He did not believe that noble Lords had fully foreseen the consequences when they passed the Resolution. From the moment that they passed the Bill they would cut down the prerogative of the Crown, and place its appointment in an anomalous position. The certain course ought to be not to debar those whom the Crown had raised to high rank from those privileges which every other British subject enjoyed. Although he did not deny that the Bill would effect an improvement in the constitution of their Lordships' House as a court of appeal, still he thought it had been introduced under objectionable circumstances, and that their Lordships ought to hesitate before they agreed to it.

LORD CAMPBELL said, he must acquit his noble and learned Friend on the woolsack, and his noble Friends on the Ministerial bench, of any inconsistency in proposing this Bill. They conscientiously believed that the Crown had the right to create Peers for life with seats in Parliament, and they so advised Her Majesty; but it turned out that they were mistaken. [*Dissent.*] It had been ordered and adjudged by that House, as appeared from its Journals, that a Peer for life, as such, could not sit in Parliament. That was a declaration of the law of the realm; so long as that Resolution remained upon the Journals they had no choice in the matter, and the Crown could not insist upon a Peer for life being admitted to a seat in that House. If it were necessary that Peers for life should be appointed in order to assist in the judicial business of the House, legislation was indispensable before such persons could occupy seats among their Lordships. With regard to the case of Lord Wensleydale, he (Lord Campbell) regretted, as much as the noble Earl who spoke last, the position in which he was placed; and he had repeatedly implored Her Majesty's Government to exercise the undoubted prerogative of the Crown, and to create him an hereditary Peer. He would be rejoiced to see Lord Wensleydale in such a position; but he must say he thought that noble Lord was by no means in the situation described by the noble Earl (the Earl of Wicklow). Lord Wensleydale was not a Peer of Parliament; he had an undoubted right to represent a constituency in Parliament; he might become a candidate for the City of London, or any other Parliamentary borough; he might be returned, and there could not be the slightest objection to his qualification for a seat in the House of Commons. With reference to the statements that had been made respecting the conduct of judicial business in that House, he had heard the statement of the noble Earl (the Earl of Aberdeen) with great pain. For himself, he could only say that, for a period of nine years before he became Chief Justice, he had devoted himself to the study of the law of Scotland in connection with appeals, and he believed that at no period of his judicial life had he done the country more service, or more satisfactorily assisted in the administration of justice. He might also observe that he had practised for years at their Lordships' bar, and he believed he had more practice in connection with Scotch law than many of those learned individuals who had been created Judges of the Court of Session in that country. He would venture to say that, during the nine years to which he had referred, justice was as satisfactorily administered in their Lordships' House as in any court in Westminster Hall, and he believed that if a Bill were introduced to deprive the House of Lords of jurisdiction in the case of Scotch appeals, and to appoint a Court of Appeal to sit in the Parliament House at Edinburgh, petitions against such a proposal would be presented from every city and borough in Scotland. He would take upon himself to assert that the universal voice of Scotland was in favour of the maintenance of the appellate jurisdiction of that House.

THE MARQUESS OF LANSDOWNE: My Lords, I shall give my support to this Bill, because I understand it has been recommended by the Committee for the purpose of effecting an object which all parties agree to be most desirable—namely, to provide against an existing evil and to apply an adequate remedy. Your Lordships should not go beyond the necessity of the case, nor seek, by means of the present Bill, to pronounce an opinion on the general question of life Peerages—a matter which has given rise to much controversy, but one in respect of which I still retain the same sentiments that I have from the first expressed. If the Bill had declared an opinion binding the Crown for the future upon a subject relating to its own prerogative, nothing should have induced me to support it; but I do not believe that such has been its intention; nor can I think that such will be its effect. All lawyers will concur in saying that, had the Bill been designed to bar by law the future action of the Crown, it would have been drawn up in a very different manner from that in which it has been framed. Where a prerogative of the Crown is taken away, it must be done in express terms; for everything that is doubtful must be construed in favour of the prerogative. For my own part, I acquiesce in the measure because it has been so constructed as to limit its provisions to the particular machinery necessary for the purpose of introducing into your Lordships' House two persons qualified to assist in the administration of justice in that House, regarded as a court of appeal; and after making the necessary provisions for that purpose, it leaves the general question of the prerogative of the Crown exactly where it found it. As for the Resolution whereby it has been sought to exclude Lord Wensleydale from this House, it has not received the sanction of the three branches of the Legislature, and cannot, therefore, have the force of an Act of Parliament. It is nothing more than a declaration of opinion, which, having been promulgated to-day, may be as easily abrogated to-morrow. There are numerous instances on your Lordships' Votes of declaratory Resolutions, which at one time commanded your cordial approval, and at another were as emphatically rejected. Your three conflicting decisions in the matter of the "Banbury Peerage," and your reversal of your decision with respect to the prerogatives of the Scottish Peerage may be cited as cases in point, and prove most conclusively that declaratory Resolutions, such as that now in question, never had, nor pretended to have, the force of law.

LORD REDESDALE said, that by the Bill, as he understood it, the House agreed to grant to Her Majesty an extension of Her prerogative beyond that which, according to a former decision of their Lordships, was supposed to exist; but in granting that extension of the prerogative they placed upon it a limit by providing that not more than four of those life peerages should be created at any one time. It was with that view that he gave his support to the Bill.

THE MARQUESS OF LANSDOWNE said, he still thought that the Bill would not affect the general question of the prerogative of the Crown in reference to the creation of life Peerages.

LORD ST. LEONARDS said, he wished to avoid making any declaration which would operate injuriously on the prerogatives of the Crown; but he believed that if the Bill should pass, the Crown would not have the power of creating any life Peerages beyond those whose creation it expressly authorised.

The LORD CHANCELLOR said, he considered that the object of the framers of the measure was merely to provide a special remedy for a special evil; and if it had not been so framed as to leave the Royal prerogative untouched, there was a manifest defect in its construction.

Earl FITZWILLIAM said, the noble Earl had declared that the Bill extended the prerogative of the Crown, while the noble Lord the Chairman of the Committee said that it diminished that prerogative.

Lord REDESDALE: I said that it extended the prerogative, but limited the exercise.

Earl FITZWILLIAM: he did not apprehend that the object of the Bill was either to extend or to diminish the prerogative of the Crown. The Resolution which they had passed went to this—that the Crown had no such right to grant Peerages for life as would enable the grantee to sit in Parliament. He did not believe that his noble and learned Friend (Lord Campbell) would have used such language in Westminster Hall as he had used in that House on the subject. In Westminster Hall he would have told the advocates or the jury that the case had long been decided by opinion—that it had been affirmed by legal judgment over and over again. If the learned person whose peerage formed the subject of discussion insisted upon taking his seat, how could they prevent him? Why, that House was the Queen's House. When they talked of building the House, they did not talk of the House of Lords, but of the Queen's Palace at Westminster; and although the place in which they sat was popularly called "the House of Lords," it was, according to the Constitution, only the apartment in the Queen's Palace in which she chose to convene the Council. They had got into a great difficulty, and they must get out of it as they best could, but they must not think that when they sent the Bill to the House of Commons they had got out of the difficulty of adjudicating on the prerogative of the Crown.

Earl GRANVILLE: My Lords, I am perfectly aware of the difficulty of the position in which the whole of this question has placed the House; but I trust that the discovery of the way out of it is not so hopeless as my noble Friend behind me (Earl Fitzwilliam) appears to suppose. The facts of the case are these:—the noble Lord at the head of Her Majesty's Government, receiving information which has been justified by all that has transpired in the Committee and by its recommendations that the appellate jurisdiction in this House is not in a satisfactory state, thought it desirable to reinforce this House with regard to the numbers of law Lords who are accustomed to attend to the judicial business of the House. Being aware, as many most eminent men have for years been, of the inconvenience of increasing the number of hereditary law Lords—they not being in all cases able to provide for their families, so as permanently to strengthen your Lordships' House—and being advised that it was entirely within Her Majesty's prerogative to create life Peers, he took it upon himself to recommend Her Majesty to confer such a peerage upon a noble Lord, who was to be introduced into this House. I think that that course was a wise one; and I believe that if it had not been disputed it would have added much to the strength of this House, and would have led to no inconveniences whatever. This, however, was not the opinion of the House. As soon as the fact of this creation of a Peer for life was known, notices were given, and it was stated that to such a course there existed objections of both a legal and a constitutional character. I do not intend to renew that discussion; but I may, perhaps, be allowed to state that my individual opinion remains unchanged, and that I still think that the House was wrong both in substance and in the mode of doing what it did in the case of Lord Wensleydale. I cannot, however, shut my eyes to the fact that, whether right or wrong, the House came to that conclusion—that the whole party opposite, without one exception, a large portion of the persons who sit in the middle of your Lordships' House, and are supposed to belong to no party, and a considerable number of our own supporters on this side of the House, came to the conclusion that Her Majesty's Government had taken an unwise and an injudicious course. I am obstinate enough to remain of the opinion that we were perfectly right, and very much regret that that decision was come to. But it was come to. Your Lordships in the most formal manner came to the conclusion not to admit Lord Wensleydale to take his seat. The Queen might have created such a number of hereditary Peers as to change the result of the vote, but I think no one would have advised the adoption of such a course. My noble and learned Friend (Lord Campbell) frequently recommended that we should at once get out of the difficulty by creating Lord Wensleydale an hereditary Peer. I appeal to your Lordships whether the pursuit of such a course would not have been a complete abandonment of the question? The course which Her Majesty's Ministers were induced to take was this:—Thinking that there was something like a collision between the Crown and this House, and that even the appearance of such a state of things was an anomaly which it was very desirable to remove, they thought that by appealing to the patriotic feelings of the Members of this House a means might be adopted of settling the difference by the best possible means, viz., with the concurrence of the Crown and both Houses of Parliament. With that object they acceded to the wish expressed by a noble and learned Lord, and afterwards by a noble Earl (the Earl of Derby), that the House should go into the whole question of the appellate jurisdiction, and should see what arrangement could be made which should be really beneficial to the public and should strengthen instead of weakening the character of this House. We went into that Committee, and I am bound to say that there was very little party feeling shown on either side. Although on certain points there was great difference of opinion, yet all manifested the same desire to come to a satisfactory result. I think one of the points on which we all felt most anxiety was, that we should avoid doing anything which should throw blame upon the course which had been taken either by the Crown or by this House. When the noble Earl (Earl Fitzwilliam) expresses his surprise that Her Majesty's Government should have anything to do with this Bill, and complains of the unfortunate position in which Lord Wensleydale will find himself placed by it, I must ask him to consider in what position Lord Wensleydale would be if no Bill of this sort were passed, unless—which I presume he would not recommend—the Government had entirely withdrawn from the question, and created that noble and learned Lord an hereditary Peer. As it is, the principle of having some life Peers has been fully admitted. I should have infinitely preferred that no limitation should have been placed upon the Crown in regard to this. The reason which most weighed with your Lordships, however, was the fear that in different days an abuse of this prerogative might take place, and that it was therefore thought right to place some limit to it. As Her Majesty's Ministers have never thought it desirable that this prerogative—which they still believe the Queen to possess—should be abused by the creation of a large number of Peers, they thought it worth while to make it the subject of a satisfactory arrangement by consenting to a limitation. We have, I think, by our recommendations, done that which will strengthen the appellate jurisdiction of this House, and which will—if I may be allowed the expression—at the same time exclude poverty from it. We shall see Lord Wensleydale sitting in virtue of his life patent, and we shall have come to this decision in a dignified manner, which will rather do good than harm to the House of Lords in the opinion of the public, and will show that we have been actuated by a practical desire to come to a satisfactory conclusion upon this subject. I have thought it necessary to state thus much, because I should be sorry that any one should entertain the opinion that we were wrong in the course which we took, still less that we admit that this House can by its Resolution bind the Crown.

THE EARL OF DERBY said, he could not resist rising to express his entire concurrence in the tone and manner of the statement just made by the noble Earl. The noble Earl had expressed himself with that fairness and straight-forwardness which had characterised him throughout the whole proceedings of the Committee on this subject, and he had placed the arrangement entered into between the two sides of the House exactly in the light in which he (the Earl of Derby) himself had viewed it. There was no difference of opinion between them as to the desirability of coming to some general concurrence on this subject, and he entirely agreed with the noble Earl as to the nature of the Bill now before them, which he hoped would receive the speedy assent of both Houses.

Motion *agreed to:* House in Committee accordingly.

### QUALIFICATION FOR APPOINTMENT OF DEPUTY SPEAKER.

On Clause 1,

**Lord St. LEONARDS** objected to the Judges of the Admiralty and the Prerogative Courts being eligible for the office of Deputy-Speaker. He did not think the range of their duties was such as to fit them for the discharge of the functions of a Judge of Appeals in their Lordships' House. The Deputy-Speakers ought to be men whose previous functions had given them an acquaintance with law generally, and not merely with one narrow branch of it.

**Earl GRANVILLE** thought the object ought to be to get for this important post the best men, wherever they could be found. The Judges selected must have had five years' experience on the bench, and surely no one would affirm that such a man as Lord Stowell, after five years' experience as Judge of the Admiralty Court, would have been unfit for the situation now proposed to be created. The clause was merely enabling, and it would be shortsighted policy to cripple the Government in the selection of the fittest persons.

**Lord CAMPBELL** entirely agreed in the observations of the noble Earl. It might be that in some instances the Judges of the courts referred to would be, after five years' experience, the fittest men to select to assist in the appellate jurisdiction. As Lord Stowell had been referred to, he would also mention the name of Dr. Lushington, who was profoundly learned in the Scotch law, having been for many years engaged in every Scotch appeal, was bred to practise in the common law courts, and was, in fact, an universal jurist. He, therefore, thought it would be exceedingly improper to restrict the power of selection on the part of the Crown as proposed.

**Lord St. LEONARDS** said, he would not persist in his suggestion, but remarked that unless very great care was exercised in the appointments the appellate jurisdiction of the House would be destroyed.

**The Earl of DONOUGHMORE** suggested the insertion of the Judge of the Prerogative Court in Ireland; which was agreed to.

Clause *agreed to.*

The other Clauses *agreed to.*

Amendments made; the Report thereof to be received on *Thursday* next.

House adjourned to Thursday next.

## HOUSE OF COMMONS,

### *Tuesday, June* 3, 1856.

The House met; and Forty Members not being present at Four o'clock, Mr. Speaker adjourned the House till *Tomorrow.*

## HOUSE OF COMMONS,

### *Wednesday, June* 4, 1856.

Minutes.] Public Bills.—1° Grand Juries; Procedure before Justices of the Peace (Scotland).

2° Tenant Right (Ireland).

3° Judicial Procedure, &c. (Scotland).

### TENANT RIGHT (IRELAND) BILL.

Order for Second Reading read.

**Mr. G. H. MOORE**, in moving the second reading of the Bill, said that it was a measure representing the claims of a larger class of our fellow-subjects, in reference to interests more material and essential, than, perhaps any other Bill that ever was introduced into the House of Commons. Before hon. Gentlemen undertook to measure the extent and amount of those claims they ought to consider well their subject, object, and character; and in criticising the provisions which the Bill proposed, they should take into account the nature of the evil which they sought to remedy. In the first place he would ask who and what were they who made this demand? Why, they formed a fifth part of the whole population of the United Kingdom; they were a fourth part of the labouring classes of that population; they formed a third of those who held the spade and the plough; they were half of the men who wielded the musket and the sword; they were the hardy and stalwart descendants of an ancient race, who once held all the lands of Ireland from sea to sea—who were deprived of those lands by force and fraud—who had been trampled down into a peasantry by the *malice prepense* of law—who had been deprived of a middle class by express legislation. Those for whom he was asking the attention of that House were willing to abdicate all recollection of past rights or past wrongs, they abjured all intention to regain with the pike what the cannon and the sword had won, and all that they asked in redress and reparation for the past was that, looking with a large and earnest consideration to the peculiar circumstances of a case which Parliament had itself created, Parliament would assist them by special and apposite legislation that out of the life of toil to which they were born—out of that labour which was the wealth and strength of nations—they might be enabled to create a new property in their country, a new class in the community, and a new rampart round the Throne. Whether that object could be attained without infringing the rights of property—without loosening the bonds of society—without tampering with the principles of the constitution—were all legitimate subjects of discussion, irrespective of which it would be vain as well as unreasonable to expect any question to be dealt with by that House; but that in a country like Ireland, in which land and labour were plentiful, and capital scarce; in a country in which gentlemen and peasants were, perhaps, both too numerous and the middle classes far too few, every encouragement should be given to the investment of labour, every facility should be given to enable industry to raise itself into a position of respect, was a proposition the truth of which every sound thinker would recognise and appreciate, and no Member of that House, he thought, would attempt to deny; therefore, it would be most unjust and ungracious to insinuate that the Legislature had shown itself indifferent to those high and important considerations. He thought that that House and that Parliament had entitled themselves to the respect and gratitude of the Irish people for the good disposition and patient assiduity with which they had applied themselves to the solution of the question; and he considered that they had no reason to doubt the good faith of the Legislature towards a principle and a project which had been recognised in the present Parliament by the solemn acts of successive Ministries, severally representing the opinion, the character, and the honour of both sides of the House of Commons, responsible to their Sovereign if they misled the people, and to public opinion if, for any unworthy object, they paltered with the powers that were confided to them by the Crown. He thought, therefore, that he might not unreasonably hope that the proposition which he now brought forward, to effect objects which were admitted to be wise, beneficent, and expedient, would not be met at the outset by objections of detail, or questions of extent or degree. The question was one which was beset with great difficulties, in which the wisest and the ablest might solicit forbearance, and in which any man, in the peculiar responsibility in which he stood, had a right to ask of others, abler and more experienced than himself, for counsel and assistance rather that hostility and criticism. But if this were true generally in the discussion of a great social question, it was particularly applicable to the circumstances under which he now appeared before them; and, as many hon. Members—it was useless to blink the fact—as a majority of the Members of that House might entertain grave objections to the Bill as it stood for second reading, it was right and necessary to show how it came in this shape before the House of Commons. In connection with the measure to which he wished to direct the attention of the House, there were three parties—the petitioners for rights admitted but not yet conceded, the opponents of those rights, and the Government of the country—not merely the existing administration, but as represented on both sides of the House by those out of whom the Government of the country must be constituted. Now, the Government of the country had solemnly declared on more occasions than one that "it would tend to the improvement and better cultivation of the land in Ireland that provision should be made by the law for securing to tenants the proper benefit of expenditure, either in capital or labour, made by them on the land in their lawful possession; and that it is expedient to provide compensation for improvement in certain cases for outgoing tenants." These were momentous admissions. It should at the same time be observed that they did not relate to a question of political privilege or adjustment of machinery, which depended upon time and circumstance, and which might with justice and propriety be withheld on one day and conceded on another. It was a question of material justice, of property, of the rights of deserving men, arising out of expenditure in capital and labour, the proper benefit of which the Legislature declared ought to be secured to those who made it, but which the Legislature admitted was not so secured, but was appropriated by those to whom it did not of right belong. Surely, then, it was the part of the Government of the country—not on one side of the House exclusively, but of both—to limit, to define, to decide without delay a question so cruelly affecting the vital interests of classes who so needed and merited their assistance. But the noble Lord at the head of the present Administration declined to have anything to say to a question which he himself admitted to be of the gravest interest, or to assist in the attainment of objects which he declared to be wise, salutary, and expedient. He would not say, that in adopting this Resolution, the noble Lord was abdicating the functions of Government, nor did he allege that the Opposition in declining to assume his responsibility were failing in the duties of Opposition. But he did assert, in the name of those whom he represented, that, coming forward as he did, in the admitted default of those who were responsible for the settlement of the question—appearing on behalf of the claimants in an admitted claim, it was not open for any professing to be favourable to the demand generally to say, that he was claiming too much or going too far. What would be said of a debtor who refused to go into the account of a just demand, on the allegation that he did not owe as much as the account claimed? If the noble Lord at the head of the Government were prepared to take what the law would regard as the proper course in such a case, if he were prepared to lodge in Court the amount that he thought due—if he were prepared to meet his (Mr. G. Moore's) Bill with a Bill of his own for the same ostensible purpose, then, indeed, the noble Lord would be in a position to ask the House to reject his (Mr. G. Moore's) claim as exaggerated and unreasonable; but, failing that, he thought he was justified in asking the noble Lord, and every well-wisher of the general principle, to enter into the account with him and give him an honest audit. It might be argued that to go into Committee upon a Bill of which so large a portion was not likely to meet the views of a majority of that House would be inconsistent with the dignity or practice of the House of Commons. He would, however, remind the House of the course which it took on the Ecclesiastical Titles Bill, upon which it went into Committee on the avowed understanding that the whole measure was to be abandoned in that stage, with the exception of one clause, and that one subjected to amendment and modification. Surely the course which the House did not think it beneath its dignity to resort to in the conduct of a Bill of pains and penalties, it might, without any compromise of its dignity, again adopt in respect of a measure, the object of which was to confer a boon and a blessing upon large and deserving classes, who from one cause or another, have been hitherto deprived of their full share in the general prosperity. The Bill that he now asked a second reading for, contained four principal propositions, two of which were primary and general, and two ancillary and incidental. They were as follows:—1. That provision should be made by law for securing to tenants the proper benefit of expenditure either in labour or capital made by them on the land in their lawful possession, and to provide compensation for improvements to outgoing tenants. 2. That rights arising out of prescriptive custom, in certain parts of Ireland should no longer depend upon the caprice or the necessities of particular classes, but should be defined and fixed, as far as they rest upon justice, by the law. 3. That restraints should be placed upon the powers exercised by landlords of evicting, according to the markets, vast masses of men without any regard to the dictates of humanity, the well-being of the community, or the exigencies of the empire. 4. That the law should interpose to regulate certain anomalies which have arisen out of the disturbing elements of violent legislative changes, and out of the famine of 1846 and succeeding years. Now it must be admitted that these were very large questions to be disposed of in a single Bill; but, on the other hand, it would scarcely be denied that the social anomalies which existed in Ireland, and which did not arise out of nothing—as Englishmen were too apt to infer with regard to anything that did not exist in England—should be dealt with in a large and comprehensive spirit, and with a just and temperate but unsparing will. The first of the propositions which he had just recited was of such universal application that, if it had been always in operation, it would have rendered any further provision unnecessary; and, although it might better suit his argument to assume it as granted—which, from the proceedings of the present Parliament, he should be quite justified in doing—he could not let the subject pass without calling attention to the large, special, and urgent interests, to the considerations of common probity and to the suggestions of public exigency that it involved. It was scarcely necessary for him to intimate to any English Member that the state of Ireland was peculiar, but there was nothing in it more peculiar than this—that, whereas in England all the more permanent operations on the soil were performed by the landlord, in Ireland, on the other hand, the tenant originally received nothing from the proprietor, but the soil as nature made it, and no allowance was made to him either in money or in rent for the expenditure of capital and labour necessary to make it fit for habitation or cultivation. If, therefore, the tenant, by the expenditure of his capital, or his labour—which indisputably was his capital — supplied that which the proprietor neglected or was unable to perform, the claim of that proprietor to appropriate, by right of his own default, the results of labour in which he did not share, and the benefit of expenditure for which he had given no equivalent, appeared, *primâ facie*, so unjust and unrighteous that it required very recondite reasoning, and very subtle morality—a hard head and a still harder heart—to plead its justification. Reason and morality, however, were to be found equal to every occasion, and plain men like himself, who, in advocating tenant right, imagined they were only protesting against the infraction of a commandment, had received solemn warning that they were in reality assailing the palladium of property, in the form of freedom of contract. In the first place, it seemed somewhat strange that the very classes who appeared so painfully and properly solicitous about freedom of contract in this matter were the very same who insisted upon maintaining the usury laws, which, in another species of property, presented a tolerably exact equivalent to compulsory valuation of rent. He would admit, however, that it was no impeachment of the value of the principle to allege that freedom of contract was not exactly the horse that the landed interest was accustomed to ride in battle. But, in point of fact, the question of contract did not arise in a proposition for giving compensation for that which a tenant did over and above his contract. It was no part of a tenant's contract that he should make certain permanent improvements, and whenever it was so, no legal enactment could interfere in special agreements made between man and man. But he thought it must be conceded by every one disposed to deal fairly with this question—that in matters of contract the law ought to do one of two things; either to leave contracts perfectly free, and confine its adjudications between the parties to the terms of the contract as they stood; or, if it interposed at all, to do so in a spirit of equal justice for the purpose of protecting both parties in their several equities, and of advancing the general wellbeing of society. If contracts were left free and final by the law, there could be no reason, in the absence of any stipulation to the contrary, why a tenant should not consume, during the term of his tenure, the improvements he himself had made. There being no contract that he should erect a house or farm steading, why should he not pull down these erections and sell the materials for his own benefit before the determination of his occupancy, leaving the premises exactly as he recived them? But, irrespective of any contract between the parties, the law interposed, and declared that to be waste, and therefore in itself illegal. He for one thought that the law was right as far as it went; but so inevitable was the conclusion that, in thus interfering in contracts, it was bound to interpose justly, and with a regard to the whole equity of the case, that a Committee in another place had gravely recommended that the tenant should have leave to wreck and destroy his own improvements, no matter what might be the loss of property that might result from such a proceeding. Such a recommendation appeared to him more worthy of a conclave of barons in the middle ages than of English statesmen in the nineteenth century. But if there were an absence of wisdom there was assuredly an intuitive sense of justice and honour in this conclusion, at once English and noble. The House of Lords would go back, to avoid palpable injustice to either party. He would go forward for the purpose of doing complete and equal justice to both. The law had already interfered in contracts to prevent property from being wasted; let it also interpose to protect it from spoliation. But then they were told that the tenant was compensated for his improvements during the term of his occupancy, and that such improvements were tacitly a part of the contract for which allowance was virtually made in the rent. To much such allegations—he would not say tenable, but debateable—they must assume that the improvements by the tenant were a fixed and invariable operation on the soil, and a necessary incident of the process of cultivation; whereas the questions that would arise out of a law for compensation would not be general but differential. Take the case of two tenants, to whom the proprietor lets thirty acres each on a mountain side, worth, at the time of letting, say 10*s*. an acre, and which both hold under lease for twenty-one years. One of these tenants —it was no uncommon case under the present system—just tilled the land sufficiently to pay the rent and maintain existence ; and whatever improvements he might find necessary in the commencement to render the land capable of fulfilling even those wretched conditions he utterly exhausted towards the conclusion of his tenure, when he asked for an abatement of the rent, which his mode of treatment had rendered not only advisable but absolutely necessary. The other, who was strong, industrious, and sanguine, set himself to work in another fashion. He drained, he limed, he gravelled, he created a new surface on the barren waste ; he built a decent habitation for himself and shelter for his cattle. Instead of gradually consuming towards the termination of his lease the improvements he had made in the beginning, he persevered to the end, and, by the application of his own capital and industry, he made it worth thrice as much as when he first entered on the land. Under the operation of the present law, the landlord proceeded to revalue these two holdings, and, while he compensated the bad tenant by a remission of rent, he made up for it by appropriating the improvements of the industrious one. Now, what was the probable destination of the two men thus dealt with ? The industrious man, in bitterness of heart but with unbroken spirit, conveyed himself and his family, with whatever savings his thrift and toil had accumulated, to America, where he became the deadliest foe to the interests of England on the earth's surface. The sluggard emigrated to the poorhouse ; and the same law that allowed the landlord to despoil the improving tenant compelled him to pay for the maintenance of the unprofitable hind who had wasted his property. Such were the social relations between landlord and tenant in Ireland ; such was the law that professed to regulate those relations. He thought those relations were not happy, or tending to the interests of either party. He thought the law as it stood was partial and unwise in principle, and in its results had been most unfortunate. But although, on the broad principle of compensation to tenants for their improvements, he anticipated, if not a unanimous, at least a general concurrence, he knew there were several grave issues arising in detail. There were the questions of exhausted and unexhausted improvements, of compensating periods, of the nature of the improvements entitled to compensation, and the prospective or retrospective application of measures for that purpose. All those questions were subjects to be discussed in Committee, and he thought he was not unreasonable in expecting that no question of such details would be raised against the second reading of the Bill. The second proposition which he had cited was that for the adjustment and regulation of the tenant-right custom of Ulster—not necessarily based upon improvements proved to have been made by the tenant, but rather a species of property in the soil, resting on continued prescription, and acquired by purchase made not only with the acquiescence, but with the active concurrence of the owner in fee simple. That was a subject of a very delicate and complicated character, with which he should not, on his own knowledge, have undertaken to deal ; but, as that part of the Bill rested upon the knowledge and experience of a Gentleman well known in that House, and who had devoted his whole life to the solution of the question, it was, at all events, one on which he considered that he was justified in taking the opinion of the House in Committee. With regard to the two secondary and incidental propositions contained in the Bill, he did not expect that the House of Commons would receive them without distaste, or even discuss them without reluctance. He should not himself have consented to adopt them, if he did not believe that, in point of fact, they were based upon substantial equity ; and that in principle they had been recognised by Lord Bacon and Mr. Burke, and the highest constitutional authorities that this country had produced. But although he was prepared to defend them in Committee as just in practice and warrantable in principle, if the majority of the Committee, after fair consideration and discussion, should think fit to reject these clauses, he was not prepared to say that he should, on that account alone, abandon the Bill. Such was a general statement of the case with which they had to deal, and of the measure which he introduced for that purpose. They had to deal with a country in which the relations of society had been perverted and subverted by special legislation, and in which there was an unlimited field for reparation and redress. They had, within a few hours' journey of the metropolis, a large territory half reclaimed from nature and half cultivated by man—in the possession of an aristocracy that was unable to reclaim it or furnish the means for its cultivation, and inhabited by a dense, fertile, and hopeful people, whose instinct and whose passionate desire were to reclaim and cultivate the soil that lay half barren at their feet. He therefore asked the House to apply themselves to the solution of a question of such social, national, and imperial interest. He did not put forward his plan for its solution as a perfect one, nor even as claiming to be entirely impartial. It was a statement of claims of right, made by men who had been long and cruelly wronged, and it was addressed to the consideration and equity of those who were not in their interest, or of their class, and from whom the utmost they could expect was impartial justice. Under such circumstances, whatever incongruities the measure might contain should be considered with lenity and judged with candour. He thought he had given good and sufficient reasons for going into Committee, even if it were to be regarded in the light of a social question only—as one which involved no other interests than the increase of material prosperity and the happiness of classes. But there was another point of view in which it presented itself to the eye of legislation—as a political and national question—and in which light it was still more strongly entitled to the notice of the House of Commons. Within the last ten years the status of the peasantry of Ireland had presented itself to the Legislature in three distinct phases, and on each occasion it had shown a different face. In the years 1845–46 the struggle between the landlord and the land-tiller—for the rights of property on the one hand, and the rights of labour on the other—for the rights that the law protected, and the rights the law refused to protect, had gradually grown and swollen and kindled into a battle for existence. The blunderbuss arose against the crowbar; the guilty omissions in our code led to the adoption of a code of blood, in which a sense of wrong obliterated all sense of right, and in which not only the laws of the land, but the laws of morality and society were completely superseded. He need scarcely recall the memory of those agrarian outrages in Ireland during that terrible year, only less terrible than the outrages that succeeded them. It was to meet such a state of things that the Government of the day appealed to Parliament for the protection of life and property thus imperilled, and introduced what was popularly, or unpopularly, called a Coercion Bill. It was argued by those who opposed this mode of dealing with the matter, that it was a measure for the protection of one class of lives and one species of property only, and those the lives and the properties already the best protected; that the root of the evil was the insecurity of life and labour to those who toiled, and who were daily creating a property in the soil which to them was life, and which the law of the land subjected to daily confiscation. Well, what was the answer to that appeal made with irresistible logic, as it appeared to him, by a great statesman now no more, who, had he lived, might have followed out his own premises to their natural conclusions, and have done that justice to the producers in Ireland which was the complement of the great boon which he conferred upon English consumers? Sir Robert Peel said:—

> "I assent to the justice of the principle which I understand the hon. Member for Rochdale (Mr. S. Crawford) contends for. I think that in Ireland, where the tenant has to bear expenses which the tenant in this country does not bear—I admit that the tenant has a claim for compensation against the owner of the land. . . . . But I am not sanguine enough to hope that the best devised measure can tell immediately on the present state of Ireland, or relieve us from the duty of taking steps to put a stop to assassination. I will not postpone my consent to this measure to the more permanent measures that may be proposed for Ireland. I will enter into no parley with assassins."

Now, he thought he might claim some credit for consistency and sincerity in the course he was now pursuing when he said that, compelled by the irresistible force of that argument, he voted for the measure in question. In doing so he supported a measure of which abstractedly he disapproved; he voted in favour of a Government to which he was opposed, and he acted against the known and strongly expressed opinion of the majority of his constituents. In spite of party feeling, in the face of certain unpopularity, and at the risk of his seat in Parliament, at the sacrifice of every less respectable motive, he did so upon no other ground than that the necessity of the case made it an honourable and conscientious duty. He thought, therefore, that he had a certain personal claim—after waiting for the ten years prescribed by Horace—to ask that House to perform the inverse of the duty then fulfilled by himself, and to extend to the life and property of labour that protection for which it had so nobly toiled and so long waited. But at the very moment when that question came before the House in that terrible moral aspect, there was another and even more fearful view of the subject which was gradually unfolding itself to the eyes of the empire, and in which all statesmen of ordinary prescience might have seen ground for national apprehension. While they were legislating for the protection of the life and property of those who laboured not and left labour to shift for itself through the passive and active resistance of pauperism and crime,—both life and property were being dealt with by another hand, and in a mode that was said to have taxed the resources, as it had endangered the defensive strength of the whole empire. The Irish blight of 1846-7 swept away an amount of property of which he stopped not to take count, because they had since discovered that property was not always the wealth of nations that was the most easily exhausted; but an amount of human life was sacrificed which we had since been taught that gold could never buy. Strong men, men at arms, were driven from the Irish soil, as beggars, for whom we had since gone a-begging ourselves, across the Atlantic; and the fires were quenched in 100,000 cabins round which young men would have grown up with certain passionate instincts, which, however superfluous, and even troublesome sometimes upon Irish soil, would have been honourably welcome that day at the Redan;—a day in which the Nemesis of Kilrush and Skibbereen hovered over our standards, and of which a tale would go down to history which would read but ill by the side of the chronicles of Wellesley from the immortal pen of an Irish looker-on. While to add the last point to the terrible epigram, the despatch that on the same day announced the fall of the Malakhoff was written by the hand of a MacMahon. And why was this? Because, while they carefully and properly legislated for the lives and properties of Irish landlords, they delivered over the Irish peasantry, bound hand and foot, to the inexorable mercy of those, whose use of the legal powers confided to their discretion might be chronicled in the simple fact, that within twenty-four months, more than 100,000 homesteads were levelled to the ground, and 1,000,000 human beings were scattered over Irish graveyards or across the waves of the Atlantic as chance directed or Providence disposed; and what were the details of inhuman wantonness and superhuman suffering by which that act of national wrong, that deed of treason to these kingdoms, was accomplished? Within one Union, the enormities of which were recorded for the eternal memory and reprobation of posterity, it was stated, on official authority, that 2,000 homesteads were levelled and 10,000 wretched beings cast upon the world in little more than a twelvemonth. In an official account, which the Chairman of the Committee declared to be by no means exaggerated, it was stated that—

> "These helpless creatures were not only unhoused, but often driven off the land, no remaining tenant or occupier being allowed to give them even a night's shelter. Or perhaps they lingered about the spot and framed some temporary shelter out of the materials of their old homes, against a broken wall, or behind a ditch or fence—places wholly unfit for human habitations. As soon as one horde of houseless and naked paupers were dead or provided for in the workhouse, another wholesale eviction would double the number, who in their turn would pass through the same ordeal of wandering from house to house or burrowing behind ditches, till broken down by privation and exposure to the elements they seek the workhouse or die by the roadside. In many cases wretched hovels were pulled down, where the inmates were left in a helpless state of fever and nakedness, and left by the roadside for days; and in other cases, the temporary huts in which they sought shelter from the cold were fired by the bailiffs and their drivers."

He would refer no more to such horrors, but if any hon. Member wished to form an idea of the Legislative wisdom of a lunatic asylum administered by Pandemonium, he would refer him to the "Accounts and Papers, 20, xlix. 1849, Ireland." And these helpless and unresisting sufferers were of the class with whom "no parley was to be held," but were to be legally done to death by those rights of property in favour of which they were suspending the constitution. He assumed he should be told, as he had been told before, that it was bad taste, and tone, and temper, to revive the memory of facts like these, which ought to be buried in oblivion. He thought, on the contrary, that it was bad taste, and exceedingly bad sense, to bury in oblivion any facts that tended to create a right sense of the social position of the poor, or which tended to induce a proper consideration of a great national question. He would hold, as of no account, the mere human agony, the mere social disruption, the mere moral horror of such a desolation—he would consider it only in the practical estimate of its imperial loss. A national outcry, only limited by the national ignorance of the facts and the national pride in the glorious feat of arms that resulted, had been raised at that untoward order which sent 600 gallant soldiers to almost certain destruction. A feeling scarcely less indignant had been still more recently expressed at the supposed case of British horses, through the neglect of officials, being compelled to gnaw each others' tails with hunger. What, then, ought to be said of those ruthless orders which deliberately, and of *malice prepense*, extirpated from our empire a whole nation of soldiers? What of the legislative administration which, amid the accumulated wealth of the richest empire in the world, suffered such an act of brutality to be accomplished? The noble Lord the Member for London (Lord J. Russell) on no very remote or unforgotten occasion, refused to vindicate the Administration to which he belonged in its conduct of the war, on the ground that "the accounts which we had received were horrible and heartrending;"—that there was "something to him inexplicable in the state of the army," and such as in his opinion no human foresight could have predicted. Now, it appeared to him that the noble Lord, without any great exercise of memory, might have recollected another memorable occasion, not less vast in its extent and full of circumstances not less heartrending, which might have prepared his mind to foresee any amount of distress and disaster—an occasion in which, beneath his own eye, under his own Administration, and without stay or remonstrance on his part—the same Administrative system that was decimating our army had already destroyed the whole material of our soldiers. He might likewise add, that if the public press of this country—to whose earnest energies and thorough English instincts the exposure of this infamous system was certainly due—if at that period, instead of endeavouring to attribute the failure of the system to the faults of those who were its suffering and unresisting victims, it had applied itself to the solution of the terrible mystery with half the zeal and courage it had since displayed, it would not only have preserved a gallant people for the future defence and glory of the empire, but it might have saved, by anticipation, the flower of our army and the honour of our arms from the distress and disaster which a continued licence of unrestricted abuse had since inflicted upon it; and he might say further, that if, instead of dismissing this question with supercilious indifference, as if altogether irrelevant to those military exigencies with which it might one day be found to be intimately connected, the English press were to apply itself to the solution of the Irish exodus, and the social state of the Irish people in its intimate relation with another demand for men-at-arms, they would confer a greater benefit upon their country by urging the necessity of prescient legislation than by afterwards railing at results which they had done nothing to avert. If, as was alleged the other day in that great organ which more than any other represented public opinion in England, if the honour and the defence of the empire in its deadly perils were left to the stubborn virtue of the Highlands and of Connaught, could it be a matter of indifference to the English Legislature how and why it was that that stubborn virtue, upon which the empire hung, had been wasted to a thread? That was the question which he now put to the House of Commons. They had been taught, at the highest price, that nations could pay for experience, that men might be more valuable than money, and that waste of life might be more expensive than waste of gold. They had also found that the soldiery of a free country must be recruited out of its surplus population, and, that, if excess of population might be a national inconvenience, the want of it might be national ruin. They had discovered that it was not to the refuse of cities that the defence of empires was to be entrusted, but to the rude vigour of the fields and the rugged virtue of the mountain side. They had seen that to hand over the masses of a rural people to be dealt with at the unrestricted will of those who were at once their land-dealers and their landlords, was to subject that population to a dispersion and diminution which was not only morally unjustifiable but nationally unsafe. They had proved to our conviction and humiliation that a people cruelly exiled could not at pleasure be recalled; and that they carried with them in their exodus a desperate and contagious hatred of the empire, before whose governing classes they had been compelled to fly. He was stating no more than that which the English press had been saying throughout the last twelvemonth, and which, if ever hostilities were renewed, they would soon hear reiterated by bitterer tongues than his. But he might be told that all these considerations had happily no relation to the present state of affairs; that there was scarcely any agrarian crime in Ireland; that the hostilities that rendered the loss of our martial population alarming had already ceased; that high prices prevailed, and that rents were comparatively moderate; that material prosperity was increasing and political agitation was on the wane; and he might be asked whether the present was a fitting time for legislative changes that were scarcely pressed for out of doors? His answer was this, that it was precisely the time for beneficial legislation. If no agrarian crime existed, it could not be objected that they were holding "parley with assassins;" if agitation on the subject had diminished out of doors, then, out of doors, men would be more easily satisfied; if Irishmen were beginning to be dissatisfied with America, now was the time to give them a *status* on their own land. But men who spoke in that way forgot that many of the conditions that they cited were incompatible with each other. Prices were still high in consequence of the war, and rents continued moderate in the constant expectation of peace. With peace, prices would fall. With returning prosperity, rents would rise and population would increase; and if a further population returned from America it would not be a population more quiet under injustice. Were we to wait until the miserable cycle of our subterfuges and temporary expedients again returned upon us—until wrong again begot wrong—until agitation again bewildered us at home, and another war assailed us abroad—until Russia, under more favourable circumstances, again returned to the task which she never would abandon, and when it might be our fate to maintain the quarrel, singlehanded, with Russia in the East and with America on the Atlantic? Let no one imagine that such contingencies were improbable or even remote. So sure as the sun that went down that evening would rise to-morrow, so surely the contest with Russia would be renewed on some future occasion. Then let hon. Members look to the present position of America, and to the vindictive elements which we had colonised amid her population. Could there be a more auspicious moment than that in which a party of semi-fanatical and semi-barbarous blockheads in America had alienated the sympathies of her Irish population for us to win back those sympathies by doing justice to them at home? By so doing we should make friends among our enemies, where we had hitherto sent enemies among our friends; we should gather around us at home national defenders, on the stubborn virtue of whose wasted few we so lately had to place reliance; and we should reclaim, from the further shores of the Atlantic, willing soldiers by a process of enlistment for which we should never have to apologise to any nation in the world.

Mr. MAGUIRE seconded the Motion.

Motion made and question put, "That the Bill be now read a second time."

The House *divided*:—Ayes 88; Noes 59; Majority 29.

Bill read 2°.

## SCIENTIFIC AND LITERARY SOCIETIES BILL.

Order for Committee read; House in Committee.

Clause 1, *agreed to*.

Clause 2.

Lord LOVAINE said, he objected to buildings of this class being exempted from poor rates. He thought that if the Bill were passed, public buildings of all kinds would claim exemption.

Mr. HUTT said, the present law exempted buildings used exclusively for literary and scientific purposes from rating, but, by a decision of Lord Campbell, the taking in a single newspaper rendered those buildings liable. That could not have been the intention of the Legislature, and therefore it was proposed to remedy the defect of the law by leaving out the word "exclusively."

Mr. HENLEY said, such a principle of exemption would extend to any literary or scientific club, but why should the Athenæum be exempted while the Travellers' paid local rates? It was not right that, under the pretence of being scientific or literary, ordinary business should be carried on in houses exempt from local rates. In the then state of the House—no Member of the Government being present—it was impossible to discuss the question, but it appeared to him the word "exclusively" was a very good word, and restricted the boon of exemption to societies which were really scientific or literary.

COLONEL HARCOURT said, he had the honour to be a member of the Royal Institution, a society instituted solely to promote scientific objects. Now the Institution, simply because it took in a newspaper—which, let him observe, frequently conveyed scientific information unattainable elsewhere—was shut out from an advantage extended to other scientific bodies, if not less eminent, certainly not more eminent than itself, and was in consequence compelled to pay rates. He was quite sure that was contrary to the intentions of the framers of the present Act.

MR. SPOONER said, he thought that they might graft anything upon what was termed a Scientific Institution, and therefore they ought at once to define strictly what was meant by such a body. At all events, they ought not to discuss such a question in the absence of every single Member of the Government, and therefore he should move that the Chairman report progress.

After some further discussion, the Amendment was *withdrawn.*

Clause *agreed to;* as were the remaining clauses.

House resumed.

Bill *reported* as amended.

### DISSENTERS' MARRIAGES BILL.

Order for Committee read; House in Committee.

Clause 1.

MR. HARDY said, he should oppose the clause, unless some provision for the public announcement of marriages in lieu of bans was made.

MR. PELLATT said, there was ample provision in the Bill generally for the publication of marriages.

MR. HARDY said, he thought that the superintendent's office was not such a place as to make a notice affixed there sufficiently public, and that was all that was provided for by the Bill.

SIR WILLIAM HEATHCOTE said, he considered that the proposal to substitute the superintending registrar's office for the Board of Guardians, as was the case in the clause under discussion, as the place in which the publication of marriages should take place, would not ensure that publicity which it was desirable should be maintained.

MR. PELLATT said, he would beg to explain that Dissenters deemed it a degradation to be obliged to go to the Board of Guardians for the publication of bans. The affixing a list at the doors of churches and chapels had not been approved, and there was no other mode than to resort to the superintendent registrar's.

LORD LOVAINE said, he could understand how publication at the Board of Guardians might be offensive, and, if so, the grievance ought to be removed.

MR. HENLEY said, he concurred in the belief that persons in an independent position would not like to have anything to do with Boards of Guardians or any officials connected with the administration of the poor laws. The feeling was natural, and would perhaps be felt the more strongly by humble individuals than by persons in a higher sphere. The great difficulty was, how to secure efficient publication. He was afraid the proposal in the Bill would not give better security than now existed, but it would not give worse, and if it relieved the Dissenters from a grievance, he should not object to it.

Clause *agreed to.*

Clause 2, (Notice of Marriage to be accompanied by the declaration of one of the parties, that there is no lawful hindrance to such Marriage).

MR. SPOONER said, the clause only required that notice should be given to the superintendent registrar of one district, where the parties resided in separate districts. The law with regard to bans was, that they should be published in both parishes, when the parties resided in different parishes.

MR. PELLATT said, he considered that a provision made in another clause of the Bill, by which parties in such cases were required to make a declaration, would more than counterbalance the notice required to be given to one superintending registrar. He would, however, consent to the introduction of some words on the third reading of the Bill, which would render necessary the double publication in cases to which reference had been made.

MR. ROBERT PHILLIMORE said, that the Bill would open the door to marriages of persons of all persuasions, whether Dissenters, Roman Catholics, or members of the Established Church. It was, therefore, important that facilities should not be given for clandestine marriages. He thought that notice ought to be given to the superintendent registrar of each district in which the parties resided.

MR. G. BUTT said, he was of opinion that the declaration ought to be made in both districts. He would also suggest that provision ought to be made for filing and preserving the declaration.

Mr. PELLATT said, that the clause should be altered to meet the views of hon. Gentlemen opposite, both with respect to the double notices, when parties resided in different districts, and the preservation of the declarations.

Mr. HARDY said, that the clause required that the declaration that no lawful hindrance existed to the marriage should be made before the superintendent registrar or registrars, "or otherwise, in the presence of two credible witnesses, being severally householders, resident within the same district, who shall respectfully attest the same by adding thereto his or her name, description, and place of abode." It was dangerous to allow persons to make the declaration before persons of their own choosing, when they ought to go before a judicial officer. He would therefore move that the words in question should be omitted.

Words *struck out;* Clause, as amended, *agreed to;* as was also Clause 3.

Clause 4 (Notice of Marriage without Licence to be affixed in Superintendent Registrar's Office).

Mr. HENLEY said, he apprehended that the first part of the clause would be found inconvenient in practice. It provided that the notice of marriage should be hung up in some conspicuous place in the office of the superintendent registrar. That would be a long document, and if a copy of the entry of the notice in the superintendent registrar's book were hung up it would be much more likely to attract notice.

Sir JOHN DUCKWORTH said, he would move the insertion of the words "and outside" in that part of the clause which provided that a notice of these marriages should be posted inside the office of the registrar, on the ground that sufficient publicity would not be given to them unless they were published on the exterior of the building.

Mr. MASSEY said, he thought that the hanging up of the "notice" in the registrar's office might be dispensed with, and instead thereof publication of the entry in the registrar's book.

Mr. G. BUTT said, he would suggest that the words "true and exact" be omitted, the word "copy" of the entry being sufficient. Technical precision might lead to difficulties. The substance of the notice, he considered, would be sufficient.

Mr. MASSEY said, that on the contrary, he thought the words "true and exact" ought to stand. The copy of the entry should be exact, and there could be no difficulty in making it so.

Mr. THORNELY said, he thought the hanging up of the notice outside the registrar's office objectionable.

Mr. E. BALL said, he should oppose the Amendment. The coarse, offensive, and vulgar exposure which the hon. Baronet required was not thought necessary in the case of a member of the Church of England, and he could not understand why it should be necessary in the case of a Dissenter.

Mr. MASSEY said, he was quite of opinion that publicity should be as great as possible, but he thought that the posting of the notice inside the registrar's office would be as great a publicity as reading the notice before the Board of Guardians. The course proposed would greatly increase the labours of the registrars. He could not agree to the Amendment.

Mr. BECKETT DENISON said, he would suggest that registrars should put an abstract of the notices outside their offices, and then persons who wished for further information might go inside and examine the notices themselves. This would only be equivalent to the publication of bans in the case of members of the Established Church.

Lord LOVAINE said, he did not see that the course proposed could give any greater pain to the Dissenters than reading the notice before the Board of Guardians, or publishing the bans in the parish church. It was not a question between Dissenters and members of the Church of England, but simply how most efficiently the solemn rite of matrimony might be performed.

Mr. GRANVILLE VERNON said, he would propose to adopt a middle course, by directing that the names of the parties about to be married should be posted outside the registrar's office; and then any one who wished to obtain further information, could do so by having access to the original notice.

Sir ANDREW AGNEW said, he objected to the names of the Dissenters being gibbeted outside the registrar's office, exposed to the idle gaze of every passer by. The Amendment, in his opinion, was most objectionable, and partook very much of rash legislation. It was making one law for the rich and another for the poor, for while the rich could be married by special licence, the names of the poor would be published in the most offensive manner.

Mr. HENLEY said, he would remind the hon. Baronet that this clause applied only to marriage without special licence, and that the operation of the Bill was not confined to Dissenters. He must deny also that this was merely a Dissenters' question. It was well known that many members of the Church of England were married by these notices instead of bans when they desired secrecy. He could not understand why Mary Smith and John Thomas should object to have their names placed outside an office instead of having them published in a church.

Mr. HADFIELD said, he considered that the proposition would be most objectionable, and most disagreeable to the whole body of Dissenters throughout the country. He, therefore, hoped that the hon. Under Secretary for the Home Department would divide against the Amendment, and he himself felt so strongly upon the subject, that if upon division the Amendment was carried, he should advise his hon. and learned Friend to abandon the Bill altogether. Let them continue the present plan of reading the notices in the workhouse rather than adopt the mode suggested by the Amendment of the hon. Baronet the Member for Exeter (Sir J. Duckworth).

Mr. HENLEY said, he had on a former occasion unsuccessfully endeavoured to exclude members of the Church of England from the operation of the Bill, and, therefore, in the Amendments which had been proposed by members of that Church there was no undue interference in the affairs of Dissenters.

Mr. BROTHERTON said, about thirty years ago a Bill was passed requiring notices of marriage to be posted on the church doors, but it created so great a stir and so much dissatisfaction, that the Act was repealed the following year. The parson charged an additional fee for posting on the church doors, but though the Bill was repealed, they had not taken off the fee.

Mr. ROBERT PHILLIMORE said, he was aware of a case in which a Roman Catholic lady had clandestinely married a gentleman of another persuasion before a registrar, which proved that the Bill did not affect Protestant Dissenters only. He saw nothing indelicate in the proposition of the hon. Baronet. He had himself gone through the ceremony of having his name called out in a public church without feeling any inconvenience. Clandestine marriages were increasing to such a degree and they were the cause of so much misery and crime, that the State ought to interpose and put every possible restraint upon them.

Mr. MASSEY said, he must repeat that he thought the posting of the names inside the registrar's office would be sufficient. The registrar's office was a well known one; and to it persons wishing to make inquiries on the subject of marriages were in the habit of going. After the opinions expressed by Dissenting Members of the House, he was of opinion that the Amendment should not be persevered in. He believed that the right hon. Gentleman (Mr. Henley) had on the paper an Amendment, having for its object to exclude members of the Church of England from the operations of the measure. He (Mr. Massey) was quite prepared to support any proposition having for its object to oblige members of the Church of England, about to be married according to the rites of that Church, to comply with all its requirements in the case of marriages, for he could see no reason why they should not do so.

Mr. GLADSTONE said, he must complain that the title given to the Bill, that of a Dissenters' Marriage Bill, was a pure misnomer. The word "Dissenter" never occurred in its provisions, and it had no exclusive application to Dissenters. If, as the hon. Member for Southwark (Mr. Pellatt) said, in introducing the measure, the feelings of Dissenters were to be considered, he (Mr. Gladstone) thought he might claim the same privilege on behalf of the members of the Church of England. As the Bill now stood, there were no distinctions between the marriages of Dissenters and those of the Church of England. If the hon. Member would consent that members of the Church of England should be relieved from the difficulties imposed on them, he (Mr. Gladstone) would support the measure, for he was anxious to extend as much relief as possible to Dissenters. He would suggest that the clause recommended on a former occasion by his hon. Colleague (Sir W. Heathcote), exempting members of the Established Church from the operation of the Bill, should be introduced. If that course were adopted, it would tend very much to shorten the discussion, and the future consideration of the Bill would be free from difficulty.

MR. E. BALL said, he trusted the Committee would not allow persons' names to be exposed in the way proposed, so that every rude boy might have the opportunity of interlining the announcement with remarks of his own.

MR. HENLEY said, he must also express a hope that after what had been stated by the hon. Under Secretary of State, the present Amendment would be withdrawn.

SIR JOHN DUCKWORTH said, that when he proposed his Amendment he had not the slightest idea that his proposal would be considered by the Dissenters an offensive one. His only object was to provide against clandestine marriages, whether between members of the Church of England or Dissenters; and after what had been said on the subject, he would withdraw his Amendment if he received an assurance from the hon. Gentleman who had charge of the Bill that the measure would be so altered, in accordance with the right hon. Gentleman's (Mr. Henley) proposed Amendment, as to apply to Dissenters' marriages only.

MR. PELLATT said, he would reserve his opinion on the right hon. Gentleman's Amendments till Clause 11 was before the Committee.

MR. GLADSTONE said, he thought that under the circumstances the hon. Baronet (Sir J. Duckworth) could not withdraw his Amendment. The speech of the hon. Member the Under Secretary of State for the Home Department (Mr. Massey) had induced hon. Members to believe that the views embodied in the proposed Amendment of the right hon. Gentleman (Mr. Henley) was concurred in by those who were anxious to pass this Bill into law; but he (Mr. Gladstone) thought that the hon. Member who had last spoken had not dealt candidly with the Committee.

MR. HENLEY said, he thought the Committee had a right to know whether the hon. Member (Mr. Pellatt) concurred in the statement of the hon. Gentleman the Under Secretary.

MR. KENDALL said, he was far from being a Dissenter, but mixing a good deal amongst the Dissenters of Cornwall, who were a most respectable body of Christians, he was well acquainted with their feelings, and was confident that if the proposal of the hon. Member for Exeter were adopted, it would prove most distasteful to them, and be regarded in the light of an injury which they could never forget.

SIR WILLIAM HEATHCOTE said, he must press upon the hon. Baronet (Sir J. Duckworth) the propriety of withdrawing his Amendment in favour of the arrangement suggested by the Under Secretary of State.

MR. HENLEY said, it must be admitted that the greater proportion of clandestine marriages would probably take place amongst parties who were members of the Church of England, and who would avail themselves of this new method of celebrating marriages rather than have recourse to notice by bans. The Members of that House, therefore, who were connected with the Established Church had a right to look with some degree of jealousy at any proposition which would have the effect of encouraging such an irregular practice. He was not, however, wedded to any particular form of words; and if hon. Members opposite would give an assurance that they would agree to the insertion of such words as would accomplish the object of the hon. Under Secretary, he should be perfectly satisfied with the arrangement.

MR. STANHOPE said, that as representing a large and respectable body of Wesleyan Methodists, he felt that he was placed in a very unfair position by the course which hon. Gentlemen opposite had adopted. If this were really and truly a "Dissenters' Marriage Bill," he should not for one moment be justified in obstructing the wishes of those hon. Gentlemen, who were undoubtedly the best judges as to what the sentiments and opinions of their own persuasion were. But he would urge upon them, that if they did not consent to make the Bill at a future stage a Marriage Bill applicable to Protestant Dissenters and to none others, and still persisted in extending the operation of a Dissenters' Marriage Bill to members of the Church of England, they must hold themselves responsible to the country for any annoyance or evil that might eventually result.

MR. BOWYER said, he would urge upon the hon. Member for Southwark (Mr. Pellatt) the propriety of agreeing to the introduction of such a clause as would exclude Church Marriages from the operation of the Bill.

MR. PELLATT said, that though disposed to conciliation, he felt that he was placed in a very responsible position. The fact was, that this was a "poor man's question;" and he must contend that as much facility should be given to the poor to celebrate marriages as was now enjoyed by the rich. He could not agree to a proposal which had already been tried in the Act 3 *Geo.* IV., c. 75, which failing, had to be repealed by Statute the very following year.

MR. GLADSTONE said, it was clear that the hon. Member for Southwark had altogether thrown over the notion that the Bill was confined to Dissenters. He now said that it was a "poor man's question;" and what he wanted was to allow members of the Church of England who objected to the publicity of bans to go to the superintendent registrar's office, put up a notice there, and then come back to their own minister and compel him to marry them.

SIR JOHN DUCKWORTH said, he would have been content to follow the advice of his hon. Friends near him and withdraw his Amendment, had not the proposal of the Under Secretary of State been repudiated by the hon. Member for Southwark. That being the case, he should certainly divide the Committee on his Amendment.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 93; Noes 85: Majority 8.

LORD ROBERT CECIL said, he wished to know of the hon. Member for Sheffield (Mr. Hadfield) whether, after the decision just arrived at, he was prepared to withdraw the Bill?

MR. PELLATT said, he would beg to inform the noble Lord that the Bill was not in the hands of the hon. Member for Sheffield alone. He (Mr. Pellatt) had also a share in the measure, and for his part was prepared to go on with it.

Clause, as amended, ordered to stand part of the Bill; as were also Clauses 5 to 10 inclusive.

Clause 11.

MR. BOWYER said, upon the face of this clause it was doubtful whether clergymen would not be compelled to celebrate marriages upon the mere production of the Registrar's certificate, without going through the forms of their Church. Now, under the existing law they could decline to solemnise a marriage except in a manner conformable to the canons of the Church to which they belonged, and that right should be reserved to them.

MR. HENLEY said, he had a proviso to move to the clause, which would meet the case. His proviso was this—

> "Provided always, that no such marriage as aforesaid shall be solemnised in any such registered building without the consent of the minister, or of one of the trustees, owners, deacons, or managers thereof, nor in any church or chapel of the United Church of England and Ireland, without the consent of the minister thereof, any statute or statutes to the contrary notwithstanding."

MR. BOUVERIE said, the object of the proviso seemed to be that no minister of the Church of England should be compellable to perform the marriage ceremony where the canons of the Church had not been complied with. But he questioned if the words of the proviso did not go further, and render a marriage void when, through some mischance, it had been solemnised without the consent of the minister. For instance, with the most perfect good faith, a man and woman might go and get married behind the back of the minister, and yet years afterwards the validity of the marriage and the legitimacy of the children might be called in question, owing to the consent not having been obtained, or owing to there being some difficulty in the way of showing that it had.

MR. ROBERT PHILLIMORE said, that contingency was already provided for by the 16th clause, which enacted that, after any marriage shall have been solemnized under the authority of this Act, it should not be necessary to give proof, among other things, of the consent of any person whose consent is required by law.

MR. HENLEY said, he had no desire to introduce words that could by any possibility have that effect. As the Bill stood, with the saving 16th clause, there was no fear of any such misconstruction. He would, however, consult those who were best able to give an opinion upon the subject, and if they entertained a doubt respecting it, he should be happy to amend the proviso on a future stage of the Bill.

MR. BOWYER moved the insertion in the proviso, after the words "of the United Church of England and Ireland," of the words, "or of the Church of Rome," which was agreed to; and

On the Motion of Mr. GURNEY, the word "officiating" was inserted before the word "minister."

On the Question that the proviso stand part of the clause,

Mr. HUTCHINS said, it appeared to him that the Bill contained more unintelligible clauses than any Bill he ever saw; and he felt surprised that the hon. Member for Southwark (Mr. Pellatt) should have given his consent to their being introduced.

Mr. MASSEY said, he considered that the clause, as framed, was perfectly sufficient of itself, without the addition of the proviso, to accomplish the object which the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had in view, inasmuch as the registrar of any marriage must receive the signature of the officiating minister.

Clause, as amended, *agreed to;* as were also the remaining clauses.

House resumed.

Bill *reported* as amended.

The House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

*Thursday, June 5*, 1856.

Minutes.] Public Bills.—1ª Sherburn Hospital; Endowed School at Moulton; Magdalen Hospital (Bath); Stoke Poges Hospital; Judicial Procedure, &c. (Scotland).

2ª Hay and Straw Trade.

3ª Peace Preservation (Ireland); Reformatory Schools (Scotland); National Gallery.

Royal Assent —Annuities (No. 2); Bankers' Compositions; Fire Insurances.

### RELATIONS WITH THE UNITED STATES — REPORTED DISMISSAL OF THE BRITISH MINISTER.

The Earl of HARDWICKE said, that their Lordships were aware that a public journal, which was supposed to possess the confidence of Government, had stated that Mr. Crampton, Her Majesty's Minister at Washington, had been summarily dismissed from the country to which he was accredited. He was sure the Government could not for a moment suppose that such an announcement would be heard in this country without affecting the minds of every one. He begged to ask whether Her Majesty's Government would confirm the statement that Mr. Crampton was on his passage home?

Earl GRANVILLE: My Lords, in reply to the noble Earl, I can only say that I have not seen the statement in the papers to which he refers, and I am not aware that any official information to that effect has reached Her Majesty's Government.

### THE LIMITED LIABILITY BILL— PETITION.

Lord OVERSTONE *presented* a petition from the Manchester Commercial Association for the repeal of the Limited Liability Bill, as being a measure which would lead to excessive speculation, which would damage the commercial character of the country, and which contained no provision against reckless trading on the part of the managers of companies which might be formed under the Act.

Lord DENMAN said, as the noble Lord was in his place, he wished to contradict a statement made by him some time since, that the supporters of the first Limited Liability Bill had been none but Members of this House connected with Her Majesty's Government. He begged to say that he had given an independent vote, and had agreed to some of the Amendments proposed in the Bill, which he had partly supported, because he thought it would be injurious to the country for it to be known that Her Majesty's Government, when engaged in war, were defeated on almost the only measure of internal improvement which they had attempted to carry. He believed that the Bill, with those restrictions, would be a very good Bill; and he regretted that more time had not been taken for it—but that was impossible; and he begged to repeat it, that he would not be the servile adherent of this or any other Administration.

### THE APPELLATE JURISDICTION (HOUSE OF LORDS) BILL.

Amendment *reported*, according to order.

The LORD CHANCELLOR said, it had been suggested in Committee that an Amendment should be made to enable persons who had filled the office of Lord Chancellor to be appointed Deputy Speakers under this Act, although they had not held judicial appointments for five years.

Lord REDESDALE objected to the Amendment. He thought it was important for the House to retain the services of the independent law Lords who now attended the hearing of the appeals. The new Deputy Speakers were intended to assist them, and supply their unavoidable absence, and not as a substitute for them.

The Amendment agreed to.

THE EARL OF MINTO objected to certain portions of the 6th clause, on the ground that they were calculated to limit unduly the prerogative of the Crown, moved a series of verbal amendments with the view of obviating his objections; and to add the following new proviso:—

> "Provided always that nothing herein contained shall be construed as restricting or otherwise affecting the exercise of the Royal Prerogative, such as it existed prior to the passing of this Act."

EARL GRANVILLE did not believe that the House of Lords had a right by itself, or by any mere Resolution of its own, to decide the question of prerogative. Nevertheless, practically the House did decide it, because if their Lordships resolved not to admit a life Peer, a life Peer could not be forced upon the House. Such being the anomalous state of affairs, it appeared to him that the best thing to be done was for the three powers of the realm to come to a unanimous decision as to what the practice should be for the future. It could not be denied that the Crown had abandoned a portion of its prerogative in consenting to the introduction of the present Bill. At the same time the House had made a great concession, after declaring that life Peerages were unconstitutional, in admitting that a limited number should sit in that House. Such a mutual arrangement having been arrived at it would be undesirable to disturb it.

LORD CAMPBELL expressed his satisfaction at what had just fallen from the President of the Council, and observed that it was no more than he had expected from the high an honourable character of the noble Earl.

THE EARL OF WICKLOW said, that there were many things which astonished him with regard to this Bill. He had heard, for example, that a compromise had been entered into in regard to it; but by whom, he asked, had that compromise been made? for certainly that House had never entered into any compromise. The effect of the Bill would be to cut down and impair the prerogative of the Crown. The noble Marquess, who was not now present (the Marquess of Lansdowne), had stated on a previous evening that no consideration should induce him to support this Bill if in any manner it infringed the prerogative of the Crown. The noble and learned Lord on the woolsack had stated upon the same occasion that it would in no way affect the prerogative; but now they were told by the noble Earl the President of the Council that it was intended to limit the prerogative of the Crown. It appeared, therefore, that they were now about to pass a Bill which, though intended, no doubt, for a good and important purpose, contained provisions of great stringency, as to the effect of which different members of the Government held views utterly at variance with one another. He reminded their Lordships that they were about to launch this Bill on the stormy sea of the House of Commons; and it behoved them thoroughly to understand its nature and purport before sending it down to that House. He trusted that the noble Earl would persevere in the Amendments which he had proposed.

THE LORD CHANCELLOR said, the arguments of others had been imputed to him as his own in the course of the debates upon that subject. It would be recollected that a proviso had been proposed that nothing should be introduced into the Bill that would affect the prerogative of the Crown. It was then said by certain noble Lords that if there was no prerogative upon that point, the proviso would not affect it. But he (the Lord Chancellor) had never said there was no prerogative; on the contrary, he believed there was until that Bill should have passed. He could not say, therefore, that the proviso would be useless; but he thought that fair dealing required that the Bill should pass in its present form.

LORD DENMAN said, he must remark that noble Lords spoke of law peerages as if they were to be obtained by lawyers as easily as blackberries from every hedge; but even the late Lord Tenterden was nine years Lord Chief Justice of England before he was made a Peer, and he did not believe that his opinions were less regarded in their Lordships' House during those nine years than in the five subsequent years, in which he was a Peer. With regard to Lord Wensleydale's title, he hoped it would be fully understood that it was the reward for past services and not a gage for future exertions. With regard to his father, he knew how highly he valued the honour of a peerage, and the magnanimity of the Monarch who conferred it upon him, and he should be happy at once to show the correspondence upon the subject to any noble Lord interested in it, though not to read it for general publication at present. His father had considered it the greatest honour which it was in the power of the Crown to bestow. With regard to the present measure, he was so convinced that it would satisfy no one, that he would move it be next considered or read a third time that day three months.

THE LORD CHANCELLOR observed that such a Motion could not be made on bringing up the Report.

LORD DENMAN said, he would move on the debate, as to the third reading—that it be read a third time that day three months and divide the House upon it.

Amendment *withdrawn.*

Bill to be read 3ª To-morrow.

## BURIAL-GROUND, BLANDFORD—NON-CONSECRATION OF BURIAL-GROUNDS.

THE EARL OF SHAFTESBURY *presented* a petition of Parishioners of Blandford Forum complaining of the non-consecration of the new burial-ground by the Bishop of the Diocese, and praying for the amendment of the 32nd section of the 15 & 16 *Vict.* c. 85. The noble Earl said that the present case might not in itself be one of great importance, but it became a matter of serious consideration when they bore in mind that there were many more cemeteries which had been erected in the same circumstances and under the authority of the same Act with that of Blandford, and it was therefore necessary some decision should be come to in order to avoid a great deal of inconvenience and public scandal. Their Lordships would recollect some years ago, in consequence of some apprehensions which existed on the subject of intramural interments, an Act was passed with the view of providing a remedy for the evils that prevailed. By that Act power was given to the Government to close, by an Order in Council, existing burying-grounds, and the persons who had the charge of those burying-grounds were required to construct other graveyards and to build chapels within which might be celebrated the burial-service according to the rites of the Church of England, provision also being made for the service being conducted according to the views of the Nonconformists. The petitioners now before their Lordships stated that they had complied with all the requirements of the Act — that they had formed a graveyard and constructed a chapel for the purpose of having performed in it a burial-service according to the rites of the Church of England, the old graveyard of the parish having been closed by an Order in Council. They complained, however, that the diocesan refused to consecrate the new ground because a communion table had not been set up in the chapel for the celebration of the Lord's Supper. Now, their Lordships would observe that these cemetery chapels were entirely the creatures of the Act to which he had referred, the 15 & 16 *Vict.*, c. 85, having had no existence before, and were scarcely known to the civil or ecclesiastical law; and therefore they were to be dealt with within the four corners of the statute which created them; and it appeared to him that the refusal of the Bishop to consecrate in this case arose from a complete misapprehension of the law. In the first place, it would be found, on reference to the rubric, that there was no necessity for a chapel at all for the performance of the burial-service; these chapels had been constructed for purposes of decency and convenience and to afford shelter during inclement weather. By the 16th and 17th sections of the Act it was provided—

> "It shall be lawful for any burial-board to build on any land to be purchased or appropriated for a burial-ground, under this act, and according to a plan to be approved of by the Bishop of the diocess, a chapel for the performance of the burial-service according to the rites of the United Church of England and Ireland; and such burial-ground may be consecrated by the bishop of the diocess, when the same shall appear to him to be in a fit and proper condition for the purpose of interment according to the rites of the United Church."

The Act was precise in limiting the purpose of the chapel to the performance of the burial-service according to the rites of the United Church of England and Ireland, and it provided that the ground might be consecrated by the Bishop when such should appear to him to be in a fit condition for the purpose of interment with such rites. It said nothing about consecrating the chapel, but only the burying-ground, when approved by the Bishop. Now, to show the intention of the Legislature, and that this was no haphazard arrangement, but designed to exclude these chapels from consecration, he would shortly state the history of the Act. In 1850 he was a Member of the Board of Health, which presented a very long Report, recommending the construction of cemeteries, and the erection of chapels in these cemeteries for the performance of the funeral service. The Board, however, made one recommendation which the Legislature did not approve. They said,—

> "We recommend that in every cemetery there be a part consecrated, . . . . and that in the consecrated part there be erected a church adapted to the purpose, and fitted also for full service according to the doctrine and discipline of the Church of England."

The intention of the Board was that in each of the new cemeteries a chapel should be erected in which the full and complete service of the Church of England, including the administration of the sacraments, could be performed. The Government of the day adopted the recommendation of the Board on that subject, and the 8th clause of the Bill which was proposed provided:—

> "It shall be lawful for the said Board to build in every such burial-ground a chapel for the performance of service according to the rites of the United Church of England and Ireland."

The House of Commons took great offence at that proposition, and some hon. Gentlemen declared that it contemplated a system of church extension under the pretence of carrying out the views of the Board. The Bill was committed *pro formâ*, to receive amendments, and the following clause was introduced:—

> "It shall be lawful to build in every such burial-ground a suitable chapel for the performance of burial-service according to the rites of the Church of England and Ireland."

Their Lordships would observe that, although provision was made for the erection of chapels, not a word was said about their consecration; and he thought, therefore, it was evidently the intention of the Legislature that these chapels should be used simply and solely for the performance of the burial-service, and that they should not receive consecration which would fit them for the performance of all the rites and ordinances of the Established Church. If the cemetery chapels were consecrated according to the existing forms of consecration, the provisions of the statute would be directly violated, because by the terms of the statute those chapels were excluded from consecration, which ceremony was to apply simply to the burial-grounds. He thought it was perfectly clear from the consecration service now used, that that service was only intended for buildings in which the full services of the Church of England were to be performed. In 1712 a form of consecration was drawn up by the Upper House of Convocation; it was sent down to the Lower House, and, although it never received the Royal assent, it was, according to *Burns' Ecclesiastical Law*, the form in general use. That form, however, provided for the administration of the Communion, and it was evidently intended to be used only for the consecration of churches or chapels in which the full services of the Church of England were to be performed. In 1712 a separate service was appointed for the consecration of graveyards, in which no mention of the Lord's Supper occurred, but it was simply said, "The ordinary service for the day shall be read at the church, except when it is otherwise ordered," and then a few additions were prescribed. He was aware it might be said that a Bishop in drawing up a form of consecration could adopt any form he chose; but that discretion applied only to buildings which were intended for the full performance of the rites and ceremonials of the Church of England, and not to the mode of consecrating graveyards. In 1712 the Upper House of Convocation recommended a form for the "consecration of a churchyard singly," apart from the church, and that form, as he had stated, did not contain a word about the administration of the Lord's Supper. The Act of Parliament provided that the graveyards should be consecrated, but excluded the cemetery chapels from consecration; and it was evident that, when the form of consecration of 1712—which was the basis of all forms now used—was drawn up, the administration of the Lord's Supper at the consecration of a graveyard was not contemplated. What, then, could be the use of setting up in cemetery chapels communion tables at which the Lord's Supper could be administered only once? He understood that the burial-board and the parishioners of Blandford were ready to comply with the wish of the Bishop for the erection of a communion table in the cemetery chapel, as a matter of request; but they protested against being called upon to submit to an episcopal mandate for the erection of a communion table for which they saw no necessity:—they said that if they yielded in this matter they did not know to what lengths they might not be asked to go on some future occasion. The petitioners prayed, therefore, that their Lordships would take into consideration the provisions of the Act of Parliament, with the view of relieving them from an episcopal mandate which, in their opinion, was not justified by law.

THE BISHOP OF SALISBURY said, he did not rise to address their Lordships for the first time on a matter personal to himself without some embarrassment. He felt deeply concerned that the prayer of the petitioners had been supported by the noble Earl, whom he greatly admired for the interest he took in all good works, and whose sympathy and co-operation — the noble Earl being one of the most influential laymen in his diocese—he was most anxious to obtain. But he (the Bishop of Salisbury) thought he would be able to show the noble Earl and the House, that the petitioners had no cause of complaint against him; but that if there was any ground of complaint it was on his own side. In 1853, an Act of Parliament was passed relating to burials beyond the limits of the metropolis, and with that Act certain provisions of former Acts were incorporated, which gave a power to Bishops with reference to the fitness of burial-grounds for consecration and to the plans of chapels. In this case, no difference whatever had arisen between the burial-board and himself with regard to the burial-ground, although all the arrangements connected with that ground were not precisely what he could have desired; but very great difficulties had occurred with respect to the cemetery chapel. Some persons—and the noble Earl apparently —looked upon such chapels merely as receiving chapels — as buildings intended to afford shelter to the clergymen and mourners during the performance of the burial-service. But he (the Bishop of Salisbury) took a different view of the matter. The words of the Act declared the chapel to be for the celebration of the burial-service of the United Church of England and Ireland; and part of that service had to be performed in the chapel. The question relating to these buildings was undoubtedly a new one, and when he was placed over his diocese he had some difficulty in determining how to deal with them. Lord Coke laid it down distinctly that the law took no cognisance of any church or chapel until it had been consecrated. The edifices in which the burial-service of the Church was performed were therefore not mere shelters from the blast, but places which required consecration. A difficulty, however, arose as to how they were to be consecrated, there being no form prescribed for the purpose, and the Act of Parliament restricting the use of the chapels to the performance of the burial-service alone. Still, in coming to a decision on the matter, he was not left wholly without precedent. He had for his guide the practice of his venerated predecessor, who was in the habit of including the celebration of the Holy Communion in the form of consecration which he adopted. The form drawn up in 1712, to which the noble Earl had alluded, also comprised the Holy Communion; and that eminent man, Bishop Andrewes, invariably treated that rite as an essential part of the ceremonial of consecration. Moreover, according to the canon law, it was a grave question whether the solemnisation of the Lord's Supper was not of the substance of the act of consecration. In the first place, then, he held that these chapels ought to be consecrated, and next, that in their consecration the Holy Communion should be celebrated. In the exercise of the discretion reposed in him as Bishop, he had made this principle the rule in his diocess. That being so, it was obvious that a communion table was indispensable for these buildings. He had had twelve other cases like the present to deal with, in none of which had the slightest unkindly or jarring feeling been excited between him and the burial-boards; and he might therefore appeal to their Lordships, whether he was a likely person to dispose of matters of this kind in an overbearing or dictatorial spirit. Several letters had passed between him and the burial-board of Blandford and the noble Lord (Lord Portman) on the subject, and these letters, he thought, would prove that he had acted in no such spirit in this matter. A communication having been made to his secretary last year, to the effect that the plans of the Blandford burial-board were prepared, he immediately replied that there ought to be a table in the chapel to enable the rite of consecration to be duly performed. The answer sent to this by the secretary of the burial-board was, that there would be no difficulty in meeting the wishes of the Bishop. Subsequently, however, his secretary received from the board the copy of a resolution which it had agreed to. The petitioners had complained of his conduct towards them; yet their own resolution was hardly so courteous, or, he might say, so dutiful towards their Bishop as it ought to have been. They remonstrated with him for imposing heavy additional expenses on the ratepayers by his plan, especially as the chapel was intended for such limited uses, and not for Divine service generally. This was the way in which his simple requisition for the means of duly performing the act of consecration according to the dictates of his judgment and conscience as a Bishop of the Church was met by the burial-board. On the 17th of September he received a letter from a noble Lord (Lord Portman), accusing him of creating disturbance where there had always been harmony, and of pursuing a course calculated to increase the growing tendency to disparage episcopal consecration. The letter also pointed out that a persistance in his plan might interfere with the noble Lord's rights as patron of a neighbouring living, and it concluded by entreating him to reconsider his proposal.

The right rev. Prelate then read extracts from the correspondence between himself and the noble Lord. In his reply, he (the Bishop of Salisbury) defended the view he took of the nature of consecration; maintaining that his recommendation to the burial-board in regard to the fitting of the chapel, was moderate and reasonable; promising to seek advice on certain of the points raised by the noble Lord; and expressing a hope that the noble Lord would, on a fuller consideration of the case, be induced to place his powerful local influence on the side of episcopal authority. The noble Lord had a case drawn up and submitted to legal opinion; and the noble Lord's own legal advisers advised him that, inasmuch as the ceremony of consecration contemplated that the chapel should be limited to burial-service, they were satisfied that the precise form of the consecration could not give to the ceremony a more extended application. This being the case, he had indulged a hope that the controversy would then terminate, and that the whole matter in dispute would be amicably arranged. This expectation was unfortunately falsified by the event. A meeting, at which the noble Lord (Lord Portman) delivered a very irritating speech, was held at Blandford, and resulted in a resolution that a request should again be made to him (the Bishop of Salisbury) to consecrate the ground in another form than that which he believed in his conscience to be the right one, and without the celebration of Holy Communion. To that application he could not assent, and his reasons for declining to do so he explained most fully in a letter which he addressed to the Secretary of the Blandford burial-board. That letter was written in the month of February; and shortly after its receipt another proposal was made to him, to the effect that, cutting off the large portion of the ground in which the building stood, he should consecrate the remainder. To that request, also, he was unable to accede, because the parish church was so far from the cemetery that it would be impossible to perform that portion of the burial-service which was required to be performed in a church or chapel, and considerable dissatisfaction would not fail to be occasioned by the feeling that the funeral ceremony had been celebrated in an incomplete and defective manner. This unfortunate controversy had caused him deep pain, but he had been influenced throughout by the purest motives, and had acted from first to last under the conscientious conviction, which he still retained, that chapels, even though they should be strictly limited to the uses and purposes of the burial-service, ought to be consecrated, and that the proper method of consecrating them was by administering the Holy Communion within their walls. This conviction furnished the main motive of his conduct; but he frankly owned that there was another consideration which, though not a matter of principle, had had some influence in forming his judgment on this subject. All Churchmen, having suffered a great loss by the separation of their church-yards from their parish churches, were naturally desirous that, in committing the bodies of their friends to the earth, the ceremony should be surrounded as much as possible by the circumstances ordinarily characteristic of the burial-service prescribed by their religion, and that the sacred edifice in which such service was performed should not look like a meeting-house, but rather resemble a chapel of the Church of England. There was another view of the question which ought not to be disregarded. Though by the sentence of consecration these chapels were limited to the uses of the burial-service, it might become desirable that, should they become the centres of large populations (and he had already heard of two such instances), with the consent of the burial-board, and under the licence of the Bishop, a clergyman might hereafter perform in them all the services of the Established Church. Very probably such a circumstance would not arise in Blandford; but he had himself received applications from the clergymen of cemetery chapels elsewhere, praying to be allowed to use the chapels for the accommodation of the populations which were already springing up around the cemeteries. In contemplation of such a contingency, it was manifestly desirable that the architectural arrangements of the chapel should be such as to allow the building to be applied to such purposes without incurring the necessity of making alterations. Since he had entered the House that evening, he had been informed by the noble Earl opposite (the Earl of Shaftesbury) that if he would only address to the Blandford burial-board a request that they would accede to his views, they would at once do so. This was the first time that he had received any such intimation, and as he was not struggling for any point of personal dignity, but simply for that which he regarded as a question of principle, he would not hesitate to say that he was perfectly ready to make such a request. He had never wished to dictate to the board. He had desired to act towards them with perfect courtesy; and, as a man and a Christian minister, he should have been ashamed if all this discord had been created by the mere tone of his correspondence. He would leave it to their Lordships to say whether that correspondence was at all discourteous. For himself, he could only say that he had intended it to be quite the reverse. He had no objection to write again to the burial-board, as the noble Earl had suggested, asking them to accede to his request; and he hoped this would lead to a satisfactory termination of the matter. With him, this was no question of church ornament, but one affecting a vital principle — the testimony of the whole of Christendom to the right method of a Bishop discharging his duties. He had no objection to be the servant of all men; but he must remember that he had a higher duty to perform. With this assurance he trusted that the controversy would terminate, and that peace and goodwill would be restored.

LORD PORTMAN said, he regretted that the right rev. Prelate should have unfortunately introduced a matter of personal, and somewhat local interest into the discussion of the question then under the consideration of the House. The question is one of grave importance, as it is in truth whether the Bishop is to interpret a law in a way that no lawyer can do, and to found on such view, a question of conscience which the law did not contemplate as possible to arise under the enactment. But he must be excused for saying that the statements of the right rev. Prelate had not taken any persons by surprise who had heard or read the charge which he had lately delivered to the clergy of his diocese, in which he had alluded in a very high tone to the duties and prerogatives of the Bishops; and he regretted to find that the right rev. Prelate seemed disposed to carry out the views he had therein expressed by overt acts.

THE BISHOP OF SALISBURY requested the noble Lord to point out the views of his to which he referred.

LORD PORTMAN said, that the question had been regarded by the petitioners, the inhabitants of Blandford, not so much as a question of law and expediency as an attempt to exercise that extreme episcopal authority asserted by the right rev. Prelate. The right rev. Prelate, in a portion of his charge, said that he was about to take certain means which he would recommend to his clergy for improving the training of the clergy, and of bringing the laity to consider the true bearing of Church questions; in other words, to subject the laity to a tyranny which he would impose through the medium of his Rural Deans. Again, he says "he will not leave the music and spiritual songs in his diocese in their present unauthorised state, but is preparing a Hymnal of his own"— so that even in melody he will interfere with his authority. Again, he says, he hopes the Holy Ghost may give him that *inflexibilis obstinatio* which characterised the First Christians. He quotes "a great Bishop" who is in the note named, "St. Bernard," who was no Bishop at all, but the celebrated Abbot of Clairvaux, so the accuracy of the right rev. Prelate is not to be depended upon. Another sentence from the charge lately delivered by the right rev. Prelate to the clergy of his diocese had weighed strongly with the inhabitants of Blandford in the course they had taken, and, coupled with other parts of this charge, might, perhaps, justify the laity in regarding the movements of the right rev. Prelate with great and anxious suspicion. After stating that he considered his office to be "*Ministratio, non dominatio,*" he said:—

"Such maxims, indeed, carry me up to our Lord's commission to His Apostles, and make me feel that the blood of the Apostles (so to speak) is in my veins, and that by it I have been ennobled."

Now, they had heard a good deal about the power and spirit of the Apostles, but as far as he (Lord Portman) knew they had never before heard that any Bishops had the blood of the Apostles; and it seemed so strange to the laity of the diocese of Salisbury that they should at last have in that diocese a Prelate who bore the blood of the Apostles in his veins, that it made them view the acts of the right rev. Prelate with perhaps a little more anxiety than they would have been disposed to view them under other circumstances. They felt, that though it was, perhaps, scarcely worth while to raise any question about such a matter as a communion table, the Bishop might ask something a great deal more objectionable; and, as the discretion of giving or refusing consecration was invested in him, and in no one else, they resolved to petition Parliament against the continuance of that irresponsible power, or at all events, to ask that there should be an appeal to the Archbishop from the Bishop's decision. Now, he believed, that the form of consecration insisted on by the right rev. Prelate, in regard to this place at Blandford was not insisted on by any other Bishop; so that it appeared that this act of consecration was to be enforced as a sort of new Test Act upon the laity; and a new form of service was established, which the right rev. Prelate had thought proper to adopt by his own will, and not to adopt that advised by the old Convocation to which Lord Shaftesbury had referred, for places of this kind. This was not in accordance with the rule of any other Bishop. He (Lord Portman) had been informed, that only a short time ago, at Woolwich, a cemetery chapel had been consecrated by another right rev. Prelate (the Bishop of Oxford) without any communion table at all. The right rev. Prelate said that he had a strong feeling on this subject, but it seemed to be almost confined to himself. In the dioceses of London and Winchester, the Holy Communion was not administered for the purposes of consecration; and, in point of fact, this was an individual rule of an individual Bishop, and it was a practice contrary to that observed in every other diocese in the kingdom. The expressions of the right rev. Prelate contained in his charge were such as rendered it not remarkable that the laity should look with some jealousy upon a regulation of this kind; and when they found that the authority the right rev. Prelate sought to exercise on this occasion was not founded on law, they very naturally endeavoured to induce him to follow the course of his excellent predecessor, who, when he found that by insisting on the observance of this rule at a place near Blandford he was doing more harm than good, very wisely yielded the point. The right rev. Prelate had himself at no distant period of time consecrated an additional churchyard, near Blandford, attached to the old churchyard, and in that case he said nothing about administering the Holy Communion. The evil complained of, however, rested with Parliament, who gave power to the Bishop to use his discretion with regard to consecration or non-consecration; and, what was wished for was, that Parliament would alter this law—would consider whether they should vest with the Bishop an irresponsible power, without the possibility of appeal from his decision. It would probably be said, "Why can't you go to the Court of Queen's Bench, and get a *mandamus?*" Now, he held it to be as wrong to try and force the Bishop to do that which, in his conscience, he believed wrong, as it was for the Bishop to attempt to force others to do that which they believed they ought not to do. But a *mandamus* would not lie, for this reason—that there was no law, except the new Cemetery Act, which required consecration. Consecration was, he believed, a matter of modern invention, certainly since the Reformation. It was a question whether the greater part of the churchyards throughout the kingdom which existed before the Reformation, and which were said to be consecrated, had ever been consecrated at all. Under the Roman Catholic system the churches were dedicated; the ground around the churchyards was never consecrated, the practice being, he was assured on high authority, for the priest, in a few words at the time of burial, to hallow the particular portion of ground in which the corpse was deposited. It was probable, therefore, that the churches and churchyards which they had received from the hands of the Roman Catholics had never been consecrated at all. The judgment of Lord Stowell, in the case of *Gilbert* v. *Buzzard*, 3 Phill. 348, is worth a careful study on the point; so is the work of Dr. John Ayliffe, called *Parergon Juris Anglicani.* The

Queen's Bench could not compel the Bishop to do that which the law did not require, neither would the court compel the burial-board to comply with any whims of any Bishop, provided the burial-ground was fit for the interment of the dead, according to the ritual of the United Church of England and Ireland. Until that evening they had been unable to discover why the right rev. Prelate wanted to consecrate this building. The law merely required that there should be a mortuary chapel attached to the cemetery; and the right rev. Prelate required that it should be a Church of England chapel. That was the advantage of bringing these matters before the House, where they could speak out, face to face, in a straightforward manner, and get at the truth. And what was his reason? Why, that he conceived he had the authority to do that which both Houses of Parliament had refused to do—namely, to provide additional churches and chapels in connection with the Church of England. Though this chapel was intended to be limited to the services for the burial of the dead, he thought he could make it a place for the celebration of all the services of the Church, and appoint a clergyman to officiate there. The parties who had opposed the right rev. Prelate strongly suspected that he contemplated such an object; but he had not, until that evening, made any avowal which confirmed that suspicion; on the contrary, he had promised in a letter not to allow any such proceeding to be adopted, lest the rights of the patrons and rectors of the parishes should be injured. That was one of the advantages of the discussion. Another advantage was, that they would be able to guard themselves against any further proceedings in this direction. It was desirable that the general principle should be established, that a Bishop should endeavour to carry out the law, and not that he should go beyond the law, and as, in the present case, refuse to consecrate the burial-ground, with or without a mortuary chapel, and thus deprive the inhabitants of the form of burial to which they had been accustomed. The right rev. Prelate might, under the same power as that enjoyed by other Bishops, have licensed the rector of the parish to perform funerals for such time as he might think fit; but he had refused to grant that licence. Instead of so doing, he had made another innovation, for he had suggested that it might be expedient that the burials should take place in any adjoining parish. Now, if that suggestion were acted upon, the adjoining parishes would soon have to provide themselves with additional burial-grounds, and then the new form of consecration would have the same effect as it had in the other parish, and thus his scheme would be carried out, far and wide, and would end in the so-called sacrament for the dead. One reason why the parties felt so strongly on this subject was, that other Bishops had adopted the very course which the right rev. Prelate was asked, but refused to follow. Bishop Kaye, a most eminent and distinguished man, and one who was looked up to with respect by all, had consecrated a cemetery in Blandford, without any communion table, in the mortuary chapel, or taking the Holy Communion, or saying one word upon the subject; and the people, no doubt might, with great justice, rely upon the opinion of that distinguished man, and might fairly consider it a hardship to be compelled to obey a mandate, not in accordance with the opinion of the whole Bench of Bishops, or, indeed, with that of the majority of them. The complaint, in this case was, the parishioners were called upon to obey an episcopal mandate, which was not in accordance with the feelings of the great majority of the Bench of Bishops. He felt, however, bound to say that no one could accuse the right rev. Prelate of being overbearing in manner upon this question; and now, after so much serious irritation, a hope of peace was held out to them, and he was sure that, if the right rev. Prelate left the House in the same spirit in which he had concluded his speech, he believed that he would allow what had been a mandate to be put in the form of a request; and if that were done, and if the assurance were given by the right rev. Prelate that he had no ulterior objects with regard to those chapels, he believed that, in conjunction with his noble Friend (Lord Shaftesbury), he would be able to persuade the parishioners to act upon the views of the right rev. Prelate. There was at present a Bill upon the subject of burials before the other House of Parliament, and he trusted that his noble and learned Friend (the Lord Chancellor) would take care that provisions were introduced into it by which the power of interference in these matters would no longer be vested in one man, who might, if he had autocratic notions, act entirely upon his own whims and fancies, and put a stop to an important sanitary object because it did not happen to square with his own particular ecclesiastical views; and he would take that opportunity of giving notice that, if the noble and learned Lord did not introduce such a provision, he should feel it to be his duty to do so when that measure came under their Lordships' consideration. The great evil is the permission to the Bishops to act under the statute without any control or any responsibility. No man man can be trusted with powers without appeal, and, least of all, a Bishop, who can set up his conscience, and by some strange want of regard for the feelings of others, insist upon his opinion, and oblige the community to yield to him, or to revert to burial in unconsecrated ground. The consequences of the course taken by the right rev. Prelate is simply that the laity escape the expense of consecration fees, and must be buried either by a Dissenting minister or by a layman, but the clergy lose their burial fees, and cannot bury the dead in the unconsecrated ground, not, however, because there is any law or canon to prevent them, but because, after so doing, the Bishop may, by his monition, prevent a repetition of what he may call an offence, and so bring the clergyman under the penalty for disobedience to the order of the Bishop. This course does no harm to the laity, though it may hurt the feelings of those who think there is a value in the act of consecration. It does injure the clergy, and disturbs the usual course in the parish. He (Lord Portman) hoped that the law would soon be amended, and the laity be no longer left subject to the whims and fancies of any autocratic, irresponsible Bishop.

THE BISHOP OF SALISBURY explained, that, in reference to licensing clergymen to celebrate the usual services of the Church in these cemetery chapels, he had never contemplated any such proceeding in opposition to the wishes of the board intrusted with their management—nor, indeed, could he do so. He could assure the noble Lord that he was animated by an earnest desire to avoid every possible cause of quarrel with the people of his diocese.

LORD REDESDALE said, he quite agreed with the noble Lord that it was desirable to put an end to disputes of this nature; but he thought that if any distinct legislation took place, it should be in accordance with the views of the right rev. Prelate, and not with those of the noble Lord. Surely nothing could be more natural than that chapels in consecrated burial-grounds should have the look, and be fitted up like chapels belonging to the Church of England, and he could not understand a chapel without a communion table. Chapels even in private houses had communion tables provided. Every one must see the importance of preventing the disputes that occasionally arose between the burial-boards and the Bishops; but as far as he could see, they were more generally owing to the boards than the Bishops; and he had no doubt that if the right rev. Prelate had in this case conceded the communion table, some other concession would have immediately been demanded. He thought that these chapels ought to be made in all respects district chapels, suitable to the performance of the service—whatever that service may be—which was to be performed in them. There was a reason, apart from all considerations of ecclesiastical propriety, which made him (Lord Redesdale) think that cemetery chapels should have the piece of furniture objected to at Blandford. He could imagine the different members of a family ordinarily separated from each other, and some perhaps estranged, assembling together to commit a near relative to the earth. What could be more proper than that the minister should be enabled, if desired, to administer to that family the holy communion on a sad and solemn occasion, which might, perhaps, form the last time on which they would meet on earth?

THE BISHOP OF OXFORD would not have risen but for the pointed allusion which had been made to him by the noble Lord on his right (Lord Portman). The noble Lord would apparently draw a distinction in favour of his (the Bishop of Oxford's) liberality—between his practice and that of his right rev. Friend; but as no such distinction in fact existed he could not consent to accept a commendation to which he was not entitled, or to hear his right rev. Friend blamed at his expense. In point of fact he (the Bishop of Oxford) did insist upon their being a communion table in cemetery chapels. He wished to say a single word upon one or two points of law. In opening the question the noble Earl (the Earl of Shaftesbury) said, that, inasmuch as all the services of the Church of England were not to be used in these cemetery chapels, but only the burial-service, therefore those chapels were not subjects for consecration. He begged to ask the noble Earl where he found any authority whatever for making such a distinction? Why were any buildings which were set apart for the services of the Church of England consecrated? Simply because they were set apart for the worship of Almighty God, separated from all common and profane uses whatsoever, that prayer might be offered up in them, God's Word read in them, and God honoured in them. Prayer was offered at the burial service, God's Word was read at it, a special part of the service was required to be read in the Church, and not out of it, and what difference there could be, therefore, between these and other chapels he was at a loss to imagine. He could not himself appreciate the slightest distinction between the two; and against the authority of the noble Earl—whatever might be its weight in that House in matters ecclesiastical—he had no hesitation in citing the example of that great master in all ecclesiastical law, Bishop Gibson, who in the great work upon which his fame rested, distinctly laid down that the same service, *mutatis mutandis*, was to be used in consecrating cemetery chapels as in others. With regard to the importance of a communion table, the canon law laid it down that consecration was not complete until Holy Communion had been celebrated in the church; and the custom was, in all cases and in all dioceses where Communion was not celebrated at the time of consecration, to give notice that it would be celebrated on the following Sunday. That, however, was a modern abuse, and had been resorted to in order to shorten the service; it was, therefore, a "whim," not, as had been represented, to insist on the celebration at the time of the consecration, but to postpone it. The consecration of a chapel, in the sense in which the Church of England used the phrase, was the setting of it apart by a solemn service for the worship of God. Then, why, he asked, was not a cemetery chapel, in which God was to be worshipped, to be consecrated as much as any other chapel? He very much regretted to hear the noble Lord (Lord Portman) insinuate that his right rev. Brother (the Bishop of Salisbury) intended to resort to the subtle dishonesty of hereafter converting these cemetery chapels into ordinary chapels for the performing of Divine Service. There was no man whose conduct had less provoked such a comment than his right rev. Brother. But the noble Lord (Lord Portman) had dwelt upon that supposition, knowing well the effect which it was calculated to have upon their Lordships; because, no doubt, if the slightest power were gained by the course taken by his right rev. Friend to divert these chapels from their legitimate use, it would be a strong argument against that course. His right rev. Friend, however, had said nothing to warrant such a supposition. All that his right rev. Friend had said was, that possibly these chapels might hereafter be used as places in which other services might be performed, and he wished to provide for that possibility by having them built in the same fashion as other chapels; but he had not intimated that he would have the slightest power over that chapel when consecrated, more than over any other building in the parish. On the contrary, the Bishop had less power over a chapel than over any other building, inasmuch as he could not license any chapel in a parish against the will of the incumbent or to the injury of his interests; and in this case he would moreover have to obtain the consent of the burial-board. Instead, therefore, of smoothing the way to an act of dishonesty such as that implied against his right rev. Brother, the latter had in reality placed difficulties in the way of perpetrating the dishonesty which had been insinuated against him. And this would show the value of the gross insinuation thrown out by the noble Lord against his right rev. Brother, of whom he would say, that his whole public life was such as ought to have made him the last man to be exposed to so unworthy a suspicion. But what was the result of the whole question? The law laid it down that if a cemetery was constructed the burial-board might build a chapel on the ground, which chapel was to be for the performance of the burial-service according to the rites of the Church of England. Now, if this was to be a chapel for performing the service according to the rites of the Church of England, the question was, what did the Church of England mean by a chapel? [Lord Portman: The words are, "may build" a chapel.] If the burial-board built a chapel. [Lord Portman: "May build" a chapel.] If his noble Friend would have but one grain of that inestimable quality, patience—a quality so peculiarly necessary to the judicial mind and to the just settlement of all controverted questions—he would endeavour to state as briefly and clearly as he could the argument he meant to adduce, and his noble Friend would, perhaps, then be better able to comprehend it. Did a chapel mean a consecrated or an unconsecrated building, a place set apart for the worship of God, or did it not? It would be observed that the Act provided for the ground being consecrated by the Bishop, when it was found by him to be in a proper condition for the purpose of interment, according to the rites of the United Church of England and Ireland. Then it was to be a chapel in the sense in which the Church of England understood that word, and they knew that as a rule every place in which the rites of the Church of England were performed must be a consecrated place. It was clearly the intention of the Act that this was to be one of those buildings, and his right rev. Friend in standing up for the rite of consecration was only doing that which the Act intended, and which the law of the Church of England required. The speech of his right rev. Brother had been one of conciliation from beginning to end, and he must say that after such a speech, and considering, too, the character of his right rev. Brother, it was not without surprise and indignation he had heard the noble Lord express the hope that in future legislation on this question care would be taken to prevent the "whims and fancies" of any one man being interposed in opposition to the wishes of others. Perhaps the noble Lord might think it matter of vaunting, and might be flattered by its going down to Blandford, that, in his place in the House of Lords, he had charged his right rev. Brother with authoritatively insisting on his "whims and fancies" in opposition to the people of that parish. He was sure, however, that in such a charge the noble Lord did not carry with him the sympathies or support of their Lordships. He had always understood that where an Act of Parliament said a public functionary might do a certain thing he might be called on to appear in the Court of Queen's Bench by a *mandamus* to answer for not performing the act; and, therefore, when the law in the present instance said the Bishop "may consecrate" the chapel, it was competent to the Court of Queen's Bench to entertain an application for a *mandamus* should the Bishop decline to do so. If the Bishops of the Church did insist on their own "whims and fancies," contrary to the clear statements of the law, then by all means let future legislation be such as to impose a check on such courses; but it so happened that, in the present case, the course followed by his right rev. Friend was the rule of the Church of England, and therefore the "whim and the fancy" lay in consecrating without a communion table, and not with it. With regard to the alleged absence of a communion table at the consecration of the burial-ground at Woolwich, he begged to inform the noble Lord, as an eye-witness, that when he performed that consecration there was a table in the chapel. He was then not acting for himself, but for his Brother the Bishop of London; and therefore, had there been no table, it would not have been for him, under the circumstances, to object; but he could assure his noble Friend there was a very decent communion-table in use on that occasion. He was bound to say that the noble Earl who introduced this subject had raised fairly and simply the legal question involved in it, and he deeply lamented the tone which the noble Lord (Lord Portman) had imported into the discussion. The noble Lord, not content with the opportunities he had of delivering himself in their Lordships' House, had started up as an orator and employed his great influence to excite upon this question the people of the parish of Blandford. In the speech which he addressed to his fellow-parishioners, however, he seemed to have said little on his own authority. The noble Lord told them that, "if he was rightly informed," so-and-so had happened—that "he believed" and "had heard" that such-and-such was the case; but could any one have credited that on a question of this sort the noble Lord would have proceeded on hearsay information only? He felt confident that if the noble Lord were to apply his powers of peace-making with only half the vigour that he had used in creating division, the difficulties which surrounded this matter would entirely disappear. His right rev. Brother had only asked that the parishioners of Blandford would have regard to his scruples on a matter which, in his eyes, involved a question of duty; but from the first it was regarded by the noble Lord and his friends as a matter of personal offence, a matter of unnecessary suspicion, and the supposition of this was the beginning of a train of evils. If the report of the noble Lord's speech at Blandford, as it appeared in the papers, was correct, the noble Lord must have spoken in a tone of disregard and levity utterly unworthy his high position. He was represented, but probably inaccurately represented, to have said that "they had better take care what they were about, for if they let the communion table in, the next thing demanded would be a picture of St. Peter at the other end." [Lord PORTMAN: Hear, hear!] Then that was a misrepresentation of the noble Lord. He was happy to have this disclaimer; he could not believe such a statement to be correct, especially after the very solemn assurances which the noble Lord had put forth of his desire for peace. The noble Lord was his debtor, therefore, for having been the means of getting this gross misrepresentation corrected in the face of the House. He had put that misrepresentation down as an injury to the feelings of his right rev. Brother, who had only discharged what he thought a sacred duty, and he had been grieved to think what great mischief might be done by a man in the position of the noble Lord sending forth absurd and unauthentic rumours about images of St. Peter. Considering that this question involved such important matters as the interests of peace and harmony, and the unprejudiced administration of the duties of his office by a Bishop, he deeply regretted the sort of scene which had that night been unfolded in the representations made by the noble Lord, and he earnestly trusted that, as his right rev. Brother had shown a spirit of perfect forbearance and straightforwardness in the course he had taken, he would have the sympathy and support—as, indeed, had already been extended to him—of every part of their Lordships' House.

LORD PORTMAN said, that the right rev. Prelate had gone somewhat too far in assuming that he had intended by his cheer to deny the fact of having made an allusion to the picture of St. Peter. What he did say on that subject was, that he considered the present proceeding of the right rev. Prelate (the Bishop of Salisbury) to be only the beginning of a course which, if suffered to pass unchecked, might lead to greater demands, and that the right rev. Prelate might, by and bye, if he thought proper, ask for liberty to put a picture of St. Peter in his chapel. Why did he say this? His reason for saying so was to be found in the charge of that right rev. Prelate, a passage of which he read to the House—and in which the right rev. Prelate claimed to be a descendant of the Apostles. Having read that extract, the observation he made upon it was, that it was quite natural that any man should wish to have a picture of his ancestors about him.

THE MARQUESS OF BATH said, he had the honour of belonging to the diocese of the right rev. Prelate to whom reference had been made. The noble Baron (Lord Portman) had left their Lordships to infer that there was a strong feeling of opposition to that right rev. Prelate, and that the whole of the laity in his diocese were opposed to him.

LORD PORTMAN: I never said anything of the kind.

THE MARQUESS OF BATH had heard of no opposition against the right rev. Prelate, nor was he aware of any necessity of any party feeling existing on one side or the other. He knew that the object of the right rev. Prelate had always been to produce peace and quietness in the town with which he (the Marquess of Bath) was more immediately connected.

THE EARL OF PORTSMOUTH said, he had given notice of his intention to present a petition of a similar character to the one under discussion, but he wished to postpone doing so for the present. It was highly desirable that something should be done to settle the dispute in this respect. The proceedings in some of these cemeteries were most disgraceful. Funerals by clerks and sextons were not uncommon in the West; and nothing could be more degrading to the Church of England than that such proceedings should be possible.

VISCOUNT DUNGANNON said he thought the requirements of the right rev. Prelate (the Bishop of Salisbury) were no more than were reasonable, for it was only proper that the chapels in cemeteries should be regarded as sacred edifices; and to that end they should be consecrated. He thought the right rev. Prelate had only done his duty in this case, and that he had throughout pursued a conciliatory and Christian course in strict conformity with the rules of the Church of which he was a minister; and he (Viscount Dungannon) regretted that in the heat of debate some observations which he thought were entirely uncalled for had been applied to the right rev. Prelate by a noble Lord opposite.

LORD PORTMAN, in explanation, was understood to say that after the speech of the right rev. Prelate (the Bishop of Oxford) who had just spoken, nothing would induce him, as a layman, to budge further in the matter.

THE BISHOP OF ST. ASAPH expressed a hope that the noble Lord would act; but that he would think before he acted. He besought the noble Lord, as an old friend, to think well before he refused to take any step in the matter.

LORD PORTMAN: I shall not act at all.

THE BISHOP OF ST. ASAPH: Oh, but do act.

Petition to lie on the Table.

## AFFAIRS OF ITALY.

THE MARQUESS OF CLANRICARDE said, it was not necessary to enter into any lengthened discussion of Italian affairs in putting to the Secretary of State (the Earl of Clarendon) the question of which he had given notice, though at an earlier hour of the evening and in a fuller House he might have been tempted to go at some little length into the events that had produced them. The subject of that question was of very considerable importance, for it was notorious that events of great gravity, which had more than once been adverted to in Parliament, had taken place in the north of Italy. Those events did not merely affect the happiness and tranquillity of the States in which they had occurred, but they also touched the honour and interests of this country, inasmuch as they were connected with the general condition of Europe and with treaty engagements to which Great Britain was a party. The circumstances to which he referred had been distinctly brought under the notice of France and England by the Ministers Plenipotentiary who represented Sardinia at the late Congress at Paris. Two notes had been presented by them to the Governments of France and England, as the Ministers of the country, which from its geographical position and its political associations felt itself deeply concerned in the matter, for the purpose of drawing attention to the State of Italy and of pointing out its bearings upon the other European Powers. With these documents their Lordships and the public in general were already acquainted; for versions of them, no doubt sufficiently accurate, had already been published; but he thought it was right that an authentic copy of such communications should be furnished to Parliament. There might have been reasons for delaying their production, but, considering the time which had elapsed since the communication took place, he did not think there could be any reluctance on the part of Her Majesty's Government to lay upon the table copies of the notes and of the replies which had been given to them. He deemed it most important that Parliament should be acquainted with the tone and attitude of the Government of this country upon a subject of so much gravity, and whether or not a discussion of the question might be desirable in Parliament would depend in a great measure upon the course pursued by Her Majesty's Government and the nature of their replies. He hoped the necessity for any discussion on this subject in Parliament might be avoided, but undoubtedly, unless affairs assumed a more satisfactory aspect, it would be desirable that they should be considered before the close of the Session. He begged to ask if Her Majesty's Government were prepared to lay upon the table the Notes of the 22nd of March and the 16th of April, presented by the Sardinian Plenipotentiaries at Paris to the English and French Plenipotentiaries, together with the answers which may have been given to those Notes?

THE EARL OF CLARENDON: My Lords, I feel that I owe your Lordships some apology for not having sooner laid upon the table the Notes to which the noble Marquess refers. Perhaps, as they had appeared in the newspapers, I did not attach to them so much importance as my noble Friend seems to do. With respect to answers to those Notes, acting with the French Plenipotentiaries, we came to an agreement that, as we had so fully and entirely discussed the whole question *vivâ voce*, and at repeated interviews, with the Sardinian Plenipotentiaries at Paris, it was not necessary to send any written answer. The first of the Notes was, in fact, a request, on the part of the Sardinian Plenipotentiaries, that the question of Italy should be brought before the Congress; and the best answer we could give was the answer we did give by doing what the Sardinian Plenipotentiaries asked—as your Lordships are aware the affairs of Italy were brought before the Congress. The second Note intimated that a satisfactory conclusion had not been arrived at by the Congress upon the Italian question, and asked for further discussion. It was of course necessary that the Sirdinian Plenipotentiaries should place on record something which would satisfy the Chambers and the people of Sardinia that they had called attention to the subject; and as Count Cavour understood that certain measures would be adopted for carrying out some of the objects he had in view, it did not appear necessary to send a written answer to this Note. However, after I returned home it came to my knowledge that it would be agreeable to the Sardinian Government to have some written record of the opinions of Her Majesty's Government with regard to the foreign occupation of Italy and the desirability of its ceasing. I could not have the least hesitation in complying with that wish, as I could only repeat on paper, and in the name of Her Majesty's Government, what I had said at Paris. I therefore wrote an answer, which I now lay upon your Lordships' table, together with the two Notes. It certainly may be necessary, before Parliament separates, to have a fuller discussion upon Italian affairs; but such a discussion might be injurious at the present moment, for it must be remembered that we are not the principal Powers interested in the question. The armies now occupying the Italian territory do not belong to us. It is only Austria and France who can take measures for withdrawing those troops; and after having so long occupied the territory, and created a state of things which exists under the shelter and protection of foreign troops, those two Powers are bound to take care, before they withdraw their forces, that they can be withdrawn without danger. I believe, I may say without impropriety, that both those Governments are sincerely desirous of withdrawing their armies, and are at this moment actively preparing to adopt that course.

House adjourned till To-morrow.

---

# HOUSE OF COMMONS,

*Thursday, June 5, 1856.*

MINUTES.] PUBLIC BILLS.—1° Oxford University; Insurance on Lives (Abatement of Income Tax) Continuance; National Gallery Site.
3° Sleeping Statutes.

## TENANT RIGHT (IRELAND) BILL— QUESTION.

MR. STAFFORD asked whether the Government intended to propose any Amendments in the Tenant Right (Ireland) Bill; and, if so, whether they would place them on the Notice Paper before Wednesday next, on which day the Bill stands for Committee?

MR. HORSMAN said, that the hon. Gentleman had put his questions in such a form that it was necessary to make some explanatory remarks before replying specifically to them. The House would remember that, at the commencement of the Session, the noble Lord at the head of the Government, upon being asked whether he intended to legislate during this Session upon the subject of tenant right, stated that the occurrences of last year had not given the Government any encouragement to hope to legislate successfully, and that, therefore, it did not intend to introduce or to take charge of any measure upon the subject. The hon. Member for Mayo (Mr. G. H. Moore) having obtained leave to introduce a Bill, the House had a fair right to expect from the Government, upon the question of the second reading, some explanation of its intentions, and he (Mr. Horsman), being responsible for the omission of any such explanation, begged to express his regret for that omission. When the hon. Gentleman sat down there were only six Gentlemen on those (the Government) benches; and he was unwilling to speak in the absence of those hon. Gentlemen who had taken an active interest upon this subject in former years. He was in expectation that some of those hon. Gentlemen would have entered the House, and therefore he waited, believing it very improbable that the discussion would terminate with the speech of the hon. Mover of the Bill, inasmuch as there were two Gentlemen present who were likely to speak after the hon. Member. He (Mr. Horsman) was however mistaken, and the House divided without any expression of opinion on the part of the Government. The hon. Member for Mayo (Mr. G. H. Moore) expressed a desire that no discussion of the provisions of the Bill should take place on that occasion, but that the House should simply reaffirm a Resolution it had affirmed in the preceding Session—that the relations between landlord and tenant in Ireland were not on a satisfactory footing. The Government had no difficulty about reaffirming that Resolution, although he (Mr. Horsman) could not think that such a declaration of opinion would lead to any practical result. He had been quite prepared to state the view of the Government, that proceeding to Committee upon the Bill would be a mere waste of time, but a general cry of "Agreed" arose upon the other side of the House, and there was only one cry of "No," and that did not proceed from the hon. Member for Northamptonshire (Mr. Stafford); and, therefore, seeing the general feeling of the House, the Government deferred to it. As, however, the Government had opposed last year the measure of the hon. Member for Kilkenny (Mr. Serjeant Shee), which was not so extensive in its character as that of the hon. Member for Mayo, it was not likely that they would support the objectionable provisions of the present Bill. If, when the Motion for going into Committee upon that Bill was made, the hon. Member for Northamptonshire would move its committal on that day six months, he would have the support of the Government.

Mr. DRUMMOND thought it would be as well to know whether the House was to look to the hon. Member for Northamptonshire or to the Secretary for Ireland for a declaration of the intentions of the Government upon Irish matters.

## RELATIONS WITH THE UNITED STATES—REPORTED DISMISSAL OF MR. CRAMPTON—QUESTION.

Mr. DISRAELI: Seeing the noble Lord the First Minister of the Crown in his place, I will take this opportunity of inquiring whether it be true that Her Majesty's Minister at Washington has quitted that capital at the request of the President of the United States; and, if true, whether it is the intention of the Government to make any statement to the House to-day as to the relations at present existing between this country and the United States of America?

Viscount PALMERSTON: Indirectly Her Majesty's Government have received intimation of the fact to which the question of the right hon. Gentleman refers—namely, that Mr. Crampton had received his passports, and had quitted Washington for Toronto. Nothing from him has been received as yet; and I have no further statement to make at present.

## MR. LONGWORTH'S MISSION TO THE CIRCASSIANS—QUESTION.

Lord CLAUD HAMILTON wished to ask Her Majesty's Government whether they had any objection to lay on the table any Report which they had received from Mr. Longworth, as to the result of his mission among certain tribes of Circassia?

Viscount PALMERSTON said, he did not think it would be proper to lay any such Report before Parliament. Such a Report would, in fact, furnish very little information; and whatever information it might contain, as it would relate to any intercourse which Mr. Longworth might have had with persons on the spot, he thought it was undesirable that it should be produced, as it was obvious that the relations of those persons with the Russian Government, whether as dependants or as enemies, would be prejudiced by such a step.

## EDUCATION OF OFFICERS OF THE ARMY.

On the Order of the Day for going into Committee of Supply,

Mr. SIDNEY HERBERT, in rising to call the attention of the House to the Education and Instruction of officers in the Army, said: Sir, I have to thank my noble Friend the Member for Haddingtonshire (Lord Elcho) for allowing me precedence in bringing this subject under the notice of the House; and before I do so I may state, as shortly as I can, the reasons which have induced me to adopt the not strictly regular course of bringing forward on the Civil Estimates a Motion having reference to the army. The House will recollect that at the commencement of the Session, Estimates were laid upon the table, framed with a view to the expenditure of the year on the supposition that the war would continue, and upon those Estimates money was taken on account. Since that time we have had a Supplementary Estimate laid upon the table, stating the smaller amounts which will be required to be taken; but we have had no revised detailed Estimate, showing on what items reduction will be made, what will be altogether omitted, or what increased. I observe that there has disappeared from the Estimates which had been placed before us for the present year, an item not large in amount, but which, I think, and the majority of the House will think, of great importance—the Vote for the education and instruction of the officers of the army. I can understand, that while the war was at its height the Government should be unable to inaugurate any change or to establish any new system with respect to the education of officers; but I regretted extremely to find in the amended Estimates, which have been avowedly drawn up since the termination of the war, that this item has been withdrawn, for the first time since they were submitted to and received the approval of Parliament, when, as Secretary at War, I had the honour to propose the Army Estimates to the House. Now, I wish, by bringing forward the question this evening, to elicit some expression of opinion from the House as to the necessity of creating some means of affording facilities to officers of the army to perfect themselves in the higher branches of their profession — in the first place, to regimental officers, but still more to officers on the staff. My hope is, that if in the course of the debate I should meet from different Gentlemen that interest and that support which I trust I may obtain, the Government may be induced, previously to discussing the reduced Army Estimates, to produce a revised Estimate, in which provision may be made for the instruction of regimental and staff officers. We have, at this moment, an immense opportunity before us of creating, *de novo*, a peace establishment which shall be free from the errors and defects of that which was too hurriedly created at the commencement of the great peace. At that time there existed in the country the strongest feeling of hostility to the army. In 1816 the petition called the "London Petition" was presented to Parliament, protesting against the maintenance of the army—although that army had been reduced by a great amount—as incompatible with the constitution and prosperity of the country, and as sapping the foundation of the national liberties; and the strength of this feeling may be inferred from an opinion which the Duke of Wellington expressed to myself not many years ago, when I proposed that there should be an encampment of a large body of men for instruction in field duties. The Duk of Wellington declined to listen to that proposal, and founded his objection upon the feelings entertained by the country towards the army in the first years after the peace. He said, "Depend upon it, the only way to maintain an army in this country is to keep it out of sight." I think there is no doubt that the unpopularity of the army at the period in question arose from its having been used as a police force in the repression of political disturbances. At that time it was the custom of the Government to deal with grievances rather by repressing the symptoms than by removing the causes. At any rate, whatever the reason, the army was at that time very unpopular. Much of the change now observable in the feeling of the country towards the army, has arisen from the great improvement in the army itself, and from the increased good conduct of the officers and men. At no period of our history was the army more popular than it is at this moment, nor was there ever a warmer or more general sympathy with the army, or a greater desire to see it efficient; and therefore, in endeavouring to give increased facilities for study and instruction to officers, the House will have this immense advantage, that it will carry the opinion of the country with it. I apprehend that the new organisation of the army will greatly facilitate instruction in the higher branches of the service. I presume it is intended that the army shall no longer be scattered about the country in single regiments, much less in detachments of regiments dispersed as they have hitherto been; but that you desire to agglomerate, as it were, your forces together as much as possible, and have something worthy of the name of an army. I do not mean that you are to have an army of greater numbers than you have hitherto possessed; but I presume it is intended that, instead of being broken into isolated bodies, which remain perfectly ignorant of the functions appertaining to them in time of war, they shall be brought together in brigades and divisions; that they shall habitually be exercised together, and that the advantage which the troops in Dublin have hitherto alone possessed shall be extended to the whole force in England. With regard to the amount of the peace establishment, I do not presume to say what its numbers should be. The Government are the only persons to judge of that; but this I will say, that when we proceed to make the reduction to a peace establishment, we should take care not to make that reduction in those corps where the necessity for scientific education is the greatest, and where the amount of training required is the longest. You cannot expand upon a sudden a scientific or a highly-trained corps, but you can expand more rapidly the other corps of the army—the cavalry and the infantry of the line; the engineers and artillery are, therefore, the last corps upon which the hand of retrenchment ought to be placed. I believe we shall never have, and never ought to have, such an army as the great military nations of the Continent possess. The existence of such an army would be foreign to our habits and to our institutions, and I do not wish to see it; but we ought to compensate for our numerical inferiority by the highest possible training and efficiency in the force which we maintain.

It is to be presumed, then, that our army will be divided into divisions and brigades, for two reasons—first, because that is the only decision to which a Minister of War can come, that is compatible with common sense; and, secondly, because it has been announced that this plan will be carried out in the Colonies, and therefore, *a fortiori*, I presume it is intended to be carried out at home. Now, in asking the House to listen to a plan, I am acting contrary to the advice generally given to Members unconnected with the Government, never to expose any plan of their own, because, if the plan be bad, it will be pulled to pieces, while if it be good, the credit of it will be got by the Government that adopts it; my object is not to avoid criticism, but to put something tangible before the House which may assist them in forming a judgment upon this question. And, when I speak of giving greater facilities for the instruction of the army, I wish to be understood as casting no imputation upon the army as it is now constituted; that army has done wonderful things, and if there have been any failures, or rather any drawbacks to our successes, they are not the fault either of the officers or the men. It has been customary to say that this House has been guilty of parsimony towards the army; that we are blameable for these shortcomings. That is true in one sense, but not in the sense in which it is usually understood. I have seen calculations, the object of which is to show that it would have cost us much more to maintain a large army through the peace than to create one by a great effort at the beginning of a war; but the amount of money which would render an army efficient by giving it a good training, is small in comparison with that necessary for the maintenance of an army, great merely as regards the number of men composing it; and the amount required to maintain an efficient though small force is nothing to that required to maintain a large army completely uninstructed. I may say, in drawing a comparison between our army and the armies of foreign countries, I find, from all I have heard from military men who have seen our forces in the field by the side of allies and of enemies, that in many respects we enjoy a certain superiority. For instance, with regard to equipments, as to which there is a great variety in the comparative condition of the different armies which were engaged in the Crimea—in the matter of tentage the Turks stand first, the English second, the French third; in that of clothing, the French are first, the English second, the Turks third; and in that of arms, the English are beyond comparison first, the French second, the Turks third. With the Russians no comparison is possible, as no opportunity has been afforded of instituting one; but in the three armies I have mentioned we have every possible variety of advancement in the one point of equipment. I believe, too, it will be very shortly admitted as a fact that in spite of the privation, suffering, and disease endured by the English army, its mortality was less in proportion to its numbers than that of any of the other armies engaged, including the Russian. I am not, therefore, going to bring any charges against our army; on the contrary, I think it is wonderful that men provided with no means of learning the higher branches of their profession during peace should have adapted themselves so rapidly to a new state of things, and, by their determination, energy, courage, and constancy, should have achieved such immense results.

I will not deal, except in passing, with the question of the instruction of the men, because, as regards them, a plan is already in operation which is, no doubt, like everything else, susceptible of improvement, but which is being improved and extended every day—we are, at any rate, in the right groove. One observation, however, I must make. In a pamphlet, very well worth reading, entitled *Thoughts on Military Administration*, by a Field Officer, dated Aldershot, 1855, some criticisms are offered upon the proceedings at that encampment which are deserving the attention of the House. The author remarks—

> "Our soldiers, in other respects so efficient, are notoriously wanting as compared with the

troops of other European countries in contrivance and resource, and less fitted, therefore, to cope with many of the difficulties and privations to which all armies in the field must at times be exposed."

The obvious cause of this is, that the high state of civilisation at which this country has arrived, prevents the humbler classes from having recourse to those makeshifts which, in less civilised countries, are the habitual arts of the peasantry. "And yet," continues the author—

> "I believe that, with nearly 10,000 soldiers and militia on the spot during the past summer months, civil labour has been employed almost exclusively at the camp. You build, drain, construct roads, bake, butcher, and wash by contract, and contract alone. Now, I do not enter into the question as to whether this is the most economical expedient that can be resorted to under such circumstances; but it certainly is not calculated to impart that knowledge or those habits to the troops of which they stand so much in need."

I heartily concur in that opinion. At the same time there is this to be said for the Government—that they had to deal at Aldershot, principally, with a large militia force, and it was more important at that moment to convert labourers into soldiers than soldiers into labourers. But there was also there a large body of the line, and I certainly regret the great opportunity which was lost of thoroughly instructing those men how to drain, make roads, construct bridges, and build huts for themselves. In future, they must be taught something more than their drill—the army must be made, so to speak, self-sufficient for its own purposes.

Before passing from this subject, I fear I have a quarrel to pick with my hon. Friend the Under Secretary for the War Department—this time for the insertion of an item in the Estimates, or rather for the manner in which the money voted is to be applied. The regimental schools have become so numerous, that it is out of the power of any one individual, however able, to conduct the work of their inspection. It has overtasked even the energy of the present Inspector General; and three additional inspectors have, therefore, been appointed. So far good—but, as the object of the Government must have been to make the instruction of the army more military, more professional than it was, the course taken by the Government in the selection of these new inspectors strikes me as being singularly defective; for, instead of appointing military men for the new inspectorships, the Secretary of State has nominated to two of those offices gentlemen who are clerks in the War Office; that appears to me to be a great mistake—for, although these gentlemen are, no doubt, efficient and indefatigable men in their proper situations, they are no more fit to inspect these schools than I am. The principle to be adopted should have been this—these inspectorships should have been kept as prizes, open to officers who have distinguished themselves in the higher and more scientific branches of the profession of arms, and who would therefore have carried more weight with them than any who could be introduced into the army from the civil service. I have seen a Minute of the Privy Council which proposed to place those regimental schools under the inspection of the Privy Council. That was certainly a most objectionable as well as fanciful idea; but I am happy to hear it has been abandoned. Officers commanding regiments are not some of them much disposed to education at all; but certainly, least of all, would they be induced to regard with favour an educational system for the army not under the direction of the Horse Guards, nor would they have bowed to the authority of the rev. Gentlemen who are inspectors under the Privy Council. They would probably have resisted their authority; the Privy Council would have complained to the Horse Guards, who would have backed their own men, and there would have been a continual war between the Horse Guards and the Privy Council, in the meantime the schools would have greatly suffered. It is, therefore, I think, fortunate that this plan has been abandoned.

I now come to the question whether or not means of instruction should be afforded to the officers of the army. A few years ago any project with that object would have been very unfavourably received. It was not so two years back. I hope it is not so now. I think the popular fallacies upon this subject have died away. An idea was once prevalent that there was some sort of antagonism between knowledge and action; that if a man was instructed in his duty, he was likely to become a pedant and a bookworm, and no longer to be an active, zealous, handy officer. Now, it cannot be denied, that there is no effective substitute for experience; war is, of course, the best school for soldiers. But although armies are created for purposes of war, their more habitual state is a state of peace—war is not the rule but the exception in a soldier's existence, and long may it continue to be so. Well, the only substitute that an officer can have for his own experience in war is the experience of other men, and by every nation except England that principle is recognised. Some people speak lightly of it as a mere theoretical principle; but Napoleon, no mere theorist in the art of war, was himself a highly instructed officer, and he never had his hand off the military colleges and schools of France, some of which he himself created, while others he remodelled, always with the view of raising around him that phalanx of officers who led the French armies to victory. I have read with great care an able Report on the subject of education at Sandhurst, and I will quote one or two sentences from the evidence upon which it is based, in which much valuable matter is to be found. I must first, however, remind the House that in 1850, the Duke of Wellington issued his "confidential memorandum," in which he proposed, in the first place, to examine young men who were candidates for commissions, and then to have a further examination on promotion to the ranks of lieutenant and captain. Here is the opinion of Lieutenant Colonel Adams upon this subject:—"Generally speaking," he says, "the officers of the army have no education at all, and they have nothing to interest them." But recollect what is done with young men who intend to enter the army. I ask any Gentleman who remembers his own education, whether the great bulk of what he knows was not acquired after, not before the age of sixteen, and that not through the instruction of masters, but by his own self-teaching? And why? Because at that age he began to feel the responsibilities of life pressing upon him, he began to prepare himself for the struggle upon which he was about to enter. But what happens now when a young man enters the army? That is just the time when he shuts up his books; his education is assumed to be ended—he is told that he is "an officer and a gentleman," and undoubtedly he almost invariably, it must be allowed, acts up to that character worthily. But how great to him is the disadvantage of thus closing his studies at that time! Just at the period when the mind is most susceptible of improvement and good impressions he is debarred from instruction, and forced to learn nothing besides the bare routine of his regimental duties. Colonel Adams proceeds to say—

*Mr. Sidney Herbert*

> "If they know anything it is a little Latin, nothing more, and how are they to amuse themselves? They do not take any interest in any reading; they do not know surveying; nor are they interested in military matters at all. But I have observed that officers who know anything, instead of engaging in racing and billiards, will say, 'Let us go out, and take a sketch of such and such an object to-morrow.'"

That is the spirit we want to encourage. We want to put the minds of our young officers in the right groove. And what does Colonel Prosser say?—Lord Lovaine asks, is it of no use to consider these things as anything but the means by which the men after all must acquire knowledge in the field—they are but steps? Colonel Prosser replies—

> "I regard them as a means of facilitating them very much. In the application of that, I may mention that Sir John Jones mentions the apathy of the officers in the line, and the absolute want of assistance on their part, because they know nothing about it; but by teaching them the nature of saps, approaches, and so forth, they enter readily into it and assist the engineers with spirit."

Again, General Pasley mentions, in the account of the siege of Copenhagen, that "there was not an officer or a private with him who knew anything of the construction of fascines and gabions." I will read another extract, because it is the statement of an important witness. Undoubtedly, Sir John Burgoyne gave strong opinions against the requiring a high education for officers of the line; and I was surprised at that circumstance, because there does not exist in the service a more accomplished or more highly educated officer; and I should have supposed he would be the last person to depreciate acquirements which he possesses in an eminent degree himself. He said that the Duke of Wellington could not solve a problem of *Euclid* when he was at the head of the army. I dare say not, and I do not know why he should when at the head of the army. The object of teaching an officer mathematics is not so much to enable him to solve a problem in *Euclid* as to train him for receiving scientific military instruction. The illustration, however, I must say, is not a felicitous one, because the Duke of Wellington was one of the few officers of the army who had received a scientific education, having been educated at the military college of Angers in France. But Sir John Burgoyne is asked—How far on active service is it of advantage, that officers of the line should understand the principles and operations of fortification? And he answers—

> "It would be a great advantage if the officers generally of the line, in a siege for instance, understood the principles of fortification; many of them were quite at a loss during the operations in the Crimea, to perform the duties that are really required to make the best use of their position, which they would understand better if they knew more of fortification; but it is hardly to be expected that every officer of the line should attain much knowledge of it."

Certainly, I do not see how officers are to attain such knowledge, if you do not give them the means of acquiring it; but if facilities are afforded, I do not see why they should not do so. I do not say that it is necessary for every officer to acquire the same amount of scientific information as engineer and artillery officers, but they should all know enough to understand the fundamental principles of the operations in which they are engaged, so that they might be enabled to avoid mistakes and prevent unnecessary sacrifice of life. I will quote one other sentence, and I refer to the passage, because it is important as bearing on the cause of the drawbacks to our successes in the Crimea. In Captain Morton Spearman's notes on military education, it is stated:—

> "The strength of every army depends more on the instruction and talent of its officers than on its numerical value. It is those armies, therefore, in which the education of the officers has been most carefully attended to and developed that are most to be depended on in the hour of need. Everywhere except in this country this is a recognised truth. On the Continent it is practically acknowledged. Many persons have remarked the difference in result between the earlier and later campaigns of the British army in the last war; few the means by which that difference was initiated. To dispute the zeal and devotion of either the officers or men engaged in those earlier campaigns is impossible. But the fact is, that, in 1793, neither the regimental officers nor the officers employed on the general staff of the British army were sufficiently instructed either in the theory or in the practice of their profession. To the want of such instruction, especially of theoretical instruction, experience has since shown that the early disasters of the war are alone to be attributed."

The following curious sentence was dictated by Napoleon to Montholon, at St. Helena, in which he alludes to some observation he had made to his brother Louis at Toulon:—

> "Brought to France when fourteen, Louis entered on the life of a man at the siege of Toulon on hearing me say to him, in the midst of the corpses of 200 grenadiers slain through the ignorance of their commander, at the assault of an impregnable side of Fort Pharon:—'If I had commanded here, all these brave men would be still alive. Learn, Louis, from this example, how absolutely necessary instruction is to those who aspire to command others.'"

Well, my own belief is that the opinions as to the non-necessity of instruction to officers have been dissipated by the experience of the last war. I believe that many Gentlemen would not now be found bold enough to express the opinion, if it be entertained by any, that mischief and danger will result from military instruction. I am not going to contend for high literary acquirements. What I wish for is strictly professional and practical knowledge; and when people argue that the cultivation of the intellect detracts from the activity of the body, I must say I am at a loss to know where an example is to be found of this physiological curiosity. There may be persons of very great intellectual and very little physical powers; but I cannot understand why the muscles of a sound, active, and vigorous man should shrink, or his spirits abandon him, merely because he is taught the reason and cause of the work he is engaged in. One-half of the complaints of the conduct of officers during peace, of vulgar jokes and boyish follies, has resulted from the forced idleness of their position. Cases in which these complaints have been made will be in the recollection of the House. I will not mention the names of the regiments, because the courage and the constancy with which they afterwards faced danger, privation, and suffering do them the greatest honour, and entitle them to the oblivion of any follies they may have committed in a time of peace.

I will just explain shortly what the present system of military education is, and how I propose to amend it. The young men intended for the artillery and engineers are placed first at the preliminary establishment at Carshalton, and thence go to the academy at Woolwich, and are there transferred to the practical class. Those intended for the line may go at the age of thirteen years to Sandhurst, where they remain till they are old enough for their commissions, or they may receive their commissions without passing through any military school. Now, in reference to the age at which these boys are taken into the military establishments, I do not believe that it is the business of the State to give education to children; I do not believe that the State can give it effectually or well. I do not believe that either at Carshalton or Sandhurst the boys acquire the same healthy tone of feeling or of morals by one-half as they do at the great English public schools. I therefore think it advisable that they should not be sent to Sandhurst until after the period when a boy's education is completed at a public school or at home. When he has been so educated, then take him and convert him into an officer. With respect to Carshalton, I propose, therefore, that it should be altogether abolished as a preliminary school to Woolwich; and with respect to Sandhurst, I propose that, instead of taking boys of thirteen years of age, they should be taken at sixteen. At present the students are subjected to a system of discipline properly applicable to persons of more advanced years; and I believe the system does not work well, but fails. It is admitted by all, and here I might again quote the evidence before the Sandhurst Committee, that it would be advantageous to introduce a greater number of officers into the army through Sandhurst, and you can do so by shortening the course of those who go there. It is true that I have heard that the youths from Sandhurst, when they join their regiments, are not well looked upon. They are considered conceited with what they know, and not to have the same gentlemanly tone as boys from other schools. The reason, however, of their being considered conceited is because they stand in a peculiar position—they know more than the rest—they have received a regular military education, not shared in by their fellows. That ground of objection would be at once done away with by raising generally the standard of military education throughout the army;—and really, if that objection against Sandhurst means anything, it amounts to this, that ignorance of military matters has become a sort of badge of gentility. I will not enter into details about the defects of the establishment at Sandhurst, but I will say one word about the system of passing by what is called "steps"—that is to say, the boys are instructed first, say in one language or science, carried to a certain point, and there left, and then instructed in another. It is a system of cramming, and when a boy is crammed to a certain extent in one branch of instruction, he is compelled, as it were, to forget that, to shoot all the rubbish he has taken in on that head, and, having so emptied his memory, he is carried on to another. That is radically wrong, and I believe that the masters at Sandhurst, if you could hear their opinion, are convinced of it. You have an examination there of a high standard to which boys may submit themselves, and if they pass it they get a commission without purchase. That is the only examination out of Sandhurst; but the boy who knows that his father can purchase for him, or has interest at the Horse Guards, will not trouble himself to pass that examination; and I believe there are instances of a boy who has been plucked at Sandhurst afterwards getting a commission, either by interest or purchase, having gone through the minor examination which is established for those who enter the army without having been at Sandhurst.

The fact is, that there are two entirely different modes of getting into the army; and I believe the result to be that a great proportion of boys at Sandhurst, who know that there is no absolute necessity for them to go through the ultimate examination there, do not trouble themselves about it. The great incentive to study — an inevitable examination in prospect—is thus entirely lost. What I propose is to reduce the course at Sandhurst to eighteen months or two years, taking the boys at the age of sixteen, and to make several alterations in the education, the tendency of which would be to render it more practical and less theoretical; and after the course at Sandhurst, I should propose that those boys who showed the greatest aptitude for chemistry, mathematics, and so on, should go to Woolwich to prepare for the artillery, and that those who showed the greatest aptitude for architectural science and the like should go to Chatham to prepare for the engineers. I would have also a third school for the cavalry, where those officers who are destined for that arm should learn veterinary surgery and farriery besides, and all such matters as are necessary for a cavalry officer to know. This school, of course, would most naturally be placed at Maidstone, which is our great cavalry depôt. I would propose that no one should be admitted into the army who had not passed the examination at Sandhurst, or, at all events, an examination equal to it. It has been argued that every man who goes into the army should pass through Sandhurst; but I do not think that would do. It would tie parents up too much;

and I do not think it would be suited to our English habits to force all through a particular or exclusive educational establishment. I would require that from whatever schools the boys came, they should pass through as strict an examination as is required in the military schools. Besides, as an examination between boys keeps boys up to the mark, so an examination between schools keeps masters up to the mark, which is equally important. At the open examinations at Woolwich—which the pressure of the war rendered necessary not very long ago, first, I think, in the time of the Duke of Newcastle, and then, again, of Lord Panmure—it was found, to the astonishment of the examiners, that some of the stranger boys were ahead of the boys at the Academy, and I believe that that has not been without its effect on the professors at Woolwich. In order to secure perfect impartiality, the examination should not be conducted by the Sandhurst professors. You must have a separate board of examiners; and this board would play a considerable part in my plan.

Having got the officer into the army, then comes the question how we are to deal with him afterwards. At this moment you have for promotion a certain, or rather an uncertain examination. It is an examination, for example, of an officer whether he knows the different duties of a company, the places of officers in a battalion, and so on; but whatever examination there is it is a defective one. It is an examination which some captain in the regiment is ordered to make; but it does not at all follow that the captain is very much more instructed than the officer who is to be examined. That may or may not be, but, at all events, the character of the examination must vary very much in each regiment. The Duke of Wellington, in his confidential memorandum, contemplated one universal system of examination throughout the army. Many persons are apt to suppose that, because little was apparently done in this direction during the time that the Duke was at the Horse Guards, therefore he was opposed to a system of examinations; but that is not so. He began by proposing, first of all, that all candidates for commissions in the army should be examined in a certain manner, and that was done; but the rest of his plan fell to the ground. The examination which he established was not a high one. The East India Company have adopted identically the same plan of examination, and it has now been in operation for some years; but it has not been found that the standard is too high, for, during the whole time that it has been in operation, there have been only four rejections. The Duke proposed that the officer who had obtained his commission should afterwards undergo an examination for promotion in certain subjects, of which he gave a list. A lieutenant who had entered the service subsequently to July, 1849, was to be required before his promotion to a captaincy to pass an examination in geography, history, the first six books of *Euclid*, the properties of the circle, algebra, logarithms, trigonometry, mensuration, and fortification, with the principles of which latter science he was to be sufficiently well acquainted to project a plan on the system of Vauban, the provisions of the Mutiny Act, the Articles of War, and so on, besides, of course, the evolutions of a battalion.

In January, 1854, I proposed a plan which will be found in the appendix to the Sandhurst Report. That plan obtained the sanction of the Horse Guards. I then applied to the Treasury for money to enable me to carry it out, and the Treasury having given me permission to take a sum in the Estimates for the purpose, I explained my plan to this House, and the House approved it. That was before the war. Now that is the plan which I lament to see is dropped out from the Estimates of the present year. My proposition was, that there should be a board of examiners for the purpose of conducting all examinations, whether for commissions or promotion, and I believe these examinations would give employment to at least three persons. In the year ending in March, 1853—that is, before the war—there were 441 ensigns and cornets who received commissions, and 365 lieutenants and 282 captains were promoted; so that there were 1,088 persons in all who would have been subject to examination. The examiners should be men of weight, and the President ought to be the Director General of military education. They would go down to Sandhurst to examine for commissions, and they would also examine at London, Edinburgh, and Dublin. Questions would be sent out to every station which officers, being candidates for promotion, would have to answer in the presence of an officer of the staff specially appointed for the purpose. I am aware that objections have been urged to this plan. In the navy, it is said, an officer can study his profession, because he is always on board ship; he has his books with him, and he has his naval instructors always at his elbow; but that it is not so in the army. There are no such instructors in the army, and the officer who is on a foreign station has no facility for procuring books or instruction. I would propose to station an officer at the head-quarters of each division to act as military instructor, of whose services for the purpose of passing through a course of military education every officer who chose might avail himself. In the Colonies and in outlying stations, it is said, it would be impossible for officers to avail themselves of the services of this military instructor; but field operations are generally carried on in the summer, and in the winter there is inaction, so that there would not be much difficulty in an officer obtaining leave to repair to head-quarters to place himself under the military instructor of the division. In cases where even this was impossible, promotion might be given, as in the navy, subject to the condition of passing the requisite examination at a future opportunity. The instructors should all be military men who had passed through the senior department at Sandhurst, and I would give them good pay and the rank of staff officers while they held their appointment. The advantages derivable from a position on the staff would stimulate the ambition of officers to qualify themselves for it. I would also give them the duty of inspecting regimental schools. It has been proposed, as I have already stated, to put these schools under the inspection of the Privy Council or of a War-office clerk, but by making these military instructors inspectors of them you would gain the advantage—first, of being able to inspect the schools in the Colonies, which you could not do either by a Privy Council inspector or a War-office clerk; and, secondly, of keeping your instructors from rusting by constant familiarity with the business of education.

I now come to the question how we are to deal with the staff. In France they have a staff school and a staff corps quite distinct from the army. The system is to send a young man first to the Polytechnic or to St. Cyr, whence he can enter by competition into the *Ecole d'Application*, privates and non-commissioned officers likewise competing. When an officer has attended this school for a certain period and passed an examination, he has to serve two years in the infantry, two in the cavalry, and two in the artillery—thus spending six years in making himself acquainted with all the branches of the service. He is then called to serve as a captain in the staff corps, and from that moment all his promotion is there—he never goes back again as a regimental officer. That is not the system either in Prussia or in England. Here every officer who has been taken from his regiment and has served five years upon the staff is, or ought to be, at the end of that period, sent back to his regiment. But we have a staff school. During the last five years of the Peninsular war, I believe, there was but one officer on the staff of the Quartermaster General who had not passed through our staff school at High Wycombe. I am afraid we have retrograded in that respect within the last few years. The staff school at High Wycombe, afterwards moved to Farnham, produced some of the most eminent men in our army. It was established by the Duke of York, and was at first presided over by General Le Marchant, and military instruction was given by a distinguished French officer, General Jamy, who had left the French army with Moreau. Among the celebrated officers educated there I may mention the names of Sir George Murray, Sir John Hope, Sir Richard Bourke, Lord Hardinge, General Wetherall, Sir Charles Napier, and Sir William Napier. The school was removed first to Farnham and then to Sandhurst. Its original course of instruction was much superior to that which obtains now. Military science has comparatively dropped out and mathematics have got almost exclusive possession of the school. In the senior department I am told that the text books are in the proportion of one on military science to seven on mathematics. But that department has languished, because during peace you have not taken officers from it for the staff. You have not had your army in divisions or brigades; and a number of scattered regiments does not deserve the name of an army any more than a number of scattered men can be called a company. There has been no proper staff employment, and, there having been no great necessity for good staff officers, the senior department at Sandhurst has lost its prizes, and with them its efficiency. I want to restore it to its former effective state. The whole establishment, when at its best, cost but £5,080 a year, showing how small is the sum by which the additional efficiency of an army can be secured. I have consulted many military officers with respect to the comparative merits of the French system and our own. There is one great defect in the former as applicable to our army. We want to inoculate the whole army with a more professional spirit. The professional spirit in the navy far exceeds that in the army. Naval officers are more thoroughly devoted to the duties and interests of their branch of the service than military officers. I think the object would not be attained by the establishment of a separate staff corps. For if you make a separate staff corps, which is to be a distinct caste, it will be regarded with jealousy by the other departments of the army, and you will not have the advantage derivable from the return of highly qualified and instructed officers to their regiments. I do not propose, therefore, to adopt the French system, but to revert to our old plan, only making it compulsory instead of optional. I propose to remove the staff school back to Farnham, where, being in the neighbourhood of the head-quarters of Aldershot, it will be close to a vast camp, and will see all the operations of an army conducted on a large scale. I purpose to leave the junior department at Sandhurst, and thus, in addition to other advantages, get rid of the objectionable practice of putting officers and boys together. After consulting with military officers whom I thought capable of giving me sound advice, I have come to the conclusion that, following so far the French system, every officer who serves upon the staff should not only go through the staff school and qualify himself for the higher duties of his profession, but should be attached for a certain period as a supernumerary to each branch of the service. In France, six years is the period allotted for that purpose, two in each branch of the service. In the evidence before the Sandhurst Committee, six months in each service is recommended. I believe, however, having consulted others, that three years of such duty — one in the infantry, one in the cavalry, and one in the artillery— would, in addition to the staff instruction at Farnham, be sufficient to procure a good staff officer. But, it may be said, what advantage will an officer derive if, after thus qualifying himself, his position with respect to the staff is no better than that of others? I confess the present system is indefensible. An officer is not only anxious to serve upon the staff, but is ambitious, and wishes to make himself conversant with the higher scientific branches of his profession. He asks leave of absence from his regiment, in order that he may go to the senior department at Sandhurst; but his request cannot be complied with unless he has served four years with his regiment and has passed a certain examination. If, however, he gets a nomination to the staff itself, then no examination is necessary; so that, in fact, you do not require for an actual appointment on the staff what you demand from an officer who merely wishes to prepare himself for the staff. I propose that it should be laid down as a rule—speaking, of course, of times of peace—for all rules disappear in time of war, which is itself a rude, but nevertheless the best of all instructors—that no officer should be eligible for a staff appointment who has not passed through the staff school with a certificate, or passed an equivalent examination if he has studied elsewhere, and who has not served for three years in each branch of the service, namely, one year in the infantry, one in the cavalry, and one in the artillery. It may be urged as an objection to such a plan, that it might exclude many officers who, though men of talent and energy, are not scientifically instructed. In the first place, I answer, that if you exclude one man you probably get another just as good, but I doubt very much whether it would have any such effect; for if an officer thought he had a chance of getting on the staff, he would naturally be induced to obtain the necessary qualifications, and would be impelled by a sense of his own interest to go in search of them; and thus you would get such men, with all their talent and energy unimpaired, *plus* all the scientific knowledge to be imparted at Farnham. Such is an outline of the scheme I propose. I am supported in its favour by the opinion of Sir Howard Douglas, a competent judge, who has suggested a plan for the re-establishment of the staff school, in accordance with my proposal; and by that of Major Addison, one of the officers whom I intended to appoint as staff instructors, the others being Colonel Moody, late of the practical class at Woolwich, Captain Watson, a man of great ability, and Captain Gleig, also engaged at Woolwich. I think, therefore, it will not be unacceptable to military men.

Let me recapitulate shortly what my proposals are. I propose to do away with all military education under the age of sixteen. I propose to admit students in larger numbers to Sandhurst, and to increase that establishment in proportion to the additional number of inmates. I propose to admit them, not only into the school, but out of it into the army, by one uniform standard of examination, and I also propose to admit those who have not attended any military college, if able to pass the same examination. I propose further to establish at the head-quarters of every division a staff officer for the instruction of subaltern officers, and to subject the latter to an examination uniform throughout England and the Colonies. With regard to the Colonies, I propose that the examination shall be conducted in writing, and that the answers to the questions shall be in writing anonymously; the machinery for this is simple enough. I propose to remove the senior department from Sandhurst to Farnham and to render the education there more practical and military in its character. I propose, lastly, that every officer who serves on the staff shall pass through the staff school, or pass through an equivalent examination to that which procures a certificate, and attach himself for three years to the different branches of the service—spending one year in each branch. The English army is almost the only army in Europe which has not this system or something like it. In almost every other country there is a stronger military turn; the population look with greater interest at military subjects; the gentry especially understand them better than in England. Our bent is naval, theirs is military. But if there is a less military turn here than elsewhere, there is so much the greater necessity for an attempt to infuse a professional spirit by supplying a good military education to our officers. I have heard it said by some persons, "You cannot expect young men, officers, to submit to an examination." But why, I would ask, should it not be the same in the English army as it is in the navy? I saw it stated the other day in a newspaper that an officer in the navy, a master, who had distinguished himself in the service, a man advanced in life, passed an examination in the most signal manner; and I cannot conceive why what is done in the navy cannot be done in the army. Why should it be impossible to do that in the English army which is done in the French, the Prussian, the Hanoverian, and almost every other European army? True, we have a purchase system,—I am not now going to enter upon that question, but only notice it, as it is sometimes said, "How can you have examinations with the purchase system?" It is just because we have purchase that we the more require examination. There is no doubt that purchase has great advantages, but it also has great disadvantages, and the question to be considered is, which weigh the heaviest? The evils of purchase of course are, that many young men enter the army without intending to make it their profession, only intending to stay in it a short time—in plain English, they enter it more for amusement than as a profession, and we want to correct that evil by infusing a spirit of emulation into the minds of our young men, and by creating an incentive to military study, with a view to its adoption as a regular profession.

I have now made my proposals to the House, and it must take them for what they are worth. I thought it my duty to do so, having been necessitated, from the official position which I have occupied, to pay considerable attention to the subject. I look upon one part of these propositions, and that the most important, as having already, two years ago, received the sanction of the Horse Guards, of the Government, and of the House of Commons. I am strengthened by that support, and I hope the Government will continue it. The country, I am sure, will support—I will not say my plan, but something like it, which shall be intended to accomplish the same objects. Sir William Napier ends his *History of the Peninsular War* with these words:—

> "Our troops embarked, some for England, some for America. So terminated the war, and so terminated with it all recollections of the veteran's services."

That was an eloquent and unfortunately a just sentence, but I do not believe it will apply to the present time. We do not know what we owe to our army. Look at what has been done under great disadvantages. I do not believe there exists in the world such raw material for men and officers. Is it physical energy and hardiness that are required? I believe our army has those qualities in a greater degree than any other army. Is it devotion to the call of duty that they are deficient in? Where will you find greater or more numerous instances of such devotion? If there have been instances of shortcomings, have they been the fault of the officers or the men? Have they not, rather, been exclusively chargeable on our defective system at home? We owe it to these gallant and devoted men, to give them every means of attaining the utmost proficiency in their profession. Having officers and men willing to throw away their lives at the first call of duty, if you have officers thoroughly conversant with all the means of saving those lives which the men are willing to sacrifice, you will have an army which will be invincible. I would now beg to press this subject upon the attention of the Government, hoping that they will take it up. Public opinion will support them in any efforts to improve the military character of the army. Recollect that by every day's delay you raise up fresh difficulties—the recollection of past evils will pass away—people will begin to acquiesce in the old routine, and, above all, you create fresh barriers to the efficiency of the army by admitting more uninstructed and incompetent officers; you create vested interests against you, and postpone to an indefinite period the ultimate attainment of your object. I have brought forward this subject with the view of pressing it upon the notice of the Government, and especially of the House. If you think this plan sound in principle, and the reasons I have adduced for the necessity of adopting some such plan to be, as I think they are, incontrovertible, I call upon you to assist me in pressing upon the Government the duty of at once setting about to devise a scheme which shall effect that improvement in our military system which is so universally desired. Of this I am certain, that if the Government will undertake the work, the House of Commons will not be slack in furnishing the means of carrying it into effect.

MR. FREDERICK PEEL said, no one could undervalue or receive otherwise than with welcome any attempt to advance the cause of education, whether for the country generally or for particular classes, and he thought his right hon. Friend had done good service in stating his views in respect to the nature of the education to be given to officers in the army. The long period during which the right hon. Gentleman had been connected with the administration of the army and the interest he had always taken in the subject of its education, justly entitled his views to consideration and respect. He (Mr. Peel) only regretted that the right hon. Gentleman had not found it consistent with the course he intended to pursue, to afford him some intimation, either privately or by the terms of his notice of Motion, of the subject he was about to introduce, and of the probable direction of his remarks. He must confess, in consequence, that at present he did not feel capable of following the right hon. Gentleman through his speech, full of details, upon a subject in reference to which details were more important than principle; for all were agreed as to the necessity of improving the education of officers in the army, and the only question was, how it was to be put in working operation. He therefore felt considerable embarrassment in remarking upon the plan of the right hon. Gentleman, and would reserve to himself the liberty to modify those remarks in case future consideration should show a necessity for so doing. It appeared that the House was indebted for the right hon. Gentleman's speech to two things—first, the omission of a certain item from the Estimates of the present year, and next the introductien into them of a new Vote. The right hon. Gentleman complained that in the Estimates for the current year he found no provision for certain persons whom it had been contemplated to employ to instruct officers in the science of their profession; and, therefore, the right hon. Gentleman had inferred that the Government did not intend to persevere in improving the military education of officers of the army. The right hon. Gentleman had admitted that in time of war the Government was justified in throwing over all schemes of education that might impede the working of the army on active service in the field. It must be remembered that at the time the present Estimates were framed we were in a state of war, and, as provision had been made for three consecutive years for the instruction of officers without one single officer having been instructed, it appeared quite useless to renew the Vote. The right hon. Gentleman also complained of the provision for assistance to be given to the officer charged with the inspectorship of garrison and regimental schools, although he paid a compliment to the present state of the schools for the education both of adults and of the children of soldiers. The number of those schools was, he was happy to say, continually increasing, and it was quite impossible for any single officer, much less one who, however indefatigable, was already charged with the duties of Chaplain

General of the Forces, to discharge satisfactorily those of school inspection in addition: and as it was desirable that these schools should be inspected, at least once in each year, the Government proposed to provide for the creation of an assistant inspectorship in each of the three countries of the United Kingdom, with which assistance it was hoped that an annual inspection of every garrison and regimental school might be made. The right hon. Gentleman had said, he understood it had been contemplated to place those schools under the inspection of persons appointed by the Privy Council; but he (Mr. Peel) had never heard that any such idea had been seriously entertained by the War Department. The right hon. Gentleman had hardly done justice to the course which had been taken by the Government, because he said that these inspectors were War-office clerks, the fact being that one of them was the very Captain Gleig, the officer of Artillery, whom the right hon. Gentleman had said that he had proposed to appoint one of the instructors of officers.

Coming now to the question of the education of officers of the army—he (Mr. Peel) would admit that the Government had not done much for the education of officers of the army—much less than had been done for the private soldiers. In France, in Switzerland, in Prussia, and at Turin, he believed in almost every continental country, the provision made for the professional training of the officers of the army formed an organised and systematic institution of the country. In England we had nothing of the sort. With the exception of the Academy at Woolwich, where young men were prepared for the scientific corps—the Artillery and Engineers—and Sandhurst College, which provided to only a very small extent for the line, there was in this country no establishment for the education of officers which could claim the character of an institution. He (Mr. Peel) thought that the country had a right to expect that in future the Government would provide for officers who loved study and were ambitious of distinction in their profession, ample means of obtaining the knowledge which was necessary to the fulfilment of their desires. Staff appointments and other situations at the disposal of the Government ought also, in his opinion, to be honestly conferred as far as possible upon those officers who availed themselves of the means which might thus be presented to them. Whether personal or family connexion could ever be entirely excluded in the consideration of claims for appointments might well be doubted; but it might at least be expected that it should not be allowed to have any influence except in cases where the claims of the rival candidates might be equal. He also agreed with his right hon. Friend that the cause of education in the army had suffered from the circumstances that many officers had gone into the army merely with the view of obtaining amusement for a short term of years, and with no intention of remaining permanently attached to it. Of course, such gentlemen could not be expected to manifest much anxiety to perfect themselves in professional knowledge. He did not think that his right hon. Friend had sufficiently appreciated the difficulties which beset the establishment of any standard of professional training, without which an officer should not obtain the second and third steps in the army. He would like to hear from his right hon. Friend what he thought should be the ingredients of that training. First, as to the ingredients of the standard. He (Mr. Peel) should not think it fair to an officer to refuse him his lieutenancy or captaincy merely because he did not come up to some educational test. He did not see how the capability of an officer to discharge his duties could be measured solely by such a test. In any test which might be established he would give quite as much importance to nerve as he would to brain. Some of the qualities which were of most value, both to a man and an officer, were common sense, sound judgment, a clear mind, and indefatigable activity of body, and he did not see how these qualities were to be taken into account if a purely educational test were established. Again, it would not be fair to make the standard of education the same for the whole army. His right hon. Friend himself seemed to feel the objection to this. It must be obvious that, scattered as our army was throughout the various dependencies of the British Empire, officers were often placed in positions where they did not enjoy the same facilities for acquiring knowledge as were afforded elsewhere. For instance, what comparison could be made between the means of acquiring information in strategy, tactics, military history, and other ingredients of professional training possessed by an officer stationed at Woolwich or Chatham, and those afforded to one who was engaged in a war with the Caffres on the frontier of Cape Colony? In the West Indies, again, an officer might frequently be stationed in some detached island, or some place like Hongkong, where the intellectual and literary tone of society was very low, where there was no inducement to him to study, and where he naturally entered into the amusements of the place. He (Mr. Peel) therefore thought it would not be fair to apply the same standard to all officers, before allowing them to obtain a lieutenancy or a captaincy, and that a great deal of deliberation would be required before assent could be given to a plan, such as he understood to be proposed by his right hon. Friend, by which a board of officers sitting in London should circulate throughout all the different dependencies of the British Empire the same questions, on the answers to which all promotion should depend. He must also put in a word for those officers who did not possess what was called "book learning." Many officers had, either by natural ability or by their personal character, risen to high positions, and had undoubtedly done the State good service; and it would, in his opinion, be difficult to adopt any single plan for the entire army which would not deprive us of many valuable public servants. His right hon. Friend (Mr. Sidney Herbert) had adverted to the system established by the Duke of Wellington in 1849. The Duke of Wellington required that before persons received first commissions in the army they should prove that they had the general education of a gentleman. The examination with the view of ascertaining that was held at Sandhurst, and, with the exception of so much of it as referred to fortifications, was entirely of a civil character. The right hon. Gentleman (Mr. Sidney Herbert) would, with regard to the qualifications to be possessed by gentlemen before they obtained commissions, have two concurrent plans in force. The first proposed to modify the existing regulations of Sandhurst College; and he (Mr. Peel) agreed with him that there were disadvantages in the State taking charge of boys who were destined for the army at so early an age as that of thirteen, and never losing sight of them until they received commissions. The education which such boys received at Sandhurst might be equally well, and perhaps better, given at the public schools of the country, which were continually improving themselves in consequence of the competition among them; and he entertained no objection to the recommendation of the right hon. Gentleman, that the youths who went to Sandhurst should be at least sixteen years of age. At present the practice was to admit the great bulk of officers not upon any instruction given them in military schools, but upon the results of an examination in subjects which were not military. He thought that the principle of requiring candidates for commissions to pass an examination in non-military subjects was good, and that the plan was answering well. He would take that opportunity of stating what had been done by his noble Friend at the head of the War Department in extension and amplification of this principle. The standard for candidates for commissions in the line was not a high one, but in the case of the Artillery and Engineers the standard had been raised to a level with that which existed in the country in relation to general education. It was well known that up to the breaking out of the late war candidates for commissions in the scientific corps had to have their names placed on the list of the Master General of the Ordnance, were sent down to Woolwich, passed through the academy there, and then obtained commissions in either the Artillery or the Engineers. When the war broke out there was a great alteration in those corps. Many commissions were at the disposal of the Government and might have been filled up by drawing on the students in the military academies. But those students had not completed their education according to the ordinary term of years, and Lord Panmure determined to dispose of those commissions by open competition. The subjects of examination were advertised, and it was open to any one, from any public school or college, or any profession in civil life, to compete, subject only to certain conditions as to age and moral character. Great numbers came forward, and those who showed most proficiency in the examination were selected for the commissions. The plan had been found to answer well. The successful candidates had proved to be men of superior education; they were gentlemen and officers in every sense of the term, and worthy to hold the commissions they had won for themselves. It undoubtedly became very important to decide between the two modes of obtaining commissions in the army, namely, by deriving a military education in a military college, or proving a title by the results of a non-military examination. He should be sorry to decide that question hurriedly, and he thought the Government might be fairly allowed some time to watch the result of the experiment in the Artillery and Engineers before extending it to other branches of the army. That was the state of the case with regard to the examination which took place before officers were admitted to first commissions in the army. The other part of the scheme of the Duke of Wellington applied to examination before they became lieutenants and captains. He believed that portion of the scheme had to be worked out, because although ensigns were required to pass an examination before they became lieutenants, that examination was not of any strictness, being merely intended to show they had taken advantage of their opportunities to advance in a knowledge of regimental discipline. But, when the right hon. Gentleman proposed the appointment of instructors at all the chief stations of the army by whom the officers should be taught the theoretical knowledge which all agreed they ought to possess, he thought it was a question whether that theoretical and professional knowledge ought not to be given before officers were allowed to take up their commissions. The right hon. Gentleman had urged the Government to proceed with expedition in this matter. That was certainly their intention; but they ought not hurriedly and precipitately to come to a conclusion with regard to it. The House should remember the circumstances which required the Government carefully to consider the question. The right hon. Gentleman had adverted to the new organisation which the army was about to assume. It was undoubtedly intended that in the colonies, as well as at home, there should be a brigade and divisional organisation of the army. It was obvious that the effect would be to create a number of staff appointments which might be conferred on the most capable officers that could be found. Hitherto the mischief had been that the army was broken up into regiments and detachments, so that, on the one hand, the junior officers had no opportunity of acquiring proficiency in the higher duties of their profession, and, on the other, the senior officers had no opportunity of becoming acquainted with the most meritorious of the subalterns. The brigade organisation would remedy that great defect. The junior officers of superior merit would be called to fill those situations where their intellect would come into play, and the senior officers commanding brigades and divisions would have the opportunity of seeing which of those young men were most fitted for promotion to higher situations. There were also advantages to be derived from the camps of exercise and instruction. The right hon. Gentleman had adverted to the garrison at Dublin being admitted to be the best school of instruction for the army. He believed that that arose from a large force composed of the various branches of the army, having been collected at Dublin, and now, by means of the new camps of exercise and instruction, the advantage hitherto peculiar to Dublin would be extended to the whole army. He should also state that some time ago a Committee was formed by the War Department for the purpose of inquiring into the scientific requirements of the army. The Committee was composed of professional persons engaged in the examinations for Commissions in the Artillery, and they recommended the appointment of a commission to proceed to the Continent to obtain information as to the system of instruction prevailing in the various countries of Europe. Such a commission was accordingly formed by the War Department and consisted of three highly qualified and intelligent gentlemen. They were received with great cordiality in the various capitals through which they passed. They had brought back most valuable information from France, Belgium, Prussia, Switzerland, and other countries, and he understood that in the course of a few days they would present their report. He thought it only fair the Government should have time to consider the recommendations in that Report before committing themselves to the scheme of the right hon. Gentleman. There had been no undue procrastination in disposing of the question; but during a period of war, from which the country had only recently emerged, all such matters were necessarily kept in abeyance. It had been well said that from the first day of making war they ought to anticipate the return of peace, and from the first day of making peace they ought to provide for the contingency of war. It was the intention of the Government so to do. The Government would devote their best attention to this question of education, and he trusted the result would be that they would succeed in educating the officers of the British army so as to make them worthy instruments of the power of the country.

MR. ELLICE said, he could not withhold his thanks to the right hon. Gentleman (Mr. S. Herbert) for having brought this subject under consideration, and he did not blame his hon. Friend (Mr. Peel) for expressing himself with considerable caution as to what might be the ultimate decision of the Government on the means for accomplishing the object in view, but he thought some parts of the speech of the hon. Gentleman were not quite so satisfactory as might have been wished. He would not enter upon the details of the plan submitted by the right hon. Gentleman ; but it was quite time the subject should be pressed from a quarter having so much influence on the attention of the House, and he should have been glad to hear that it would be taken up by the Government with all the decision which in his opinion it required. His hon. Friend said he had never heard of the proposition from the Committee of Council on Education for the appointment of spectators to inquire and examine into the state of the regimental schools.

MR. FREDERICK PEEL: I said I never heard of its being entertained by the War Department.

MR. ELLICE begged pardon for mistaking the expression of the hon. Gentleman, but the impression conveyed was, that the question of inspection had not been taken up either by the Council of Education or by the Government. The recommendations of the Committee of Council on Education were carried into effect by Orders in Council, and in the last of those Orders in Council was this passage:—" To inspect the regimental schools in the United Kingdom and the establishment for training regimental schoolmasters, and to report thereupon to the War Department." He could not say whether the hon. Gentleman had read that Order in Council, but what fell from the hon. Gentleman led him to entertain the impression that the hon. Gentleman was in error in the statement he had made. The hon. Gentleman (Mr. Peel) appeared to anticipate a difficulty in the way of a stricter examination than had hitherto been required. But no difficulty had been found in the examinations for the navy. An officer in the navy was obliged to undergo a severe professional examination before he could pass for the rank of lieutenant. He did not think it necessary that that examination upon promotion should be carried beyond professional objects, but they had a right to demand proof that an officer was qualified for command and able to take care of his men. He agreed with the right hon. Gentleman (Mr. S. Herbert) in thinking that the money spent in army elementary education was thrown away. So far from thinking it a good system that young officers should be educated in the first instance in institutions provided by the public, he thought it much better that they should be taken from public and private schools in this country, and from different military colleges and seminaries in those countries having larger military establishments than ourselves, and where they could consequently obtain more efficient instruction to fit them for the profession in which they were to embark. There were, however, two branches of military education which the public should provide —that for the Artillery and Engineers, and for those who were to be employed as staff officers. Care ought also to be taken that the patronage of the army should be so bestowed as that the public should be satisfied that none but qualified persons should be appointed to such situation. Twenty-four years ago, when he filled the situation of Secretary at War, he proposed in a Select Committee that a rule should be established that all staff officers should be changed every five years, and that rule was accepted by the Committee and sanctioned by the House. In 1854, he was appointed a member of another Commission to inquire into the organisation and promotion of the army. The Commissioners found that the resolution of the Select Committee had remained a dead letter at the Horse Guards, and that in no one instance had an officer been changed —that in fact it had been evaded by making new appointments of the same individual every five years. If that resolution had been carried out, and if young men had been continually employed upon the staff, we should not have been so deficient in efficient staff officers when the late war broke out. Look at the manner in which some of the staff appointments were filled now. He had the highest opinion of the eminent services of Lord Seaton ; but when he found an honoured officer of eighty-two years of age in command of the forces in Ireland at a time when young men ought to be gaining experience in organising troops and preparing new levies for the field, he could not accept such an appointment as an earnest of the principle which ought to regulate the staff appointments of the army. It was essential that the country should set to work in earnest to place the army on the most efficient footing, by insisting that there should be a thorough and complete examination of all officers, not only before their introduction into the army, but on their subsequent promotion. He trusted also that young officers would be selected for employment, and that every course which could accelerate promotion would be adopted to prevent the employment of old officers, who, however distinguished their services might have been, were not fitted for the active duties of their profession. He would give no opinion upon the details of the right hon. Gentleman's plan, but it was essential that the best system of examination should be insisted upon for officers entering the army, that there should be a further examination upon promotion, and that young officers should be selected for employment.

SIR DE LACY EVANS said, that he would not detain the House more than a few moments, for the statement made by the right hon. Gentleman behind him (Mr. S. Herbert) was so able and so admirable that it would be impertinent in him to go over the same ground. He quite agreed with the right hon. Gentleman the Member for Coventry (Mr. Ellice) that it was most inexpedient to permit staff appointments to be held by the same individual for a long series of years; and he thought it a matter of so much importance that the Government ought to be called upon to give some pledge for the future with regard to the various staff appointments of the army. The right hon. Member had referred to the recommendation of the Select Committee of the House of Commons, that staff appointments should change hands every five years. That recommendation was so far from having been carried out that, in many instances, if gentlemen with tolerably good interest got into staff appointments they held them for the rest of their lives. In peace there was scarcely any staff appointment that might not be filled by a variety of officers, and the more changes there were the more practical experience of those duties would be diffused in the army. The Under Secretary for War had adverted to the competitive examinations which had been instituted, and he for one, offered his acknowledgments to the Minister for War for having adopted that most wise and liberal measure—one, he was happy to say which had answered every expectation. The tone of the Under Secretary for War was, however, not very cheering to those who looked forward to speedy improvements being made in military education. The formation of brigades and divisions, instead of allowing the army to be scattered about the country in detachments, performing police duties, would no doubt be of some use, but it would not supply those essentials of a scientific education to which the right hon. Gentleman the Member for Wilts had referred. Those gentlemen who took part in the inquiry, instituted some time ago, as to the condition of the military colleges would remember that, with regard to examination, the evidence was extremely unsatisfactory. There were two classes of examination. One of them was too theoretical, being very much directed to the higher branches of mathematics; while, with regard to the other, Colonel Prosser (the Lieutenant Governor of the College) said it was so slight that a remarkably stupid man might, with a little cramming, pass it. Yet the Under Secretary for War asked for time, and said they must not be precipitate in altering the present state of things. It might be unreasonable to demand a complete plan from the Government at the close of a Session if this were the first that had been heard of the subject; but that was not the case. He was glad to hear that the Report of the Commission which had been sent to inquire into military education in foreign countries would be laid before the House when it came into the possession of the Government. He agreed with the hon. Gentleman that a high scholastic test would be objectionable; but there was a great difference between a test of that kind and one which would admit every remarkably stupid man into the army if he happened to have £700 or £800 in his pocket. It was clear from the speech of the hon. Gentleman that the postponement he called for was no less than another year; but he thought that the War Department, with the co-operation of the right hon. Gentleman the Member for Wilts, could have no difficulty in coming to some decision before the close of the Session, and he was sure the House would not hesitate to vote the necessary means. If the proposition they made should turn out insufficient, it might afterwards be amended. With regard to the pecuniary part of the question, it was remarkable that so completely had military education been contemned or ignored as an element requisite for the efficiency of the national armaments, that for about thirty years not a shilling had been expended upon it by the nation, and officers had been educated upon what was called a "self-supporting" system. Other nations, republican as well as monarchial, had, on the contrary, paid great attention to the education of their military officers. He was old enough to recollect the last American war, in which he served, and he remembered that one advantage which we possessed over the Americans during that war was, that they had scarcely any military knowledge, theoretical or practical; but they discovered their mistake, and after the peace, although not mixed up, like us, in European politics, or menaced by great standing armies in adjoining countries, they founded an excellent military college, by means of which they were able to provide a greater amount of professional instruction for their small army than this country had provided for its large army. Only yesterday, too, evidence had been given before the Purchase Commission, with respect to the steps taken by the Austrian Government in this matter, from which it appeared that for the education of 7,000 students, non-commissioned as well as commissioned officers, no less a sum than £280,000 was appropriated—equal to at least £1,000,000 in this country. He did not propose that England should expend £1,000,000 upon the same object, but he mentioned the fact in order to show the attention paid to military education by other nations. Very large sums were also expended upon it by the French, Sardinian, and Prussian Governments. With regard to the staff, he was not quite certain whether the system hitherto adopted by us or that of foreign armies was preferable. He had not yet sufficiently turned his attention to that point. At the end of the Peninsular war the staff of the British army was, perhaps, the best in the world; but no rule could be drawn from that fact. He trusted that Parliament would not be allowed to separate without a proposition from the Government on this subject.

COLONEL DUNNE urged that it was evident that the Government was in no hurry on this subject, for they had materials enough to proceed on, and the waiting for the Report of the Commission to inquire into the system of foreign armies was a futile pretext for delay, for there was already ample evidence on the subject before the House. He hoped that the right hon. Gentleman (Mr. S. Herbert), to whom every one connected with the army must feel grateful, would press on the Government the necessity of action in this matter. The system even of practical instruction in the army had diminished since he had first entered it. He was of opinion that a great many theoretical subjects which were required to pass examinations in the army were of no use, and would be better supplied by practical instruction. It was no use having the highest knowledge of abstract mathematics, and yet be unacquainted with any of the practical principles of fortification. He had himself the honour of being educated at Trinity College, and had studied fluxions and the higher branches of mathematics, but he had been obliged to teach himself all that he knew about the scientific branch of his profession. The right hon. Gentleman had touched the real reason for a deficiency of professional feeling in the army, when he showed that staff appointments and promotions were not given to the best, most meritorious, and most instructed officers; but were awarded for very different reasons. He trusted the Motion now before the House would induce the Government to act with more celerity with respect to this question of military education, and bring forward some plan before the end of the Session. He again repeated his acknowledgments to the right hon. Gentleman the Member for Wiltshire, whose plan he thought deserved the gratitude of the army and the country.

MR. RICH said, that he thought the House ought to feel grateful for the admirable manner in which the right hon. Gentleman (Mr. S. Herbert) had brought forward this subject and pressed it upon the Government. He had fully established the anomalous manner in which commissions, promotions, and staff appointments were obtained. He did not blame the hon. Gentleman the Under Secretary for War for having declined to enter into details or to pledge the Government to any particular course—the hon. Gentleman had been obliged to deal in generalities; but he rejoiced that the hon. Gentleman had not hesitated, after experience, emphatically to praise the system begun by the Duke of Newcastle and followed up by Lord

Panmure, of allowing commissions to be obtained by competition in the two most important branches of the service, the engineers and artillery. The hon. Gentleman had assured the House that that system had been most eminently successful, and the clear inference was, that it would be equally successful in other branches of the army. The introduction of such a system and its application to other grades of promotion would supply what was wanting in our army — motives for exertion and a professional feeling. The hon. Gentleman talked of an examination of merely an intellectual nature being nugatory as a test of the professional ability of officers. That might be true to a certain extent, but what could not be denied was, that considerable mental qualifications, added to other qualities, were required to constitute a good officer. He also thought that sufficient importance was not attached to the due requirement of service. The duties of the camp at Aldershot constituted an improvement on the idle life formerly led by officers and soldiers in towns; but there was still a more efficient teacher than a summer-camp service—real service—and that was ordinarily to be found only in our Colonies. In drawing up a scheme of education, he trusted that the Government would weigh well the consideration of the service of officers, and service abroad ought to be counted more highly than service at home. In the Guards, an admirable and efficient body of men, the officers by certain privileges had obtained promotion more quickly than in the rest of the army; yet they, from their especial functions, never saw foreign service except when a continental war broke out—they were never engaged in Indian, Kafir, Australian, or Chinese operations, and, therefore, had no opportunities of learning the more important elements of their duty in time of European peace. Nevertheless, it was from this body that a large proportion of our general and staff officers was drawn. Service, however, mingled with education and other qualifications, was absolutely necessary to make an efficient officer. Every one agreed that staff officers should be well educated, and he would press the Government to include the appointment of staff officers under their arrangements and education. Staff officers should be required to fulfil certain conditions before appointment; and the best plan to prevent those conditions becoming relaxed in a time of peace was to make the appointments obtainable only by competition, so that presumably the best men would always get them. A system of open competition, under well-defined and well-conceived regulations, would stimulate and elevate the character of the whole profession, and would secure as fine a body of officers as ever led the British or any other army to victory. With regard to the Military College of Sandhurst, the hon. and gallant General the Member for Westminster had spoken of it as self-supporting; but it was self-supporting only by making one set of students support the others. The Government professed that the orphans of military officers should receive a gratuitous education at the military college; but they paid nothing towards it; for they charged the sons of civilians from 130 to 150 guineas a year for an education which was admitted did not cost more than half that sum. Out of this surcharge the entire education of those orphans was defrayed. That was a wrong which ought to be redressed, for it was not just that the parents of the general students should be made to pay more than the legitimate expenses of their sons' education; and especially when it was found that this extortionate demand actually precluded many persons of moderate means from sending their sons to Sandhurst, whereby the military education of officers, which Sandhurst was found to promote, was plainly to that extent impeded or prevented.

Lord HOTHAM said, that the observations of the hon. Gentleman who had just sat down (Mr. Rich) were directed more to the subject of a Motion he had two or three times brought forward in that House than to the subject which the right hon. Gentleman the Member for South Wiltshire had introduced so clearly and so ably, and in a manner showing that he had paid very great attention to it. He could not join in the blame that had been cast upon the hon. Under Secretary for War for not having given more decided answers to the questions mooted; for not only were many of the points to which his attention was directed now placed before him for the first time, but it must also be remembered that the hon. Gentleman was only the representative of the War Minister in that House, and was not competent to answer decidedly as to any new course of policy for the War Minister, much less for the Government, with whom the decision of such a matter must necessarily lie. The hon. Member

(Mr. Rich) had referred to the want of experience of the officers of the army, and had spoken of the experience to be acquired by service in the Colonies. The hon. Gentleman should have said in some of the Colonies; for in some—the West Indies for instance—the regiments were broken up into small detachments, and the experience to be thus acquired was of no value. The hon. Gentleman might equally have spoken of the want of opportunity for gaining experience in this country; for he (Lord Hotham) had known an instance of a cavalry regiment being two years without the advantage of a riding-school, and yet this regiment would have been expected to be in an efficient state and ready for any service. He should not, however, have trespassed upon the attention of the House had it not been for the observations of the hon. Gentleman in reference to the brigade of Guards. The hon. Member had complained of the advantages in respect of promotion enjoyed by that corps, but he would beg to remind the House that the Royal Warrant of 1854, whatever its other effects might be, would certainly leave no ground for complaint of the rapidity of promotion in the Guards. The hon. Gentleman had also said that the Guards never went on service except in the case of an European war, and therefore had no opportunities of learning their duties in time of peace. But it must be remembered that, if the Guards were not sent on colonial service during peace, they were always among the first to embark in the event of war. No expedition had ever sailed from this country without a brigade of Guards forming a part of it, and no instance could be found of a General, under whose command a brigade of Guards had been placed, who had not spoken with the highest approbation of the manner in which they had performed their duties, and of the state of discipline in which he found them. The House would probably consider the Duke of Wellington a tolerably competent judge of such matters, and he was also a perfectly unbiassed judge, never having had any connection with the Guards until the death of His Royal Highness the Duke of York. And what opinion did the Duke of Wellington form of the brigade of Guards placed under his command in the Peninsula? On one occasion, in September, 1809, a General Order appeared, complaining of the mistakes constantly made in the returns and states of regiments; but what said the Duke of Wellington as to the conduct of the brigade of Guards on this matter? His General Order concluded by saying that—

> "The Commander of the Forces deems it but justice to the two battalions of Guards to state, that their returns have in every respect been as accurate as the conduct of these excellent troops has been regular and exemplary in every other respect."

Again, in January, 1810, the Duke of Wellington wrote, in these terms, to Major General Stopford, then commanding the Brigade of Guards—

> "I have taken frequent occasions of stating publicly, the great satisfaction which the conduct of the Guards has invariably given me; which satisfaction has been recently increased in the march through Portugal, in which, as they were at the head of the column, they set the example to the other troops of the most orderly behaviour."
>
> "I am anxious to testify this satisfaction in a manner which shall make an impression upon the non-Commissioned Officers, and shall prove to them that the attention which they pay to their duty is not unobserved by their superiors; and if the Commanding Officers of the two Battalions will be so kind as to recommend a sergeant each, I will recommend them to vacant Ensigncies in the Army. (Signed) "WELLINGTON."

On another occasion, in March, 1811, when the army was in the lines of Torres Vedras, the sentence of death, awarded by a general court martial, was ordered to be carried into effect, and, for the sake of example, in presence of all the troops at Cartaxo; but here, again, it was stated, in General Orders, that—

> "As during the two years which the brigade of Guards has been under the command of the Commander of the Forces, not only no soldier has been brought to trial before a general court martial, but no one has been confined in a public guard, the Commander of the Forces desires that the attendance of this brigade at the execution may be dispensed with."

And, again, during the siege of Burgos, in September, 1812, a General Order complaining of the conduct of the working parties during the previous night, stated that—

> "At the same time that the Commander of the Forces notices the misconduct of the working parties, he is happy to make an exception in favour of the brigade of Guards, who have performed this duty as they have every other duty in this army, in the most satisfactory manner."

These instances which he (Lord Hotham) had thus cited, would be sufficient, he thought, to show that the Guards were not liable to the criticisms of the hon. Member (Mr. Rich). Had he thought that such criticisms were well founded, he should have listened to them with pain and regret; but as they were altogether undeserved, he felt called upon to show, and on the high authority he had quoted, that although without the experience which the hon. Member seemed to think was only to be acquired on colonial service, the Guards had always been found efficient, and ready for every duty required of them.

Long as he (Lord Hotham) had sat in Parliament, so unwilling was he to occupy the time of the House on a matter which some might have thought of a personal nature, that notwithstanding the numerous opportunities which had arisen, he had never before opened his lips on the subject of a corps in whose honour and reputation he felt a deep and enduring interest. He wished not to claim for the Guards any peculiar merit, and, certainly, he did not desire to institute any invidious comparison between the Guards and other branches of the service; but he did feel anxious to give proof that they were not behind the rest of the army in the correct performance of their duties, and to declare for himself that he was proud of having been brought up, and of having long served, in a corps which had never failed to prove itself worthy of the confidence of its Sovereign, and to satisfy the just expectations of its countrymen.

Referring, before he sat down, to the suggestions of the right hon. Member for South Wiltshire, he would only say that the subject to which they referred was one of the greatest importance — a subject upon which the prompt action of the Government was urgently needed, and with respect to which he hoped that the House would be speedily informed what course it was intended to take.

Mr. RICH explained that he never meant to call in question the distinguished bravery and heroism of the brigade of Guards.

Viscount GODERICH said, he was anxious to express the hope that, before the debate terminated, some Member of the Government would state to the House something more clear and definite with regard to their views and intentions than that which had fallen from the Under Secretary for War. The Government could not say that they had not had ample time to consider the important question of the organisation of the army. A considerable time ago the right hon. Member for Wiltshire (Mr. S. Herbert) gave notice of his intention to bring the subject under the consideration of the House, and the details of his plan had nothing essentially new about them, but, on the contrary, the greater part of them were contained in the Report of the Sandhurst Commission. He did not wish the Government to pledge themselves to carry out all those details, although from the manner in which the speech of the right hon. Member for Wiltshire had been received it was the evident desire of the House that the course to be pursued by the Government should, as nearly as possible, coincide with his scheme. It was of the utmost importance at the present moment that the House should elicit from the Government some expression of their opinion upon the question under discussion. We had just returned from a state of war to a state of peace; public attention had been directed to our military organisation; and it might be difficult in future years to concentrate the same amount of interest upon such a subject as the improvement of our army. In respect of scientific education England was behind all nations which possessed what could be called a civilised army, and, whatever might be the undoubted great qualities of our officers, it was of the utmost importance to us, who must always maintain a comparatively small army, that we should take the best means in our power to render it as efficient as possible.

Viscount PALMERSTON: Sir, I must join with all those who have spoken in thanking the right hon. Gentleman the Member for Wiltshire, for bringing under our notice a question of so much importance as the organisation of the Army, and for stating his views in so clear and able a manner to the House. Indeed, there is nobody who, from his intimate knowledge of all the matters to which his speech related, from his natural ability, from the clearness of his conceptions, or from his skill in developing his ideas, is more entitled than my right hon. Friend to call the attention of the House to the affairs of the Army. I am afraid, however, that I shall not be able to satisfy the expectations of those Gentlemen who have requested the Government to state their views and intentions upon the present occasion. We entirely concur with my right hon. Friend in his estimate of the importance of giving officers of the army the best possible education adapted to their professional pursuits. I do not agree with the noble Lord who spoke last in thinking that the British army is behind every other in the world in any respect; because if we look to the exploits of that army we shall see that upon every occasion in which it has met an enemy under any circumstances whatever it has proved itself at least equal—I should say superior—to those with whom it has had to contend. At the same time I do not say that the system of education for our officers is not capable of great improvement, and it will be the anxious desire, as it is the bounden duty, of the Government to devote their best attention to that subject, for the purpose of making such arrangements as may appear to them best calculated to attain the object in view. I am sure my right hon. Friend will not expect that I should, upon the present occasion, follow him through the various details of the plan which he upon mature reflection has suggested. Those details will receive the best attention and consideration of the Government. There are two things to be kept in view. Some persons argue in favour of higher literary qualifications as a preliminary proof of capacity. That may be carried too far; but to a certain extent undoubtedly such qualifications should be required, because, though you do not want that a young man entering the army as an officer should have acquired high literary attainments—which are not always accompanied with those physical and constitutional qualities which are requisite for a military life—yet it cannot be denied that such acquirements are a proof of general capacity. I think, too, that in future the course of instruction should be more devoted to professional attainments than to those other acquirements which are not immediately connected with military duty. A certain amount of mathematical knowledge may be found useful, if not absolutely necessary, in every operation in which an officer, to whatever arm of the service he may belong, may be required to partake; but to demand that extent of mathematical knowledge which is obtained by a wrangler at Cambridge is simply absurd, necessitates a great waste of time, and will not render the young man fitter for the profession of which he is destined to become a member. The main qualities for an officer are contempt of danger, fearlessness of responsibility, a quick eye to estimate the nature of surrounding circumstances, a rapid decision how to act in every emergency, and resolution to take the course which upon reflection he may think best. These are qualities the possession of which by an officer is most important, and which may be found in a man who is deficient in many of those attainments which, nevertheless, are essential to giving these qualities their best and most useful application. What we want is to combine the two; and you cannot, by any examination, ascertain exactly whether or not a man possesses these constitutional qualities. The Duke of Wellington used in his campaigns to keep with him a pack of hounds, and he said that by taking young officers out hunting with him he could form a judgment as to their quickness of eye, rapidity of decision, and handiness under difficulties. Our officers might now practise hunting at Aldershot. What I want to impress upon the House is, that no examination which you can institute will afford a decisive test of the existence of the qualities which I have mentioned. You must take your chance. All that you can do by instruction is to give to your officers that scientific knowledge which is essential to their professional pursuits, and to the well conducting of the troops who may be placed under their command; and by examination to ascertain whether they have profited by the instruction which you have afforded them. It is said that it is not fair to make the military college at Sandhurst a self-supporting institution (according to the expression now in fashion), and that that is substantially to make one part of the students pay for the education of the other. I am bound to say that whatever injustice there may be in that arrangement, it was forced upon the Government by repeated discussions in this House. Year after year my late hon. Friend the Member for Montrose (Mr. Hume) urged the abolition of the military college as a matter of expense to the public, and it was in deference to the repeated and urgent representations made in discussions upon the Army Estimates that at last the military college was so arranged that no Vote of money should be required for its support. I hope that the experience of late years will have opened the minds of Parliament to the greater importance of these matters, and that hon. Members will, not only now, but in future Sessions, bear in mind of what immense importance it is that our army, whatever its numbers, should be as good and efficient as it is possible to make it. I entirely agree with those who think that it is of far less importance what shall be the actual number of your troops than what shall be their organisation and the instruction to be given to the officers who command them. I trust that the House will excuse me if upon these matters I do not go into further details than to say, that the Government are as fully impressed as are any of those whom I have now the honour of addressing with the deep importance of making our army as efficient as possible. During the war the whole attention of the Government was devoted to the efficient prosecution of its active operations, and it was impossible for them to give so much attention as their importance deserved to the questions which have been raised by my right hon. Friend. Now that peace has fortunately returned, however, it will be the duty and the anxious desire of the Government, as soon as possible, to come to some satisfactory decision upon the arrangements necessary to accomplish the objects which my right hon. Friend has in view.

Subject dropped.

### TENANT RIGHT (IRELAND) BILL—QUESTION.

Mr. G. H. MOORE: Before you leave the chair, Sir, I wish to put a question to the Chief Secretary for Ireland with respect to an explanation which I understand that he made in the House when I was not present. I understand that, in answer to a question put by the hon. Member for Northamptonshire (Mr. Stafford), he apologised to the House for not having spoken yesterday on my Tenants' Compensation Bill, alleging that his silence arose from a mistake, and stating that if the hon. Gentleman would next Wednesday move that my Bill should be committed that day six months the Government would support the Motion. No one has more reason to regret the silence of the right hon. Gentleman (Mr. Horsman) than myself, because as he voted for the second reading of the Bill, and therefore virtually for its committal, he must, had he addressed the House, have spoken in its favour. As he has explained his negative speech, he will perhaps also explain his positive vote, and tell us whether that likewise arose from a mistake. This is a question which concerns not only the credit of the Government, but also the personal character of a Member of this House, and it is therefore necessary that we should have an explanation upon the subject. I wish to know from the right hon. Gentleman whether, in case the Government should support the Motion of the hon. Member for Northamptonshire, he intends to vote against my Bill, and if so, why?

Mr. HORSMAN: Nothing can be more easy or, to those who know anything of the circumstances under which the hon. Gentleman brought forward this question, more satisfactory than the explanation which I am able to give. The hon. Gentleman made a speech yesterday, in which he especially desired that the House would put out of sight the particular provisions of his Bill. He stated yesterday, although not so fully as he has stated in Ireland, what are the real objects of that Bill. I happen to know the circumstances under which the hon. Gentleman took charge of the Bill, and the conditions which he made with those who requested him to do so. The facts were these. On the 29th of January there was to be a great meeting of the Tenant League in Dublin, in order that they might consider the Bill which was to be brought forward in the present Session. When the day arrived, although Parliament was about to meet, the League had no Bill. The council explained that this was a cause of considerable embarrassment to the gentlemen assembled; and they, therefore, proposed that, as they were in this dilemma, no Bill being ready for the hon. Member for Mayo. [Mr. G. H. Moore: The right hon. Gentleman is mistaken.] I have in my hand a Report of the proceedings of the meeting to which I refer. This meeting commenced with the presentation by the council of a report of their proceedings, and of the condition of the League. They stated to the members then assembled, that the energetic action of the League, as they expressed it, was at a standstill for want of funds. They stated that the League was bankrupt; in particular that there was a sum of £6 which the League was unable to pay, but which six members of the League had come forward very handsomely and very unanimously, not to pay, but to bind themselves in writing to be liable to the creditors for it. They also stated that there was a further sum of £23 which was due, £5 of it to one member of the council who had advanced the money, and the remaining £18 to two newspapers for advertisements for two years. This sum, they said, fortunately, was not pressing. The gentlemen deferred their claims and consequently the "energetic action" of the

League was restored. Having got over the first difficulty about funds, they then came to the next. There had been a want of funds; there was then a want of members. They said that although the meetings of the League had, in accordance with the instructions of the meeting in October, been so arranged that parties from the country who might be in town could conveniently attend them, very few such persons had in fact attended. Being then in want of funds and in want of members, the League assembled on the 29th of January, and the council then said with regard to the Bill:—

> "The council have not been able to carry into effect the instructions issued by the last general meeting to have a tenant-right Bill prepared and revised by a competent lawyer, and ready for the consideration of this meeting."

The fact was, that the Tenant League had in the plenitude of their power ordered that a Bill should be prepared by a competent lawyer; but there was a preliminary process to be gone through; before the competent lawyer would undertake the task—which was exceedingly embarrassing to an association—six of the most substantial members of which had been obliged to guarantee a debt of £6. The consequence was, they had no Bill prepared, and the council went on to say:—

> "Your committee have, therefore, to state, that owing to this cause the Bill has not been considered in council; and finding that the opening of the Session is at hand they venture to suggest that the better, if not the only practicable, course now open for you, is the placing of Mr. Sharman Crawford's Bill in the hands of two Members of Parliament:"

who they afterwards desired should be the hon. Members for Mayo (Mr. Moore) and Dungarvan (Mr. Maguire). It was therefore, as I stated in the outset, that there was no Bill prepared, and they were compelled to adopt that of Mr. S. Crawford, which was placed in the hon. Gentleman's hands. I have stated that they were short of funds, lacked members, and had no Bill; at last they have found a Bill—but are they agreed among themselves? Last year the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) was the mouthpiece of the association upon this great question. This year he declined that honour. At the very meeting to which I have referred a letter was read from the hon. and learned Gentleman, in which he says:—

> "I am of opinion that any Member of Parliament who acting, or professing to act, on the part of the Irish tenantry, should, as things now stand, present any Bill to the House of Commons, but the one presented by me during the last Session, would do irreparable mischief to the tenant-right cause."

The hon. and learned Member for Kilkenny having declined to take charge of this Bill, the hon. Member for Mayo (Mr. Moore) was deputed to do so. What were the conditions upon which he undertook it? They were conditions which make it perfectly ridiculous for him to say that he intended the House to go into Committee upon the Bill.

MR. SPEAKER: The right hon. Gentleman is getting rather irregular. The question is that I leave the chair; and it is not regular to discuss the provisions of a Bill which is not before the House.

MR. HORSMAN: I shall be careful, Sir, not to transgress the rule. I do not wish to refer to the provisions of the Bill, but to the views entertained by the hon. Gentleman when he undertook to bring the measure before the House. His words were to the effect that he would be fostering a complete delusion if he allowed those who had done him the honour to place the Bill in his hands to go away with the belief that there was any hope of carrying it, or any other Bill worth anything to the people of Ireland. ["Order, order!"] I will not pursue this matter further, but simply observe that I ground the vote which I gave yesterday on the hon. Members's own statement. That Bill, word for word, and letter for letter. ["Order!"]

MR. SPEAKER: Nothing can be more irregular than for discussions to arise, on the question of going into Supply, as to the conduct of an hon. Member in regard to a measure that stands on the order paper fixed for a future day, and is not then before the House.

MR. HORSMAN: I of course bow, Sir, to your decision. I will only say, that the hon. Gentleman having asked me for an explanation, and I having frankly acknowledged that, acting for the Government, I made a mistake in not offering the statement which I should have offered, but that I was prevented by a surprise, I felt bound to give an answer; but, as this discussion is declared to be irregular, I am ready when the Bill goes into Committee fully to vindicate the course that I took yesterday, and to show that it is quite in accordance with the one which the Government was prepared to adopt.

Motion *agreed to*.

## SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee; Mr. FitzRoy in the chair.

(1.) £2,000, Board of Manufactures (Scotland).

In reply to a question from Mr. Williams,

Mr. WILSON explained that this payment was made in conformity with a provision in the Act of Union; but the funds now went to support a flourishing school of design in Edinburgh.

Vote *agreed to;* as was also—

(2.) £5,000, Highland Roads and Bridges.

(3.) £12,000, Bounties on Slaves, &c.

Sir F. BARING said, there was only a sum of £4,000 expended out of the Vote of £12,000 last year, and there was a surplus of £1,400 on the Vote of the previous year. The year before that the Vote granted was £13,000. There might be circumstances which required this large Vote after the small amount of the expenditure of last year, but he should wish to have some explanation.

Viscount PALMERSTON said, that by the exertions of our cruisers on the African and Brazilian coasts the slave trade, as far as concerned Brazil especially, had for several years been practically extinguished. It had prevailed to a very limited extent in Cuba. The sum expended on captures had, therefore, been very small of late; but last year a heavy mortality occurred in the Brazils, caused by epidemics; and symptoms were visible of a renewal of the Brazilian slave trade. It was well known that several vessels had been fitted out in the United States to carry on this discreditable traffic between the coast of Africa and the Brazils, and one or two of them had been actually detained on the Brazilian coast. The reason why a larger sum was asked for under this head this year was doubtless an apprehension that the slave trade might revive, and that more captures might, therefore, be anticipated.

Vote *agreed to;* as were also the following Votes—

(4.) £900, Commission for publishing ancient Laws and Institutes of Ireland.

(5.) £9,000, Process Servers in Ireland.

(6.) £70,900, Pensions under Merchant Seamen's Fund Act.

(7.) £2,301, Office for Registration of Joint-Stock Companies.

(8.) £1,790, Registration of Designs Office.

(9.) £29,000, Treaties of Reciprocity.

Mr. W. WILLIAMS complained that the particulars of this Vote had not been furnished to the Committee.

Mr. WILSON explained that regularly every Session there was presented to Parliament a statement, giving all the information that could be required on the subject.

Mr. W. WILLIAMS observed that many of the claims were not found in law. He had himself known cases where the right to demand these dues had been challenged, but the challenge had never been accepted.

Mr. RIDLEY complained that the Estimate had not been framed in such a manner as to afford the requisite information on many points of interest. For instance, it would appear on the face of the document as though the Trinity House of Newcastle-upon-Tyne received in its corporate capacity £6,742 a year for pilotage; whereas the fact was that every shilling of that sum was paid to individual pilots.

Vote *agreed to.*

(10.) £3,800, Inspectors of Corn Returns.

Mr. STAFFORD said, at the time when the corn laws were being discussed, great complaints were made of the machinery by which the returns were collected, and he wished to know what had been done to improve the machinery?

Mr. WILSON said, that the arrangements were still unsatisfactory, but he could state that a gradual improvement was being made in the system. Formerly persons were appointed inspectors merely because they were engaged in the corn trade, not because they had any peculiar facilities for performing the duties; but as they had died off, their places had been supplied by officers of the Inland Revenue, whose returns had generally been found correct. He hoped that the collection of these returns and of agricultural statistics generally would ultimately be combined, and that one result of that combination would be to secure an accurate return of the corn sold by the farmer as well as that sold by the dealer.

Mr. WISE said, that so far as corn rents and tithe payments were concerned, the present returns were entirely delusive. The whole system was unsatisfactory, and he trusted that some assurance would be given by Her Majesty's Government that the matter would be carefully considered with a view to an alteration, including, first, an extension of the number of towns from which the averages were made up; and, secondly, the compelling the seller to record every sale in some form or other. Without obtaining returns of all the corn sold in the country they could never arrive at satisfactory averages.

MR. FREWEN thought the right hon. Gentleman at the head of the Board of Trade should have replied to the question. He was satisfied that the present system of corn returns was delusive and unsatisfactory. He was also satisfied that in some places no returns whatever were made. He hoped an assurance would be given that the existing system would be changed for a better one.

MR. LLOYD DAVIES was of opinion that such a project was impracticable. From the very necessity of the case it continually happened that there were sales which never came to the knowledge of the officers engaged in the preparation of the returns. Perfect accuracy could be attained only by a system of espionage which the gentlemen and farmers of England would not endure for a week. They might mitigate the rudeness of the present returns, but they would never get them altogether perfect.

MR. LABOUCHERE said, his attention was first called to this subject some years since, when he was connected with the Board of Trade. The present system was no doubt most inadequate to the obtaining of complete statistical information with regard to the sale of corn; but if they were to make the machinery in any degree efficient for that purpose, in the first place the expenditure would be much larger than it was at present, and in the second place it would interfere with minute transactions in a manner that might lead to considerable difficulty. The practical purpose for which the returns were obtained related to the Tithe Commutation Act, and rude and imperfect as the process was, he did not believe it had produced any important error in the results. The returns were doubtless procured merely from sellers who were willing to give information, and he admitted that that was a loose way of getting them; but, on the other hand, the seller had no interest in misstating prices, and he believed that, rude and imperfect as the machinery was, practically it answered the purpose. As to the collection of agricultural statistics, that was a very large and important question, and it was certainly not contemplated when the arrangements under consideration were devised.

Vote *agreed to;* as were also—

(11.) £17,000, Distressed British Seamen abroad; and,

(12.) £3,600, Quarantine expenses.

(13.) £17,850, Revising Barristers.

MR. W. WILLIAMS said, he thought the duties of the revising barristers should be performed by the County Court Judges, who had recently received a very large increase of salaries, which was unaccompanied with any increase of their duties.

MR. J. G. PHILLIMORE did not agree with the hon. Member. There were times when the duties of revising barristers were extremely arduous, and it was impossible for County Court Judges to perform them in addition to their great labours. The vacation of a County Court Judge was already extremely short, and it must not be diminished.

MR. MULLINGS said, the Committee on the salaries of County Court Judges, of which he was a Member, took this question into consideration, and they were unanimously of opinion that it would be highly objectionable to throw upon such persons the duties now performed by revising barristers.

MR. MONTAGU CHAMBERS said, on all sides they were in the habit of hearing it stated that it was most important to have the registry properly kept, that proper persons should be on the registry, and improper persons struck off. He did not think that it would be of advantage to have County Court Judges act as revising barristers. If any fault existed in the present system, it was in the appointment of unqualified persons. If more competent persons were appointed to the duties of revising barristers the source of complaint would be done away with.

Vote *agreed to.*

(14.) £7,338, Constabulary Police at Aldershot.

MR. W. WILLIAMS said, he considered this item a most extraordinary one. He could not understand why taxes should be levied to pay county policemen for keeping 15,000 militia in order. He would be glad to know in what the duties of the police consisted, and why they could not be as well performed by militiamen as by police? Surely it would be easy to put blue coats on the backs of a certain number of soldiers, and leave them to attend to the police of the camp. He had certainly heard it jokingly said with regard to the regiments of militia that the front rank were obliged to take great care of their pockets lest the rear rank should pick them—but that was a matter of domestic police. Still he thought the Vote required explanation.

Mr. WILSON said, this Vote involved a great constitutional principle. The hon. Member should bear in mind that three years ago, when a camp was formed at Chobham, a large sum was expended in maintaining a police force there. When the camp at Aldershot was permanently established, the Home Office was asked to consider by what means the peace of the neighbourhood should be preserved, it being obvious that a very large concourse of people of various kinds would be collected round the camp, and that a large additional police force would be required. It was suggested by some persons at the time, as it had been that evening by the hon. Gentleman, that police officers in red coats might be employed; but, considering the jealousy which had always existed between the civil and military authorities in this country, the Government thought no one would like to see the preservation of the peace placed permanently in the hands of the militia. That would, in fact, have been transferring the duty of preserving the peace from the Home Office to the War Office. The Vote under consideration extended over a year and a half, and he certainly did not think it would have been fair to Hampshire and Surrey to impose that burden on them for the maintenance of the peace at the camp, which was formed for national purposes. The cost, too, was not £7,338—that sum really represented a year and a half's expense. £4,892 was the cost for twelve months, the balance £2,446 being to repay advances made in anticipation of the present Vote.

Lord LOVAINE observed, that the Home Office assented to the present arrangement on the application of the Chief Constable of Surrey. The county police force was insufficient, several burglaries had been committed, and an additional police force was essential.

Mr. HUTCHINS lived within a short distance of Aldershot, and could state, that the conduct of the militia, as well as of the regular soldiers stationed there, reflected great credit upon them. The fact was that it was not the conduct of the troops which rendered this additional police force necessary, but the number of disorderly persons who generally accompanied a camp. Under the circumstances he should certainly support the Vote.

In reply to Mr. A. Pellatt,

Mr. WILSON stated, that the sum expended last year in this way was £2,400, but that was only for the half year.

Mr. HENLEY looked upon this as a very large question, because the same principle applied to seaport towns, where a large number of seamen were brought together, and extra policemen were required to keep the peace. Now, Aldershot, he supposed, was to be a permanent establishment; barracks had been erected; and the effect of this would be to increase very much the value of the land there. When the Government created a temporary inconvenience of this kind, no doubt it might very reasonably be asked to defray the expense arising from the increased police force necessary; but if such an establishment was to be a permanent one, a permanently increased value would attach to the neighbourhood, and then it became a question whether that locality should not bear its own police burdens. Though he had no objection to this Vote under the special circumstances of the case, he did not wish to preclude himself from considering at some future time whether, in the case of any permanent establishments of this sort, the inhabitants ought not to take the advantages with the disadvantages.

Sir WILLIAM HEATHCOTE said, it was clearly within the contemplation of the framers of the Police Act that these exceptional cases should be dealt with in the manner now proposed, because there was a clause in that Act by which private persons were enabled to contract with the counties to procure policemen on any special occasion, in addition to the ordinary force. The arrangement now made by the Government in respect to this camp had been acted upon in many other cases. Thus they found railway companies, when constructing a line and introducing into a certain district a large number of persons likely to endanger the property and the peace of the neighbourhood, sometimes contracting with the county for an extra police force.

Mr. W. WILLIAMS observed, that such a thing as a camp guarded by policemen was never heard of in foreign countries, where camps were guarded by sentinels. This was a most ridiculous Vote, and, if published in the French papers, it would bring contempt on the whole English army. The noble Lord said a short time ago that the great object, if we had any force at all, was to maintain an efficient one; but you could not call that an efficient army which required the protection of the police. There were no policemen at Shorncliffe. He should take the sense of the House against the Vote.

VISCOUNT PALMERSTON said, his hon. Friend seemed to have mistaken the purpose for which the police were stationed at Aldershot. They were not there to protect the soldiers; if the soldiers were not competent to protect themselves they were certainly hardly competent to protect us. But it was well known that when they got together a large body of troops a very erratic population flocked together around them, and, unless his hon. Friend wished to see adopted the practice of foreign countries, and to have the military preserve order among what he was obliged to call the civil population, but who were really very uncivil characters—but civil because not military—unless his hon. Friend proposed to establish order among such persons by means of martial law, it was quite evident that they must employ a police force. It must be understood, then, that these policemen were not in the least necessary for the protection of the soldiers, but only for the preservation of order in the neighbourhood of the camp, where there was generally found a population of very loose habits and of very disorderly character. His hon. Friend would hardly like to see the police of the country undertaken by detachments of troops. If people were taken up by a corporal's guard, he (Mr. Williams) would be one of the first to complain of the non-employment of the constitutional civil force of the country. Then, again, when it was said that the district ought to defray this expense because it would be improved by the presence of a camp, the right hon. Gentleman (Mr. Henley) should remember that this was a very barren country, a country chosen, indeed, on account of its barrenness, because a large tract of it could be bought at a much less expense than the same tract of fertile land. It was said that the neighbourhood of the camp would improve the rateable value of the district, but he did not think any one would be very much tempted to fix their residence by preference in a quarter where they were likely to have the sort of neighbours which a camp and its followers brought to the district they were now discussing.

MR. HENLEY was quite sure that those who contributed to the wants, luxuries, and amusements of the camp would build houses or huts, however bad the land might be, and those buildings would become rateable if the camp were permanent. He should not object to the Vote if the camps were temporary.

SIR FRANCIS BARING said, as a Hampshire ratepayer, he was not likely to quarrel with the Vote, but, if permanently given, it would be an admission that wherever there was a great congregation of troops the Government was bound to contribute to the expenses of a police force. He represented one of the naval ports, where they bitterly complained that Her Majesty's Government sent a good many of what had been termed the erratic population, and where none of the Government establishments paid rates. He hoped this Vote would facilitate the fair consideration of their case.

MR. MONTAGU CHAMBERS hoped the hon. Member would not divide. The Vote might be taken this year, upon the distinct understanding that it was not to be drawn into a precedent. Next year the value of the land might have increased, and the neighbourhood might be able to pay for the police force required.

Motion made, and Question put—

"That a sum, not exceeding £7,338, be granted to Her Majesty, to defray the Charge for the Constabulary Police at the Military Camp of Aldershot, to the 31st day of March, 1857."

The Committee *divided*:—Ayes 131; Noes 14: Majority 117.

Vote *agreed to*.

(15.) £3,000, Inspection of Burial-grounds.

MR. HADFIELD complained that the rights of property had been disregarded by the State in the case of burial-grounds belonging to private parties, and wished to know what were the intentions of Government with respect to the management of the old burial-grounds?

MR. WILSON replied, that the inspectors held their appointments under two distinct Acts of Parliament. It was their duty to report on what grounds ought to be closed, and what opened, and whether ground intended for cemeteries was suitable to that purpose. In the absence of the Under Secretary of State, he could not give any information as to the intention of Government in the matter referred to.

Vote *agreed to.*

(16.) £21,262, Battersea Park.

MR. WHITESIDE expressed a hope that, whilst the Government were considering the health of the metropolis, they would not forget the health of the population of the manufacturing districts.

MR. P. O'BRIEN said, that the House had voted up to the 31st of March, 1856, towards the expense of forming a park at Battersea, the sum of £287,000, and now they were asked to vote a further sum of £21,262. He supposed the park was in the borough of the hon. Member for Lambeth (Mr. W. Williams), or else that hon. Member, who opposed the small pittance voted to the Dublin hospitals where the lives of persons were at stake, would have opposed the present Vote. It was doubtful whether this park was not formerly more useful as a pigeon ground than it was at present as a park. He wished some official connected with the Government would explain what advantage the public of London derived from this Vote.

MR. W. WILLIAMS could assure the hon. Member that not a single inch of Battersea park was situate within the borough which he represented. He was not a Member of the House when the scheme for forming a park at Battersea was proposed, but he remembered hearing the late Sir William Molesworth explain that a portion of the land purchased would be let upon building leases, and would not only repay the sum expended upon it, but would bring in a surplus.

COLONEL DUNNE thought it natural that the people of a country should take a pride in their capital, and he was favourable to the embellishment of the metropolis up to a certain point; but he thought that this limit had now been passed to the neglect of the provinces.

MR. EVELYN must express his astonishment at the course adopted by the hon. Member for Lambeth. He could not forget how that hon. Gentleman, upon a former occasion, had opposed a grant in aid of the rates of the counties of Hants and Surrey for public purposes. The hon. Member, however, was not so ready to oppose the application of the public money for objects connected with the metropolis, in which his constituents had an interest. It was quite evident, therefore, that if the hon. Member was a rural Reformer, he was a metropolitan Conservative.

SIR BENJAMIN HALL said, that the present Vote was rendered necessary by an Act which had been passed some Sessions back. The park would be open, he thought, next year, and he believed that the present Vote would be sufficient for the purpose. The total amount of ground purchased was 320 acres, of which 125 acres would be let, and would, in all probability, return a large remuneration; but if it should be necessary to take another Vote, a full statement would be laid on the table of the House.

MR. W. WILLIAMS defended his consistency, and eulogised the public spirit of his constituents, the inhabitants of Lambeth, who had of themselves, unassisted by any public money, created one of the very finest parks in the metropolis—["Name!"] Kennington Park.

MR. P. O'BRIEN: It is nothing but stones.

MR. MICHELL declared there never was a worse job than that same Kennington Park, of which the hon. Member was so proud. Last year, as they would all remember, a very large sum was voted for putting the park in order. [MR. W. WILLIAMS: No!] Yes, there was £1,000 voted for the purpose.

Vote *agreed to.*

(17.) £35,753, Embankment and public roadway between Vauxhall and Battersea Bridge.

MR. MICHELL declared that if the last Vote involved a job, this was ten times worse. They were doing with the public money that which ought to devolve upon private individuals, whose property would be materially benefited by the outlay. The effect of this Vote would be to give value to the property of the Marquess of Westminster. When they wanted roads or bridges in Cornwall they made them at their own expense, and he did not see why the inhabitants of the metropolis should not do the same.

COLONEL DUNNE concurred in the objection to the Vote, and expressed a hope that next Session something like a combined action would be got up against such proposals.

SIR BENJAMIN HALL said, the Vote was required to carry out the intentions of an Act passed in a former Session. The Marquess of Westminster had bound himself to pay a sum of money for any extent of frontage made on his property by this improvement, commensurate to the increased value, and which would be paid as soon as the works were completed.

MR. SPOONER wished to know whether the present Vote was the last that would be required for the purpose?

SIR BENJAMIN HALL could give no such assurance. At the same time he would promise that if any further sum were required a statement of the proposed outlay should be laid on the table previous to being incurred.

MR. HADFIELD also objected to the Vote. In Manchester, Sheffield, and elsewhere, they get no public money for the formation of parks, and he could see no reason why the metropolis alone should be entitled to such assistance. Those whose property was advantaged by such improvements ought to pay for them, and none others. There was Westminster Bridge, hard by, one of the greatest thoroughfares in the world. That bridge was being rebuilt, and at the public expense, while all the time it was those living in the neighbourhood whose property would be benefited that ought to pay for the expenditure.

MR. LLOYD DAVIES wished to know what sum the Marquess of Westminster would have to pay?

SIR BENJAMIN HALL: Between £8,000 and £9,000, that being considered to represent the improved value of his property. He might add, the bridge would be open before the end of the year.

MR. KENDALL thought the Government might have done this year what they had promised to do in future, and have laid detailed estimates of all the expenses connected with this project before the House.

MR. MICHELL would unquestionably divide against the Vote. He moved that it be rejected.

SIR WILLIAM JOLLIFFE thought they ought to know whether the Government contemplated the redemption of the tolls upon the bridges and roads round London. It seemed to him, otherwise, that it was rather unfair for the Government thus to compete with those who had expended their money in the construction of roads and bridges to the great advantage of the public, and interfere with their legitimate returns.

SIR BENJAMIN HALL thought that any such intention on the part of the Government would be strongly opposed in that House. Two years ago he had sat upon a Committee with reference to that subject, which recommended that a Metropolitan Board of Works should be created as the proper body to consider the question of the redemption of tolls and other matters. Well, such a Board had been created, and he was happy to perceive by the Report of their proceedings, published in the newspapers, that the subject was under the consideration of the Board, and he hoped would be brought to a satisfactory conclusion.

Motion made, and Question put—

"That a sum, not exceeding £35,753, be granted to Her Majesty, towards defraying, to the 31st day of March, 1857, the Expense of constructing an Embankment and Public Roadway between Battersea and Vauxhall Bridges, and an approach from Sloane Street to Chelsea Bridge."

The Committee *divided*:—Ayes 109; Noes 66: Majority 43.

Vote *agreed to.*

(18.) £109,000, Services connected with Improvements at Windsor; *agreed to.*

(19.) £1,500, Works at Carisbrooke Castle.

SIR BENJAMIN HALL said, that Mr. Hardwicke had estimated that the sum was necessary to prevent the Castle from falling into ruin. It belonged to the Crown, and was an object of historical interest.

Vote *agreed to;* as was the next Vote.

(20.) £9,000, General Repository for Records.

Motion made, and Question proposed—

"That a sum, not exceeding £6,912, be granted to Her Majesty, towards defraying the Expense of Works, Furniture, Fittings, &c. of the British Embassy Houses abroad, to the 31st day of March, 1857."

MR. WHITESIDE moved to reduce that sum by £2,330. He objected to the sum of £550 which had been laid out in preparing the chapel of the Embassy at Paris for the reception of Her Majesty on the 19th August, 1855. The following sums had been expended for the fees and travelling of the architect in this matter:—In the year 1844, £481; in the year 1845, £946 10*s.*; and in the year 1846, £200. Then there were ths expenses attending the palace of the British Ambassador at Constantinople. The sum voted this year for ordinary works, including repairs and fittings, was £1,020—Sir Charles Barry receiving a further sum of £183. He strongly objected to this Vote. The following sums had been expended in past years on the British Embassy in Constantinople:—In the year 1849 a sum of £12,000 for building the British Ambassador's house; in the year 1850 a sum of

£14,765 for completing this house; in the year 1851 they were free; but, in 1852, a sum of £4,331 14*s.* 1*d.* was voted for building a chapel; and, in 1853, a sum of £2,054 for reinstating the chapel. In the following year £14,000 was expended upon the consular offices. In the year 1855 they had the moderate Vote of £1,540 for a seaman's hospital; but, in 1856, £4,578 more were voted for lamps and fittings at the Ambassador's residence. He thought these expenses ought to cease, and he moved to reduce the Vote accordingly.

Motion made, and Question proposed—

> "That a sum, not exceeding £4,582, be granted to Her Majesty, towards defraying the Expense of Works, Furniture, Fittings, &c. of the British Embassy Houses abroad, to the 31st day of March, 1857."

Mr. HUTCHINS would move the additional reduction of the Vote by £231, being personal and travelling expenses of the architect, unless explanation were given.

Mr. WISE was not surprised that the attention of the Committee had been called to the items of this Vote, for he had objected to similar Votes for the last three years. This Vote had, by degrees, crept on to be an annual charge, and the question was, whether the Committee of Supply would permit money to be constantly expended before it was voted. He should like to know on what principle the Government acted with regard to these embassy houses. We had already paid £250,000 for the erection or purchase of the three embassy houses in Paris, Madrid and Constantinople, and additional expense continued to be incurred year by year. The Palace at Constantinople was estimated at £33,000, but the expenditure had been £90,000, and the Hotel at Paris had cost £87,320, besides an annual outlay of £1,000 for casual repairs, lighting and water rates. But the most extraordinary charge was, the payment to Mr. Albano the architect, who in 1855 had received £2,391 for his remuneration and travelling expenses to Paris and Madrid. In 1854, £1,400 was voted for a cemetery at Madrid, and it was arranged that Mr. Albano should go to Madrid, superintend the work and return for a sum not exceeding £300; but in the next Vote was a charge of £770, so that out of a total expenditure of £2,227 for the cemetery, the architect's share was £770. And what was the sort of work superintended at Paris. He found a sum of £550 put down for preparing the chapel and anteroom at the Embassy for the Queen; but in considering this charge, he would venture to call the attention of the Committee to the fact that in 1853, £400 was voted for making the drawingroom a chapel. The drawingroom was not thought a fitting place for such a purpose, and the diningroom was converted into a chapel at an expense of £300 more in the following year. This was trifling with the public money, and he should be glad to see some better principle of action laid down by the Government, so that travelling architects might not entail upon the nation such expenses as these to gratify their whims and fancies, laid down by the Government. During the last twenty-five years we had expended on embassy and consular chapels £158,535, and since the passing of the 6th *Geo.* IV. a sum of £203,320*l.* for the same purpose, so that at this moment we ought to have £203,000 worth of those chapels on the Continent. He traced a great deal of this expenditure to the system on which the Estimates were made up. There was a want of unity and consolidation in the Estimates, and Votes were to be found scattered over the whole of the Estimates connected with every department. The Secretary to the Treasury deserved thanks for having greatly improved the system of keeping the public accounts, but if the whole of the Estimates could be laid before the House in one view a still greater improvement would be effected. As an illustration of the present system, he might state that there was an estimate of £32,000 for secret service, but elsewhere there was a sum of £10,000 for the same service, making it £42,000 instead of £32,000. The latter sum was the annual Vote for the secret service, but the £10,000 was an annual charge on the Consolidated Fund. Then there was a sum of £148,000 for foreign Ministers charged on the Consolidated Fund; but, in addition to this, there were two other sums, one of £25,000, the other of £30,000. What he wanted to see was, all these various payments brought before them in one sum, so that the House might, at a glance, understand what the expenditure really was.

Sir BENJAMIN HALL was not at all surprised at the objections raised to this Vote, and the large sums proposed to be expended; but he would endeavour to give as good an account as he could of the several items complained of. In the first place, with regard to the Vote of £1,709, this not only includes repairs, furniture and fittings, and lighting and insurance, but an old account of £664, that ought to have been paid in former years. The sum for this year was therefore £1,100 instead of £1,700. The next item was £566 for taking down the old front wall in the Rue d'Anjou, and building another. This was really necessary, and he apprehended there could be no objection to it. For the next Vote, namely, £626, he was responsible. It was rendered necessary, in consequence of a fire at the Embassy, and it was hoped would prevent the recurrence of such a calamity in future. There was next a sum of £550 for preparing the chapel and anteroom for her Majesty when in Paris in August last. A great deal more, however, was done than was necessary for the reception of her Majesty, because repairs that were absolutely necessary for the chapel, were at the same time executed. The place was in a bad state, and it was thought better to have what was necessary done at once when the repairs were being executed in the chapel. The most material sum was that of £1,627 for professional remuneration to the architect, including personal and travelling expenses for 1854-55, and which were incurred before he entered upon his present office. He must say this was an indefensible Vote, though the charge was a fair one for the time the architect was employed. He thought, however, he should have been called back before he incurred so great an expense. There was in this item a sum of £200 for 1856, but he hoped the whole of this would not be required, and it was not his intention to allow more. With regard to Constantinople, the expenditure was for ordinary works, including repairs, the salary of the clerk in charge, and the payment of permanent workmen, and he did not think £1,000 too much for those purposes. With respect to the remuneration of Sir Charles Barry, that was for revising plans in 1848, and had been brought under the consideration of the House years ago. Nevertheless, he had thought it his duty to submit to the House in the present estimate everything outstanding; but next year no old accounts would be brought forward.

Mr. WHITESIDE said, that if he had had any doubt before about the propriety of dividing the Committee on the Vote, it would have been removed by the statement of the right hon. Baronet. If £200 were too much for the architect's personal and travelling expenses in reference to Paris in 1856, surely £946 must be too much for the same purposes in 1853. With regard to Constantinople, nothing could possibly be said in support of the extravagance there, and he should certainly persist in his Amendment.

Mr. PELLATT inquired what was the name of this architect, and how much per cent he received?

Sir BENJAMIN HALL replied that the architect's name was Albano, and that he was not paid by a percentage, but by allowances.

Mr. HENLEY thought the allowance to the architect enormous, and that it ought to bear a more fair proportion to the work done.

Sir DENHAM NORREYS wished to know on what principle these payments were made? Was the architect sent to Paris and allowed to remain there as long as he pleased, or was any check placed upon his proceedings?

Sir BENJAMIN HALL said, that he had already stated that this was a most improper Vote, because the portion of the expense incurred in 1854 ought to have been brought before the House at that time. The same observation applied to the expense incurred in 1855, before he filled his present office. In reply to the question as to what instructions were given to the architect when sent to Paris, he had to state that he directed him to proceed to Paris, to do his work as soon as possible, and to return with all convenient despatch.

Sir FRANCIS BARING thought that the Committee would be inclined to agree with the right hon. Baronet that this Vote was not a correct one. If, therefore, the hon. and learned Gentleman meant merely to express dissatisfaction at the Vote, he should have no hesitation in voting with the hon. and learned Gentleman; but the Committee could not arrive at a correct Vote until they knew precisely what engagements the Government were under to Mr. Albano, and how much ought in justice to be allowed. He therefore suggested that the Vote should be withdrawn and referred to a Select Committee.

Mr. HENLEY expressed his concurrence in the suggestion.

Sir BENJAMIN HALL explained, that when these accounts were brought to him, he thought them very heavy, and he therefore placed them in the hands of an officer of the Board of Works, whose duty it was to examine such accounts. That officer assured him that they were proper charges, and it was not before he received that assurance that they were placed on the Estimates.

Mr. HUTCHINS inquired whether it was necessary to send an architect all the way to Madrid, when the Ambassador there wanted an outlay on his residence of merely £300?

Mr. SPOONER pointed out that in a subsequent Estimate there was a charge of £470 to this same Mr. Albano for professional services rendered by him in connection with the Protestant cemetery at Madrid, the whole expenditure on which only amounted to £357; and this £470, moreover, was stated to be a charge over and above the sum of £300 already received by him.

Mr. MUNTZ said, this Vote was a specimen of the manner in which the public accounts were allowed to run into arrear. Things were just as bad with regard to the building in which they were sitting as with regard to these Ambassadors' houses; indeed, the same mismanagement might be traced in every department. The money was got too easily, and the consequence was it went too easily.

Sir WILLIAM JOLLIFFE thought that, as the Government could not give any explanation of this Vote, it was impossible for them to resist its postponement. More than half the money spent in connection with the cemetery at Madrid, to which the hon. Member for North Warwickshire had called the attention of the Committee, had been spent on a road, and surely the Government had not not sent an architect to Madrid to repair a road.

Sir FRANCIS BARING said that his object was to postpone the Vote; but, as he could not make a specific Motion to that effect, he should move that the Chairman report progress, and ask leave to sit again.

The CHANCELLOR of the EXCHEQUER said, that it would be quite new to appoint a Select Committee to inquire into a Vote. How could the Committee inquire into the charges of an architect for work done at Paris, Madrid and Constantinople. There was not the slightest doubt that, strictly speaking, each of these charges ought to have been the subject of an Estimate before the expense was actually incurred. The principle of Mr. Albano's payment was so much a day and an allowance for travelling expenses. He was sent to paris by the Board of Works, and by some inadvertence he was allowed to remain there longer than was necessary for the completion of his duties. Neither he nor his right hon. Friend the President of the Board of Works nor the Secretary to the Treasury was personally responsible for this expenditure, and they could give, therefore, no explanation from their own personal knowledge of the subject. The President of the Board of Works, it appeared, had referred Mr. Albano's charges to the proper officer in his own department, and had been informed by him that they were just and reasonable. He would leave it, therefore, to the House to say whether inquiry would be of any benefit to the public service; but it seemed to him that the only result would be that, however much this irregularity was to be regretted, Mr. Albano's charges were such as the Committee could scarcely refuse to grant.

Mr. DISRAELI observed, that as the Chancellor of the Exchequer had not pointed out any remedy in lieu of a Committee, he seemed rather hopeless of any practical benefit arising in this matter from any process whatever. The right hon. Gentleman appeared to think that it was useless to discuss the question at all; and in that case, therefore, there was a *primâ facie* case in favour of the proposition of the right hon. Member for Portsmouth. It would appear as though the right hon. Gentleman were attempting to disclaim a responsibility which properly belonged to a Government to which he and his colleagues had succeeded, but, remembering the circumstances under which he who was personally responsible for this item, and who could have given the necessary explanation on the subject, was not present among them, it was hardly gracious of the right hon. Gentleman to disclaim that responsibility which it might have been supposed that he and his colleagues would cheerfully accept. It was perfectly clear that this was an item which the Government, who were responsible for it, could neither vindicate nor explain, and it was not unreasonable, therefore, that the Committee should, under these circumstances, fall back on the proposition of the right hon. Member for Portsmouth, and ask for a Select Committee to get that explanation which the Government could not afford.

Unless they did interfere in a very decided manner when items of this sort which the Government could not explain were brought before them, the business of a Committee of Supply would become a mere farce. The least thing that could be expected from a Government was, that it should explain and defend the estimates which it brought forward, and when it could not do that, it was the duty of the Committee of Supply to take the matter out of the hands of the Government, and obtain for itself the information necessary for the public service.

THE CHANCELLOR OF THE EXCHEQUER said, he had given the Committee as full an explanation as he was able. He had stated that he did not attempt altogether to vindicate these items. However, if the Committee thought it was desirable that these matters should be made the subject of investigation before a Select Committee, Her Majesty's Government had not any wish to interpose any objection to an inquiry as to the expenditure on account of these objects. In the meantime, therefore, he was prepared to withdraw the Vote, to afford an opportunity for such an inquiry.

SIR FRANCIS BARING said, that after the statement of the right hon. Gentleman, he should withdraw his Motion.

Motion, by leave, *withdrawn:*—Amendment and Original Question, by leave, *withdrawn.*

The following Vote was then *agreed to:*

(21.) £2,084, British Seamen's Hospital at Constantinople.

(22.) £6,000, Spurn Point.

LORD HOTHAM said, that on a recent occasion an irruption of the river Humber had taken place on the Spurn Point, which might have been very easily repaired, and at a small expense, if any person in authority had been on the spot; but in consequence of the person whose duty it was to attend to this living at a great distance, the injury which would at first have been but trifling, became so great that it ultimately led to an expenditure of an enormous magnitude. He hoped some arrangement would be made to have a responsible person on the spot, who would be able to give the necessary directions.

MR. MACARTNEY asked, whether the sum now proposed to be voted would complete the works necessary to be done?

SIR CHARLES WOOD replied, that it was impossible to state any particular sum which would be required for that purpose. The utmost economy would be observed.

Vote *agreed to*, as were also the two following:—

(23.) £627, Menai Straits.

(24.) £1,053, Professors in the University of Cambridge.

(25.) Motion made, and Question proposed—

> "That a sum, not exceeding £15,529, be granted to Her Majesty, to defray the Charge of the Salaries and Expenses of the Incumbered Estates Commission, Ireland, to the 31st day of March, 1857."

MR. WHITESIDE said, that he should object to the first three items of this Vote — viz., the Chief Commissioner, £1,549 16*s.* 10*d.*; his examiner, 400*l.*; and his clerk, 150*l.*—unless he received some satisfactory explanation as to the future constitution of the Court. A Committee was now sitting on the subject of the Incumbered Estates Court—whether they should discontinue it, or make it permanent, or amalgamate it with the Irish Court of Chancery—and he believed that it was not improbable that the result would be that they would recommend that the Court should consist of two Judges only. He believed that Committee had nearly finished its labours and would present its Report in the course of a few days. In the meanwhile he would ask whether the House was prepared to maintain the unconstitutional, mischievous, and indefensible principle of paying a Judge of the Court of the Exchequer for neglecting his duty, in order that he might sit as a Judge in another Court? He did not complain of paying a proper salary to the Chief Commissioner (Baron Richards), but he believed it to be the fact that that gentleman had never gone circuit since he had been appointed a Commissioner of the Incumbered Estates Court. What was the conflict of principle involved in this case? You first appointed a man of great legal ability to be a Judge, and you paid him liberally. In that capacity he was perfectly independent; but you then appointed him a Commissioner of another Court, making him dependent for the continuance of his office on the will of the Government of the day. Now, the position of a Judge ought to be such that he should be independent of everybody; that he should hope for nothing, and fear nothing. It might be said that these appointments were originally made by gentlemen sitting upon the Opposition benches; but there was a great distinction to be drawn between appointing persons to Commissionerships for two or three years and appointing them for a permanency. The establishment of this Court was a measure of emergency, intended to meet a difficulty, and then to cease. But he thought it was a fair ground of complaint against the present Government that they should have continued so long to abstract, as it were, a Judge from the service of the country, giving him patronage and making him dependent on the Minister of the day. What he wished to know was, whether the Government were prepared to sanction a principle which would wholly subvert the independence of the Judges. It seemed to him that two Judges would be sufficient for the performance of the duties of the Incumbered Estates Court—at least for another year—and he should unquestionably require that the present Chief Commissioner should be restored to his proper functions in the Court of Exchequer. He respected the ability and the knowledge of that learned person; but, if the Government required a Commissioner, let them employ another person. Certainly £1,542 a year was a moderate charge for the Chief Commissioner of the Incumbered Estates Court; but at the same time they paid this gentleman £3,500 a year for being absent from circuit. He requested, therefore, to be informed whether it was intended that Baron Richards should be continued as a working Judge of the Incumbered Estates Court? While acting as a Commissioner it was impossible that he could attend the Court of Exchequer. What he meant to say was, that it was impossible for a man to be in two places at one time, "barring that he was not a bird."

Mr. J. D. FITZGERALD said, the hon. and learned Gentleman knew well that the answer to his question would depend upon the result of the deliberations of their Committee now sitting upstairs. The whole question was before that Committee in the shape of a Bill to regulate the Incumbered Estates Court and reform the Court of Chancery, and it was not for him to predict what might be the result of its inquiries. Until it had arrived at a conclusion, he should not be in a position to say whether the Government would ask the House to continue the Incumbered Estates Court with its present staff, or abolish it and transfer its jurisdiction to the Court of Chancery. But for the information of the House, he might state what had taken place. The Incumbered Estates Commission was appointed in 1849. At that time three Commissioners were selected—one, an English barrister (Mr. Hargreave); another, Mr. Commissioner Longford, who was certainly not entitled to the appellation of a Whig lawyer; and the third, Mr. Baron Richards, a Judge in the Court of Exchequer, who had discharged the duties assigned to him most faithfully and zealously. It was necessary to have a Judge of experience to preside, and therefore Baron Richards was appointed. His salary as Chief Commissioner in the Incumbered Estates Court was £1,500 per annum, but, after making certain necessary deductions, his whole emoluments for performing the heavy duties of his Court did not amount to more than £700 or £800. In 1852, when Lord Derby was in office, the usual annual Vote was passed for defraying the expenses of the Incumbered Estates Court, including the salary of Baron Richards, and he did not recollect that the hon. and learned Member for Enniskillen upon that occasion intimated any intention to dispense with the services of the Chief Commissioner. The Vote, in fact, had been passed every year since the Court was established. He would remind the House that after the Committee had made its Report it would be necessary during the present Session to lay before the House some specific measure either for the continuance or the abolition of the Incumbered Estates Court, and that would be the proper occasion for the Government to state what they intended to do with the Commissioners, including Mr. Baron Richards.

Colonel DUNNE thought that, after the statement which the Committee had just heard from the Attorney-General for Ireland, it would be expedient to postpone the Vote until some decision had been arrived at with respect to the Incumbered Estates Court.

Motion made and Question proposed "That the Chairman do report progress and ask leave to sit again."

Mr. WHITESIDE maintained that the argument of the Attorney General was by itself insufficient to induce the Committee to defer the Vote. It was true that the Vote was passed in 1852, but with a pledge on the part of the Government to introduce a measure to give a jurisdiction to the Court of Chancery, which would have prevented the necessity of making a similar charge in future years. He brought in that Bill himself, and the person who resisted it the most was a late colleague of the Attorney General, the present Mr. Justice Keogh. He told that Gentleman that he would live to see the day when he and his friends would support the principle of the measure with the same zeal as he then opposed it, and so it had actually come to pass. What he complained of was that they should keep a Judge from the performance of his duties in the Court of Exchequer to preside in this Court. He hoped the Vote would be withdrawn.

MR. J. D. FITZGERALD called attention to the fact that the Vote was only an estimate up to the 31st of March next. Whatever might be the result of the deliberations of the Committee upstairs, the Incumbered Estates Court would continue its operations for the greater part, if not the whole of that time.

MR. WHITESIDE, being dissatisfied with the explanations of the Attorney General, moved that the Chairman do report progress.

THE CHANCELLOR OF THE EXCHEQUER hoped the Committee would agree to the Vote. All it was asked do was to vote a sum not exceeding £15,529 towards the expenses of the Incumbered Estates Commission as at present constituted. That was a maximum sum. If, in consequence of any change which might be effected, a less sum were required, that less sum would alone be issued by the Treasury; and, although the Government asked for a continuance of the salary of the Chief Commissioner at the rate of £1,549 a year, that specification did not pledge the House by the Appropriation Act to assign that amount of salary to Baron Richards.

LORD NAAS thought that the Motion for the postponement of the Vote was very reasonable. The Select Committee would probably make its report in the course of a week or fortnight at farthest, and in the event of any fresh legislation taking place the Vote would have to be materially altered. In fact, the Government would have to come to the House with another Vote to enable them to carry out the new arrangements.

VISCOUNT PALMERSTON asked the Committee to consider how the matter really stood. A Select Committee was inquiring into the constitution of the Incumbered Estates Court. They were told that it might report in the course of a fortnight. That Report, when presented, would have to be considered, and then a Bill founded upon it would have to be prepared and introduced. We were now in the beginning of June, and he asked the Committee if it was likely that in the course of the present Session anything in the way of legislation would be done which would render the Vote unnecessary?

MR. HENLEY thought there was considerable weight in what the noble Lord had said. We were getting fast to the end of the first quarter, and he apprehended that another would elapse before it would be possible to make any change. Moreover, the adoption of the Vote would not interrupt the removal of Baron Richards from his office in the Incumbered Estates Court.

MR. WHITESIDE said, his only object was to hear from the Government that, if the Vote passed, they would consider fairly the impropriety of having the same gentleman filling the office of Judge in two courts which sat at the same time.

VISCOUNT PALMERSTON admitted that such an arrangement was in principle objectionable. It was only a temporary measure.

Motion by leave *withdrawn.*

Original Question put, and *agreed to.*

The following Votes were also *agreed to.*

(26.) £3,000, Irish Census.

(27.) £3,000, Gallery of Arts in Dublin.

(28.) £29,400, Lighthouses abroad.

(29.) £15,000, Australian Expedition.

MR. WILSON stated, in reply to Mr. W. Williams, that the object of the Vote was to enable the Government, in conjunction with the Geographical Society, to explore the northern and western districts of the important colony of Australia. The Government thought it their duty to do all in their power to promote that object.

Vote *agreed to.*

(30.) Monument at Scutari.

COLONEL NORTH believed an universal desire prevailed among his countrymen that a monument should be erected to the memory of the brave men who fell in the late war, but he thought a testimonial for which a Vote of £17,500 was required might be erected in this country with greater propriety than at Scutari. He would suggest that the proposed monument should be erected in the grounds of Chelsea Hospital, or in some other place in this country, where it might be seen by many gallant soldiers who had served in the war, and by the relatives of those who had fallen. Some testimonial might be placed at Scutari; but he doubted the propriety of erecting there an expensive monument, because, when the British army was withdrawn, there would be no guarantee for its preservation.

Mr. STAFFORD expressed his earnest hope that the Government would persevere in their determination to erect the monument at Scutari. Many fond though mournful associations were connected with that place, and if there was any danger that the sanctity of its graveyards would be violated, the feelings of those whose friends and relatives were buried there would be deeply wounded; while, if no such danger existed, he thought there was no more appropriate site for the erection of a national tribute to the memory of the brave. He had been informed that a portion of the proposed monument was already on its way to Scutari. If it were thought desirable a similar monument could be erected in this country; but he believed there would be a general feeling of disappointment if the Government hesitated in carrying out the plan upon which they had decided. The design for the Scutari monument was so exceedingly beautiful that he would rejoice to see a similar testimonial in the grounds of Chelsea Hospital.

Mr. BOWYER thought that Balaklava, or any of those places at which our troops had maintained the honour of the British arms in the Crimea might more appropriately be selected as the site of the proposed monument than Scutari, where the hospitals of our army had been established, and where, he feared, in consequence of mismanagement, the lives of many brave soldiers had been sacrificed. He was also of opinion that the sum proposed for the monument was excessive. Taking into consideration the difference between the value of money in this country and in Turkey, it was perfectly monstrous to demand a sum of £17,500 for such a purpose. He thought that before the Committee agreed to the Vote, they should know what the monument was to be, what artist was to be employed, and how it happened that so large an amount was required.

Viscount PALMERSTON said, the hon. and learned Gentleman (Mr. Bowyer) did not seem to be aware that the monument at Scutari had been designed by a very distinguished artist, who was now resident in this country, that it had been prepared in this country, and that it was to be sent out to Scutari for erection. The Vote was not asked at random, but it was the amount required for a monument of extreme beauty, which would, he was sure, be an object of admiration to all who saw it, and which would perpetuate the memory of the gallant deeds performed by our brave troops. He agreed with the hon. Member for Northamptonshire (Mr. Stafford) that Scutari was the most appropriate place for the erection of such a testimonial. If Parliament chose they could sanction the erection of another monument in this country; but he thought it would be disgraceful to the British nation, if in that distant quarter of the world, in which the honour of the British arms had been so nobly supported, no record of the valour of our troops remained. Whether or not Parliament might sanction the erection of another monument in this country, he hoped the Committee would not withhold their assent from this Vote; and indeed it was almost too late to do so, for as the hon. Member for Northamptonshire had stated, a portion of the monument was already on its way to Scutari.

Mr. BOWYER thought that before the public money was expended upon a monument, the public should have had an opportunity of forming a judgment upon it.

Viscount PALMERSTON said, that if the hon. Member had gone to the Crystal Palace he would there have become acquainted with the design of this monument.

Vote *agreed to.*

(31.) £3,691, Orange River Territory.

Mr. LABOUCHERE explained that there were still some claims unsettled, but he hoped that the next would be the last year in which this Vote would appear upon the Estimates.

Mr. ADDERLEY expressed his regret that this territory had been abandoned at a cost equal to what would have sufficed to preserve it. The people of England ought not to forget that the present Government was the first which had abandoned any territory which had once belonged to this country.

Vote *agreed to.*

(32.) Motion made, and Question proposed—

"That a sum, not exceeding £30,361, be granted to Her Majesty, to pay the Salaries and Expenses in the Department of the Commissioners for auditing the Public Accounts, to the 31st day of March, 1857."

Whereupon Motion made, and Question, "That the Chairman do report progress, and ask leave to sit again," put, and *negatived.*

Original Question put, and *agreed to.*

The House resumed.

### BLEACHING &c., WORKS (No. 2) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. I. BUTT expressed a wish that this Bill should be read a second time, and should afterwards be referred to a Select Committee if the House should approve of that course.

MR. KIRK said, as the Bill was one which introduced a new principle, he should oppose the second reading at that hour. He should move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

LORD NAAS thought that a Bill of so much importance should not be read a second time without full and fair discussion. He trusted therefore that his hon. and learned Friend would fix the second reading for such a time as to afford an opportunity for such discussion.

SIR GEORGE GREY urged the postponement of the Bill.

MR. I. BUTT appealed to the noble Lord at the head of the Government, either to support the second reading of the Bill, or to give him an early day for bringing it on.

VISCOUNT PALMERSTON said, he should be very happy to give the hon. and learned Gentleman an early day for the purpose, but that Government business was pressing. He would suggest to the hon. and learned Member that he might find the opportunity which he sought upon some Wednesday, or in the course of the morning sittings to which they must soon resort.

MR. I. BUTT consented to postpone his Bill. Debate adjourned, with a view of naming an early day for its further consideration.

The House adjourned at a quarter after One o'clock.

## HOUSE OF LORDS,

*Friday, June 6, 1856.*

MINUTES.] PUBLIC BILLS.—$1^a$ Sleeping Statutes.
$2^a$ Drafts on Bankers; Public Health Supplemental.
$3^a$ Appellate Jurisdiction (House of Lords).

### LORD DENMAN AND THE PRESS.

LORD DENMAN complained that he had been misrepresented by a leading journal in the statement that he had greatly praised the present Limited Liability Bill, whereas his remarks solely applied to the Bill before the House last Session. If he were not so insignificant an individual, he should really think himself an object of dislike to the paper in question, for in February 1854, he addressed a letter to the "*Standard*" respecting the leading article in *The Times* on the deafness of Lord Rokeby, after which a letter was inserted in the first edition of *The Times*, which edition he scarcely ever saw (and it was withdrawn from the second edition on account of the proved exaggeration of the statement), so that taking the second edition he had not seen it for some time; but still he bore no malice to the publication, and continued to take it in, until he saw a flippant report from the correspondent in the Crimea, noticing in a marked manner Lord Rokeby's attending at the representation of "*Deaf as a Post,*" and he could stand it no longer, and discontinued taking in the paper. This same afterwards-suppressed letter had accused him of ignorance of acoustics from not knowing that in a railway carriage any deaf person can hear better than in a quiet room; whereas he had written, that when the "vile guns roared" Lord Rokeby would hear the faintest whisper. He added, that it (coming from the Reform Club) had treated him with the utmost contempt, and doubted about the "*Standard,*" to which his father had often contributed with a benevolent design. He went on to say, that when journals for a political object misrepresented the truth, they might well be reminded of a Canadian journal which, in the time of Lord Metcalfe, had suffered for speaking the truth, and read an extract, premising that it was the object of a party to have the word "your" substituted for "our" as to the Governor's imagined secession from his post:—

"So much importance is attached by the party to a general belief among their followers of the certainty of this occurrence, that in the French paper the *Minerve*, the organ of that party, those passages of my speech at the close of the session which contained the words 'our next meeting,' and 'until we meet again,' are translated so as to convert those words into 'your next session,' and 'until your return.' Another French paper, the *Aurore*, noticed the mistranslation and exposed the design. But the *Aurore* is excommunicated, and the *Minerve* is the only paper read to the mass of the French Canadians."—*Life of Lord Metcalfe*, vol. ii. p. 570.

The gentlemen behind the clock alluded to by a noble Earl the other night in the debate on Indian affairs were not bound to report him at all, but if they did so they should adhere to truth; and if journals could be discommons-ed for speaking the truth, surely they might be treated like dishonest Oxford tradesmen if they wilfully persisted in falsehood; and the same journal has never expressed the slightest regret for the misrepresentation as to the number of troops to be sent with Sir W. Eyre to Montreal, which has caused two million dollars to be raised for war preparations in the United States; and he could only close these rather desultory remarks by reminding the organs of information that "*Magna est veritas et prœvalebit.*"

## DRAFTS ON BANKERS' BILL.

Lord MONTEAGLE moved the second reading of this Bill, which had been passed through the other House unanimously, and had received the support of persons of the greatest experience in the commercial world. He had not, however, taken charge of it until he had consulted some of his noble and learned Friends, and found there was no objection to it on their part. As their Lordships were aware, a custom had grown up of crossing cheques with the name of a banker, which was supposed to give a certain degree of security; but a recent decision of the Court of Queen's Bench had shown that feeling to be a fallacy. The object of the Bill was to legalise the custom, and enact that cheques so crossed should not be paid, except through a banker.

Lord CAMPBELL said, he had not the smallest objection to the Bill, which he thought would prove very harmless, and which he believed had, in the first instance, been occasioned by a decision which he had given in the Court of Queen's Bench upon the subject of crossed cheques. The Bill did not affect that decision, but it would afford a limited security against a too easy negotiation of drafts, because it provided that the bearer or drawer of a draft on a banker might write "and Co." across it, in which case it would only be payable to a banker; but, at the same time, there was no doubt that the draft would be negotiable in the same way as any other security for money.

The LORD CHANCELLOR said, he was very glad that no opposition was offered to this Bill, which would, he believed, prove of great service by affording that limited check to which his noble and learned Friend had referred against the too great circulation of bills.

Bill read $2^a$, and *committed* to a Committee of the whole House on *Monday* next.

## PUNISHMENT OF DEATH ON WOMEN—QUESTION.

Lord ST. LEONARDS, in rising to put the Question of which he had given notice —Whether Her Majesty's Government intended to bring in any Bill to abolish the punishment of death as regarded women?—desired to explain that he did not ask the question with any desire of suggesting to the Government to bring in any such measure, which, on the contrary, he should certainly oppose to the utmost, if it were introduced; neither did he wish to quarrel with the right of the Crown to exercise its prerogative as had been done in two recent cases. But the question had been suggested by what had taken place with reference to two women who had recently been convicted for most atrocious murders of their own illegitimate offspring. The feeling of the public certainly was that justice had not been done in those cases. Upon the evidence, more atrocious murders never had been committed. One of these cases was of a peculiarly horrible character, for a girl of ten or twelve years old had been cruelly murdered, under circumstances the most revolting, by her own mother, who had entrapped her down into a cellar, and had there committed the revolting crime. If ever a case was calculated to excite horror this was that case. Now, if the noble Earl opposite (Earl Granville) could state that these women had been allowed to escape the punishment of death on account of any particular circumstances which had induced the Crown to extend the prerogative of mercy, he had not a word to say; but, from want of any information on that point, as far as the public knew, the perpetrators of two of the most atrocious murders ever committed in this country had been pardoned without any sufficient reason. There might have been extenuating circumstances in those cases, which had satisfied the advisers of the Crown that the last punishment of the law ought not to be carried into effect. But if they had been relieved from the penalty of death merely because the Government had an opinion that the sentiment of the country was against exposing women to public execution, let it be stated; the exact state of the case would then be known, and he should have something to say on the subject. Such a course would practically involve an abrogation of the law as regarded women. It would be annulling the law of the land by the authority of the Crown, and not an exercise of the prerogative of mercy, and it would lead to the most frightful consequences, if it were understood that in future female murderers were to escape the penalty of death. It would be extremely satisfactory, therefore, to hear upon what grounds the sentences on these women had been commuted. If the sole reason were any supposed feeling as to the indecency of executing women in public, then, although he desired to express no opinion as to the propriety of private executions—being a Member of the Committee of their Lordships' House upon the subject, he should think it would be better to execute women in private than to let it be understood that they were not to be executed at all.

EARL GRANVILLE said, in answer to the question which had been put by the noble Lord with so much propriety, he had to state that it was not the intention of the Government to bring in any Bill proposing any such change in the law as he had referred to; and it was not the intention of the Government, in all cases, to extend the prerogative of mercy to women convicted of murder. He was glad to hear the noble Lord lay it down so clearly, that the exercise of the prerogative was not to be canvassed in either House of Parliament. But he had to state, as to the particular cases referred to, that his right hon. Friend the Secretary of State for the Home Department had given due consideration, not only to these cases, but to others in which the prerogative of mercy had been exercised; and had come to the conclusion that it was his duty to recommend to the Crown that the sentences of death should be suspended. He would add, that in conformity with the ordinary practice, his right hon. Friend had left a statement of the circumstances of these cases in writing for the information of his successor in the office.

LORD CAMPBELL agreed with the noble Earl as to the inconvenience of Parliament discussing, in each particular case, the exercise of the prerogative of the Crown. The right hon. Gentleman at the head of the Home Department had for many years discharged the duties of that office with the greatest ability and impartiality, as had also Mr. Waddington, the Under-Secretary. He should very much regret if it should be supposed that it was the determination of the Government not to carry the sentence of death into execution in any case in which a woman was convicted of murder—an opinion which was widely prevalent—and he now heard, therefore, with much satisfaction, that no such rule had been laid down. The first person upon whom it had been his painful duty to pass sentence of death happened to be a woman, who went by the name, in the county where she lived, of "Sally Arsenic," and she had murdered he knew not how many persons before the case could be satisfactorily brought home to her. She had attained such a consummate skill in the crime, and apportioned the doses with such nicety and minuteness that it was impossible to trace the death directly to the poison, and it became necessary, therefore, to indict her not for wilful murder, but for administering poison with intent to murder. Upon this indictment she was found guilty and executed. At the time of her trial the practice of poisoning by arsenic had become frightfully common in the county where she lived, but he believed that since her execution it had entirely ceased. To lay down the rule, therefore, that no woman should suffer the last sentence of the law would, in his opinion, lead to most disastrous consequences, because, unhappily, we knew from history that women had been driven to the detestable crime of poisoning quite as frequently as the other sex. He had heard with satisfaction from his noble Friend the President of the Council that it was in consideration of the special circumstances of the two cases which had been alluded to by the noble and learned Lord (Lord St. Leonard's) that the prerogative of mercy had been exercised; and he had no doubt, from what he knew of the Secretary of State for the Home Department, and of the Under-Secretary, that extenuating circumstances had been discovered in those two cases, and that the prerogative had been rightly exercised. He was glad to hear that there was no intention to alter the law of the land upon this subject.

## THE APPELLATE JURISDICTION (HOUSE OF LORDS) BILL.

Order of the Day for the Third Reading read.

THE QUEEN'S *consent* signified.

*Moved*, That the Bill be now read $3^a$.

THE EARL OF CLANCARTY: My Lords, I am sensible that to object to a Bill for the first time at its third reading is both irregular and inconvenient; but in the present case no option has been afforded me, for although the measure now before the House is the most important that has ever been brought under its consideration, affecting as it does the very principle of its constitution, it has been introduced and carried to its present advanced stage with such unusual celerity, that I have been deprived of the possibility of expressing my opinion upon it earlier. The Report of the Select Committee upon which it is founded having only been issued, and unaccompanied by the evidence, on last Saturday week, I felt assured that the House would have been allowed time to consider the important question it dealt with along with the evidence taken upon it before any further legislative proceeding, and in confidence of this ventured to absent myself, not certainly on Parliamentary duty, but to attend for a few days the Paris Cattle Show. What, however, was my astonishment at learning on last Monday night at Paris, that not only had the present Bill been presented to your Lordships, but that on the previous Friday, within a week of the first issue of the Report, and before its re-issue with the evidence, the House had given it a second reading, and that it was to be committed on the ensuing Tuesday! Under these circumstances it was manifestly impossible for me to record a vote, or express an objection against the Bill or any of its provisions before its arriving at its present stage, I therefore trust I may claim the indulgence of your Lordships for a very few minutes. While, my Lords, I regret, and have, I think, some reason to complain of the apparent precipitation with which the Bill has been hitherto carried forward, I am free to admit that it has met with a very marked acceptance on the part of the House, and that it has come recommended by a very high weight of authority, for undoubtedly the Select Committee appointed to consider the question of the appellate jurisdiction of this House was chosen with the utmost impartiality, and included, from both sides of the House, Peers of the greatest experience, learning, and influence, and to whose judgment in general the utmost deference is due; but deference has its limits, and may not be yielded against conviction. With an earnest desire to concur in the general feeling of the House in favour of this Bill, I can truly say that I have examined most carefully into the reasons by which it has been supported; but, admitting the importance of improving the appellate jurisdiction and retaining it in this House in the manner the most satisfactory to the public, I see nothing in the case to call for or warrant the institution of life peerages. It is a proposition at direct variance with a recent Resolution of your Lordships, and with every respect for the high authorities who have united in recommending it, I cannot but regard it as a practical abandonment of the prescriptive title by which the Barons of England have been ever hitherto regarded as the hereditary counsellors of the Crown, and the hereditary guardians of the constitutional liberties of the people. I therefore desire to decline any share in the responsibility of such a measure. It has been represented to me that the peerages for life are to be limited to four, and that the Act will therefore be a restriction upon the Crown against the exercise of any real or supposed prerogative in conferring such dignities upon any greater number; but is that the opinion of those Members of Her Majesty's Government who prepared the Bill? Unless newspaper reports have done great injustice to the noble and learned Lord on the woolsack, he stated to your Lordships that the Royal prerogative had been left untouched, and another noble Lord (a noble Marquess, not now in his place), declared that the Bill would not have had his support if it contained anything binding upon the future action of the Crown. Therefore, according to the views of those noble Lords by whom the Bill is offered for your acceptance, it must, notwithstanding any seeming limitation to the number of four, —it must still rest with the discretion of Ministers of the Crown to advise or not, as they may think proper, the creation of any greater number of life peerages. Why not leave the question as it was settled by the late Resolution of the House? What necessity is there for raising in this Bill any question about life peerages? There is nothing in the preamble to justify it, and the improvement of the appellate jurisdiction may be equally well obtained by its omission. Not only is the Bill silent as to any reason for the institution of life peerages, but the Committee, while recommending them in the Report, do not venture to assign the reasons on which they found their recommendation; it is only to be gathered from the evidence of Mr. Malins that an apprehension had been created in the minds of the Committee that, unless the peerages conferred upon eminent lawyers were limited to their own lives, there might be a danger of their successors being very poor Peers, as in the present practice of the law it was difficult to amass large fortunes. I do not think his evidence fully bears out that view of the case, nor, if the fact were even so, does it appear to me that wealth is a necessary qualification for the peerage. The lawyer, who has not been able to earn by his profession what may be termed a competency, would probably not be a man of that professional eminence that would point him out for advancement; but a lawyer whose abilities and learning have brought him into notice is commonly well rewarded by his practice, and in a position, after attaining to the bench, to make ample provision for his family. When it is proposed to elevate those to the peerage who have held high judicial offices, it is probable that such persons would be found, if not in affluent circumstances, possessed, at all events, of fortune sufficient for independence and respectability; and, if appointed to the offices now proposed, of Lords of Appeal in this House, the handsome salaries designed for them, which are not given for the purpose of mounting grand establishments and giving expensive entertainments, but simply as the due reward of public service, would go far towards making provision for those who might come after them in hereditary succession. But if the possible succession of a poor man to a peerage is an evil of such magnitude as to guard against it in the case of peerages held by Law Lords, you cannot stop there. Is there no danger, my Lords, of the introduction of poor Peers by the spendthrift habits of any of the sons of Peers already created? or of such as may be hereafter created with hereditary peerages, or even arising from the improvidence of existing Peers? These are cases quite as necessary to guard against as those of peerages conferred for judicial services. Desirable, however, as no doubt it is, that the Members of this House should be persons independent in point of income, and possessed of that real property that may give them a direct interest in the well-being of the country, and enable them to exercise a wholesome influence in their respective districts, there are other qualifications for a legislator quite as important, and the argument for life peerages would equally, if not more forcibly apply to insure this House against the admission of persons unworthy of the privileges or unfitted for the duties of Membership from incapacity, want of education, or from immorality of character. If the present constitution of this House is to be altered by legislation, public opinion will not ratify a measure which provides merely an inadequate security against the inheritance of peerages by persons of small fortune. Innovation cannot stop here, and should the principle of granting life peerages go further, what becomes of the independence of the House? With its independence its influence would be lost, and the abandonment of the principle of hereditary succession in the peerage may even imperil its continuance in the Crown. I cannot pass over another objection which the provisions of this Bill have presented to my mind,—your Lordships can hardly have considered in what position you are proposing to place the most highly qualified Members of the House. Surely, when peerages are granted to men whose learning and abilities have been tested by their having filled the highest judicial offices in the land, and who have been selected on that very account, the dignities conferred upon them should not be in any sense inferior to those of the rest of the peerage, yet from the tenor of the Bill it is manifestly designed that the non-hereditary peerage is invented for those only who are learned in the law. I am, I confess, surprised that such a measure should come before your Lordships recommended and approved of by noble and learned Lords. The legal profession will regard it as a very bad compliment, and I should doubt that, except for the sake of the salary proposed for the Lords of Appeal, any person of real eminence would accept a title upon such conditions. The Bill, I may further observe, is open to the objection of not providing for any rights of precedence, incident to the life peerage, for the Peer's family; these, though of little comparative value, are not without their importance, and should not be left in doubt. I will not longer trouble your Lordships by urging objections to the Bill, which I am aware must at this stage be unavailing. While I appreciate the importance of having the appellate jurisdiction improved, I cannot regard it as otherwise than most unfortunate that, without any necessity, a most dangerous innovation should have been proposed in the constitution of the House. Practically, the appellate jurisdiction has long since been exercised only by Law Lords, and it may be said to have been formally transferred to them when, in 1844, after the Twelve Judges had expressed their opinions upon the writ of error in the case of the *Queen* v. *O'Connell*, the lay Peers, who had formed their judgments upon the opinions then delivered, at the suggestion of Members of their own body consented not to vote, and left the case in the hands of the few Law Lords present. I do not think, under the circumstances, that the House has any great interest in retaining a jurisdiction merely nominal as regards the great body of the Lords, and if it cannot be retained and improved without abandoning the principle of hereditary succession in the peerage, it is better, far better, that it should be given up. I shall conclude, merely observing, that my chief object in now addressing your Lordships has been, for so humble a Member of the House could not hope to do more, to relieve myself from the responsibility of assenting to a measure which I deem to be fraught with danger to the constitution and future independence of this branch of the Legislature.

Amendment *moved* to leave out "now" and insert "this Day Six Months."

LORD DENMAN moved, that the Bill be read a third time that day three months. He had listened with much attention and respect, in the last autumn, to an explanation by a noble and learned Lord (Lord St. Leonards) as to the true state of the House as a Court of Appeal, in answer to certain reflections thrown upon it by the Solicitor General; and he now must comment upon the evidence before the Select Committee of their Lordships' House, which appeared to state that there was no faith to be given to appellate Judges, because they walked like Peripatetic philosophers, and to declare that all the wisdom was in the wig. He would first, however, read an extract from a letter from his Father to himself, respecting the O'Connell case, as to which case Sir Fitzroy Kelly, in his evidence before the Select Committee on their Lordships' Appellate Jurisdiction, had said:—

> "There was scarcely an individual at the Bar of England, or in the country, who really watched and understood the course of that proceeding, who was not perfectly satisfied that if, instead of Mr. O'Connell, the appellant in that case had been some factory agitator, in a low class of life, from Lancashire or Yorkshire, the judgment of the Court of Queen's Bench, in Ireland, would have been affirmed almost without argument."

Now, it so happened that the late Lord Chief Justice wrote to him, on September 19th, 1844, as follows, in reference to the O'Connell Judgment, in answer to a letter from him:—

> "And now I must thank you for your remarks on the great case. I am very glad you take the same view of it that I do, and feel the value of your testimony, that I should have said the same, if the case had come on under the most ordinary circumstances. I take some credit for my decided line on the jury question, which must check a most mischievous practice, and will probably lead to the reform of monstrous abuse now established and growing in Ireland. I have received information to this effect from a trust-worthy quarter at Dublin. I am highly amused with the respectable Tory Editor, who laughs at the *crotchet* of trial by jury; but what does he say to his compatriot Judge, whose language was ten times stronger than mine.
>
> "The second point, at first sight, appears to be merely technical, but in truth it goes directly to the security of public justice, and I believe the profession to have become nearly unanimous on that doctrine, throwing aside their first impressions for the opposite opinion, as soon as they really examined the authorities. I have revised the report of what I said, and shall direct a copy to be sent from the House of Lords to you."

He did not believe that their Lordships would attribute less impartiality to the other noble and learned Lords, and reminding their Lordships that Lord Wharncliffe requested the lay peers to abstain from voting, "in order to preserve the appellate jurisdiction of the House;" and that the Earl of Stradbroke would have voted if a noble Marquess had not prevented his doing so, solely on account of his and other noble Lords not having heard the whole of the argument in the case. His Father addressed their Lordships (more strongly than he otherwise would have done, which he afterwards regretted), believing that they would exercise their right to vote; and what did he say relative to the opinion of the noble and learned Lord (Lord Lyndhurst), who now, in spite of extreme old age, treats all subjects, especially the present one, with incomparable vigour?—

> "I heard my noble and learned Friend (said the late Lord Chief Justice) with the admiration I always do, when he laid down the rule on this subject. Whether, in point of principle, certain cases were good law, assuming that they ought to be rejected, if proved to be founded on mistake; nor did any one impugn the right and the duty to examine the legal proposition.
>
> "He reminded your Lordships that you are not bound to do more than respect in the highest degree, and consider with the utmost care, the opinions which may be given to you by the Judges. But you have a duty of your own to perform. Your consciences are to be satisfied; your privilege affords you the assistance of the most learned men living; but your duty forbids you to delegate your office to them."

The next case mentioned by the late Lord Chief Justice involved a like principle, and the termination of it reminded him (the present Lord Denman) of one of the subjects of grievance laid hold of by the Solicitor General last autumn, and in his evidence; namely, the so-called grievance of the Court being divided, and the judgment of the Court below being thereby affirmed. The late Lord Chief Justice goes on:—

> "Did my noble and learned Friend (Lord Brougham) feel himself fettered by this unanimous opinion of the present luminaries of Westminster Hall? By a most powerful argument he sought to overthrow their conclusion, and strenuously exhorted your Lordships to dissent from it. Nor did he stand alone; others among us concurred with him in holding the former principles to be just, and the reasoning of all my learned brethren to be insufficient to confute them. Your Lordships have not forgotten the termination of that case. Those of your Lordships who took a part in the discussion were equally divided, the consequence of which was, that the judgment of the Court below stood affirmed, deciding against the dicta of those most venerable and distinguished individuals."

Those great authorities were, Lords Mansfield, Ellenborough, Kenyon, Tenterden, Lord Chief Justice Gibbs, and other learned Judges, and Lord Stowell, on the subject of marriage, and not the slightest surprise escaped his father's lips on such a course of proceeding, as affirming the judgment of the Court below, on the Law Lords being equally divided, although it was in so grave a case.

But there is a heavy charge against the noble and learned Lord (St. Leonards) as to the case of *Shortridge* v. *Bosanquet.* Mr. Solicitor General declares in his evidence that he spoke a whole day opening the case in that noble and learned Lord's absence, and that judgment was given by him without hearing or knowing anything of the leading counsel's opening address; but the evidence of Mr. Roundell Palmer and Mr. Charles Clarke proves that the opening was very short, lasting only two hours (which is proved by a reference to the record of the time which speeches take, being always made), while the speech was so unimportant that the junior had taken no note of it, though the noble and learned Lord tried to obtain one, and no one at the time made the slightest complaint of the case (with which the noble and learned Lord confessedly took great pains) not being fully understood. Perhaps an adverse judgment may have elicited this imaginary dissatisfaction.

Much of the evidence before the Select Committee shows great contentment with the present appellate jurisdiction; and if their Lordships would only apply the means in their power of judging—either as a sort of grand jurymen or as lay assessors, hearing the whole of every case—they would form such a Court of Appeal as the world has not seen. Vice Chancellor Stuart, in his evidence before the Select Committee, alleges that he cannot conceive a case in which their Lordships are not capable of doing justice. Such men as the first Lord Wharncliffe, who was considered equal to a Judge, and Lord Lauderdale, who was brought up to the Bar, and as an appellate Judge highly praised by Lord Eldon, still existed among them; and the rising generation might emulate such honours by a legal education. Though he was not bound to say anything in praise of the Lord Chancellor (who has a leaning to the decision of a single Judge of Appeal), he must do him the justice to say that, although an equity lawyer, he thoroughly mastered the difficulties of the common law and of the criminal law, and that he may easily surmount any remaining impediments to his thorough acquaintance with Scotch law. Too great love of technicalities, however, does harm, and English and Scotch witnesses give instances of their leading to erroneous conclusions.

The present Bill would not increase the judicial staff of the House; for, although in 1823 [See 2 *Hansard*, ix. 1322], Lord Eldon proposed that the (£4,000 a year) retiring pension to Chancellors should not be paid unless they attended to hear appeals in this House, yet notwithstanding the increase to £5,000 a year, retired Chancellors are not bound to attend; and three noble and learned Lords have attended voluntarily for many years, to ensure the uniformity of the law, for which they deserve most hardly-earned thanks. It has been said by one of the witnesses that no future Lords Chief Justices or other sages of the law can, as members of the Bar, ever earn sufficient to maintain the dignity of the peerage; but if one be Attorney General long enough, he may amass as much wealth as his predecessors. One of the best Judges of Appeal (in the Privy Council) is already wealthy enough, and, it is said, has twice refused that dignity. Judges, also, may have private fortunes, combined with great public spirit both in the equity and common law courts. It would be ungracious to make the attendance of retiring Chancellors and Judges (who may be peers) imperative; but unless the Legislature did so, the additional life peers would not constitute a larger judicial body than the present.

He should recommend such of their Lordships as in future hear appeals, to begin with a fresh case, and to attend upon it until its conclusion. And now with regard to appeals themselves. His Father always waited to the latest moment with a jury, in order that the verdict might be entered in such a way and such questions be asked of the jury as would render a new trial of any sort unnecessary. He himself had been with his Father till two o'clock in the morning, in Guildhall, waiting for a doubtful decision. And at the present time the Lord Chancellor is so freed from all other duties, except those connected with this House, that neither the sitting with the Lord Justices, nor presiding alone in the Court of Chancery, nor attending Select Committees, need interfere with his presiding at the House of Lords on appeals; and the local knowledge of Peers, as well as their experience and independence, may add greatly to the efficiency of this tribunal.

The change in the constitution proposed by this Bill is very great. From what source does it emanate? from that which proposed to create a judge a life peer in 1852—from a noble Lord whose relative (Lord Minto) still thinks the power of creating life peers of Parliament inherent in the prerogative of the Crown; and when on the subject of the constitution, he might mention the fact that his late Father wished the present Lord Wensleydale to succeed him as Lord Chief Justice of England—who more fit therefore to be a hereditary peer? and to advocate the right of creation of an unlimited number of peers for life, if such be the prerogative of the Crown? So important did his Father think the appointment of another than the noble and learned Lord, Chief Justice, that he wrote a letter of remonstrance to Lord John Russell against his appointment, not from any ill will, for he was incapable of malice, but on account of what he considered his unconstitutional conduct in the case of privilege in the House of Commons. He (the present Lord Denman) strongly objected to this step, and his lamented Father (from the pressure of disease) was most indignant at his doing so; but still he was ready to incur all the consequences of that act of remonstrance by his Father; and as a noble Earl (Earl Fitzwilliam) had said, on a previous stage of this Bill, that the Resolutions of their Lordships' House might be set aside by other Resolutions (as in the case of Wilkes's expulsion from Parliament) he begged to remind their Lordships that no Resolution of either House of Parliament could stand, unless it were founded on the law of the land; and, that where an enabling statute is required, as it was by the House of Commons in order to the doing of a particular Act, they might, as in the present case, conclude that the Act would not have been legal without such statute. He felt sure that the noble and learned Lord would, if then Chief Justice, have acted as his Father did.

The recommendation of the Select Committee as to the continued attendance of lay Peers was quite disregarded, and this Bill would only constitute another Court with a small number of Judges.

As their Lordships were impatient to divide, he would refrain from further observations.

THE EARL OF DERBY: My Lords, I should be sorry if your Lordships were to proceed to a division before an answer had been given to the objections urged against this Bill by my noble Friend behind me (the Earl of Clancarty). With regard to the objections of the noble Lord who has just sat down, I must say that, though I listened with great attention, I am very nearly as ignorant of their meaning as I was before the noble Lord rose. The arguments of my noble Friend behind me are, on the contrary very clear and distinct, but I trust I shall be able to convince him that they may be easily answered. In the first place, my noble Friend complained that there has been great haste in forwarding this Bill through the House. It is true that no very great length of time has elapsed since the Committee appointed to consider the question to which the Bill relates presented their Report to your Lordships ; but the noble Lord must not infer from that fact that the measure has been hastily adopted. My noble Friend says he places great confidence in the Members of the House to whom the consideration of the matter in Committee was referred; and I can assure my noble Friend that in the whole course of my Parliamentary experience I do not remember any subject which has been more calmly, deliberately, and impartially sifted than this most important question with regard to the appellate jurisdiction of your Lordships' House. My noble Friend must bear in mind that, though no long period has intervened between the presentation of the Report and the introduction of the Bill, the House was placed, by the production of that Report, in a position of increased difficulty in respect to its appellate jurisdiction. It was already sufficiently embarrassing that there should have arisen a controversy which placed this House in apparent antagonism with the Crown on a question of privilege, and which put a noble and learned Lord, whom, from his high personal character and his great attainments, your Lordships would have been happy to receive amongst you, in the anomalous and distressing position of having received from the Crown a title of honour which did not confer upon him those privileges which it was the obvious intention of Her Majesty should accompany that title. But, in addition to these difficulties, the inquiries of the Committee had almost placed the appellate jurisdiction of your Lordships' House in abeyance for a time, because they must have thrown very considerable doubt, not upon the actual exercise of that jurisdiction, but upon the sufficiency of the provision made for its exercise, and therefore must have tended to shake the confidence of the public in its decisions, and placed the law Lords in a situation of some anxiety and embarrassment, from which it was desirable that they should be relieved as soon as possible. It is not to be denied that, while the witnesses examined before the Committee bore willing testimony to the zeal, learning, and ability displayed at all times by the noble and learned Lords who practically exercise the appellate jurisdiction of this House. They also showed that there is among the leading Members of the Bar a very decided opinion that the composition of the great appellate tribunal of the nation is not on the whole satisfactory. It appears to be admitted on all hands that there are elements of uncertainty, not as regarded the competency of the law Lords in attendance—for on that point there could be no second opinion—but with reference to their number. The unsatisfactory result of this state of things is, that sometimes two noble and learned Lords of equal ability were divided in opinion on the case under consideration, while on other occasions a single noble and learned Lord, who was assisted—I will not say by the opinion, but—by the presence of two lay Peers who took no part in the proceedings, had to perform the delicate and difficult duty either of reversing or of affirming a judgment pronounced by the united Judges of the Court below. The noble and learned Lord (Lord Denman) concurs in an opinion not unfrequently expressed, that it is desirable that lay Lords should take a real and practical part in the appellate jurisdiction of your Lordships' House. Now, I do not mean to undervalue the advantage of Peers not connected with the legal profession directing their attention to the consideration of the law and the investigation of legal questions ; but, when the law is to be solemnly decided by way of appeal from the judgments of the highly qualified persons who preside in the various Courts throughout the country, I cannot but think that it is of the first importance that such decisions of the law should rest upon the gravest and most indisputable authority of this House. And I also think that if the lay Lords should take upon themselves to go counter to the opinions of the learned individuals who by their previous professional practice and their high reputation have won the honour of a seat in your Lordships' House, such a proceeding would be highly detrimental to the administration of justice, and would shake all confidence in your Lordships' House as a court of appeal. The question, then, which the Committee had to consider was, how these various difficulties might best be solved. In the first place, there was the difficulty caused by the belief, on the part of the Queen's advisers, that Her Majesty had, by virtue of Her prerogative, the power of conferring peerages for life. A considerable majority of your Lordships' House, however, came to the conclusion that the Crown's prerogative gave no such power, and that even though it did the exercise of such a power would be exceedingly dangerous. We went into Committee, however, not with the view of ascertaining whether the Crown had or had not that power, but for the purpose of inquiring whether the appellate jurisdiction of the House stood in need of amendment; and, if so, whether it would be possible to devise, in order to its amendment, any plan preferable to that of creating an unlimited number of non-hereditary judicial peerages. The Committee was, with one exception, unanimous that it was most expedient that the supreme appellate jurisdiction should be retained in your Lordships' hands—that its constitution as an appellate tribunal should be strengthened, and that means should be taken to obviate the inconveniences of our having, perhaps, but a single Judge to reverse the decisions of the courts below, or the still greater inconvenience of our having but two Judges equally divided on the point referred to their consideration. That exception was the noble Earl opposite (the Earl of Aberdeen), who thought that Scotch appeals should be referred to an appellate tribunal in Scotland, or, at least, that the suggestion to that effect was worthy of consideration. With this qualified exception, the conclusion of the Committee was unanimous that your Lordships' House should continue to be the great court of final appeal for the nation, and that it should consist of not less than three Judges. Under the present constitution of the House, it was not possible to secure the infallible attendance of three eminently qualified Judges, and hence the necessity for the Bill now under consideration. As things now stand, the attendance of all the law Lords, with the single exception of the Lord Chancellor, is absolutely gratuitous and voluntary. It is not more their duty than that of any other of your Lordships to attend at the hearing of appeals. It so happens that of late years we have had the good fortune of having among us an unusual number of learned men connected with the profession of the law, willing and qualified in every way to conduct our judicial business; but we cannot be certain that this will always be the case, nor should we forget that it has occasionally occurred that owing to the accidental absence of some of the law Lords, appeals have been argued before two, and sometimes even before one, of such Peers; and this circumstance has given rise to considerable dissatisfaction. It may naturally be asked why the Committee did not recommend an addition to the law Lords holding hereditary Peerages?—a measure which would involve no change in the constitution of the House. But there are manifest objections both to the needless multiplication of hereditary Peerages and to the introduction into this House of an unnecessarily large number of lawyers. And I may further observe, that we have been told by my noble Friend on my right, that the Judges selected for judicial office here are not likely to be qualified for that post, unless they are persons who have realised a fine income by their professional practice; but the attainment of large fortunes is so rare in these days, that year after year there would be a smaller number of lawyers willing to saddle their successors with an hereditary peerage. At the same time, the Committee felt it absolutely necessary that we should have in this House, for the purposes of his appellate jurisdiction, the services of the most eminent lawyers of whom this country can boast. Well, then, it seemed very desirable that these learned persons should be Members of this House, while it was admitted that you could not always persuade eminent lawyers to accept the prospective burden of an hereditary peerage. What, then, were we to do? It appeared to the Committee that the most obvious mode of proceeding was to enable the Crown, as I should say, to appoint a limited number of Peers for life—official Peers—Peers appointed in consideration of the discharge of certain duties, and no more hereditary Peers than the right rev. Bench opposite, who feel that no degradation and no discredit is cast upon them from inability to transfer their peerages by hereditary succession. Now, I can perfectly understand that, if a peerage were conferred as a mark of honour and distinction, there would be a sense of inferiority on the part of such a Peer when created for life only; but when a person receives a seat here for the discharge of a specific duty, in virtue of which, and in order to give additional dignity and importance to his office, the Peerage is conferred, I cannot conceive that there is any degradation in his acceptance of the title for life only. Upon full consideration, it appeared to the Committee that it would be quite sufficient if, in addition to the noble Lord who at the time might occupy the woolsack, there were always two men of high eminence possessed of these official peerages, and bound to give their constant services to the House and to the public in hearing appeals from the Courts below. It was also felt that it was impossible to bind upon them the obligation of perpetually discharging such important and most laborious duties without an adequate salary, particularly as in the positions they before held upon the bench they would be entitled to a retiring pension. As I have before remarked, the great objection to the present constitution of the court is that the services of its members being voluntary and unremunerated, you are never sure of obtaining the number necessary for the proper formation of an appellate tribunal. That being the case, it was almost the unanimous opinion of the Committee that the Lord Chancellor should be assisted by two Peers, who should be regularly bound to perform the duties of salaried officers. The question then was, how to reconcile the conflicting opinions of those who contended in favour of the prerogative of the Crown to create any number of life Peers, and those who denied the existence of that prerogative? Now, I believe this Bill to be so worded as not to bind either one party or the other to renounce its opinion on the subject. The framers of the measure on both sides were animated by a feeling of mutual respect, and were not desirous that either the supporters or the opponents of the prerogative should be obliged to alter in any way the views they had previously maintained in the discussion of the question. Our object was not to declare what was the actual state of the law with regard to the creation of life peerages, but to declare for the future with respect to the appellate jurisdiction of this House, and I confess that it would be to me a subject of the deepest possible regret if the Bill which we have recommended for the attainment of that object should not receive the assent of both Houses of the Legislature. It has been agreed to, after a most laborious investigation by persons of different opinions, but imbued with an earnest anxiety to promote the public good, and they have arrived at a conclusion which I may venture to call almost unanimous. They have had exceeding difficulty in framing the Bill so as to effect the object upon which they were all agreed, without at the same time calling in question the recorded opinions of everybody. For my own part, although I cannot go quite so far as the noble and learned Lord Chief Justice, and say that the decision of the House of Lords in this matter is a final and authoritative statement of the law, I do contend that your Lordships' decision is an authoritative declaration of what the law is with regard to the prerogative, and that nothing short of a contrary judgment by the same tribunal can alter the law as thus laid down. That, however, was not the opinion of the Government, and the question was,—Can we frame the Bill in such a manner as not to call upon the Ministry to pronounce in it a condemnation upon the Vote they previously gave, and, on the other hand, not to commit the body of the House of Lords to a proceeding which might appear inconsistent with the stand they made—and, I think, most wisely made—in defence of the hereditary character of the peerage. The course taken in order to accomplish this end is the introduction of a measure which will practically enable the Crown to grant certain salaries to certain persons qualified in the manner described in the Bill, and to issue to them a writ of summons whereby they will be entitled, so long as they hold the office to which they have been raised, to all the privileges and advantages of a life peerage. Observe that the peerage for life is conferred upon these persons by a writ of summons by the authority of Parliament, and such a creation is consequently not open to the objections we urged against the right claimed by the Crown to constitute these life peerages by its prerogative alone. My noble Friend the Lord President of the Council has recorded Her Majesty's assent to the introduction of this measure; and this assent is equivalent to a declaration on the part of the Government against any supposed abandonment of their opinion that the prerogative of the Crown is to a certain extent infringed by this Bill, because it is a mode of stating that the Crown, on the recommendation of its constitutional advisers, waives that portion of what they consider to be its prerogative. Probably many of your Lordships will agree with me that the Crown had no prerogative to waive, and that, therefore, no Royal consent was necessary; and, undoubtedly, if that consent had taken a more formal shape, and had been communicated to your Lordships as a Message, I, for one, should have experienced great difficulty in receiving such a Message and in consenting to the adoption of an Address in answer thereto, which would appear to imply a recognition of that prerogative. My opinion is, that the Bill extends within certain limits a prerogative which the Crown never before possessed; Her Majesty's Government believe that it restricts the prerogative of the Crown, but restricts it with the consent of the Crown itself; but whether that prerogative existed before or did not exist, Parliament is free to deal with this question, and we deal with it now in the sense of maintaining inviolate the hereditary character of the peerage in general, subject to this exception—that two individuals, eminently qualified by their judicial position, may have the rights of life Peers upon condition of discharging certain duties, by virtue of which duties they obtain a seat and vote in this House. Such is the conclusion to which the Committee have arrived. It appeared to them that, notwithstanding the eminent abilities of noble Lords who have presided over the appellate jurisdiction of this House, an alteration which should secure the attendance upon all occasions of qualified persons to hear appeals in this House would give great satisfaction to the public, and would materially increase the respect paid to this, the highest tribunal in the kingdom. We considered it right that those persons who were thus elected to a Peerage for life should sit and vote in this House, not only upon legal questions, but upon all questions upon a footing of perfect and entire equality with the rest of your Lordships. We thought that in advising the creation of those two peerages for life we should reconcile the various difficulties which existed, that we should relieve Parliament and the Crown from a position of great embarrassment, and enable an individual whose services will without doubt be of considerable value, and who is placed in a most unpleasant position through no fault of his own—for no one can speak of that distinguished personage without the highest respect—to take a seat in your Lordships' House; and, at the same time, we thought we should have secured the hereditary character of the peerage by the exception which we made of those who were entitled to seats in this House in virtue of a character strictly defined and regulated by the authority of Parliament itself. It was acting upon these views that I, for one, cordially supported the Bill introduced upon the part of Her Majesty's Government after the closest consideration of the evidence which was brought under the notice of the Committee; and I must confess that I should regard it as a matter of great regret that any alteration should be made in the measure which would tend to mar the agreement and unanimity with which the Bill has been recommended by the Committee to your Lordships' House.

The Marquess of CLANRICARDE said, he felt himself bound to express the very strong objections which he entertained to the Bill. The noble Earl, towards the close of his speech, had let out the real difficulty with which the Committee had had to contend, and which had led to the present measure. That difficulty originated in the different opinions on a point of constitutional law which had been expressed on different sides of that House by very eminent individuals, and the result had been that a compromise had been effected in matters which did not form a fit subject for a compromise. He objected to the Bill, upon the ground that it proposed to carry into effect a totally new principle; namely, the payment of Members of that House for the performance of what was in reality a strictly Parliamentary duty. Either their Lordships were fit to discharge the duties of a court of appeal, or they were not. If they were fit, they ought not to pay persons for the performance of those duties. The real fact was, however, that the House of Lords as a body had long ceased to discharge the functions of a court of appeal. They had, in fact, no more to do with deciding appeals than the benches upon which they sat; but so long as the exercise of their appellate jurisdiction continued to give satisfaction to the country, he saw no objection to the maintenance of that form, in accordance with which lay Lords were wont to come down to that House for the purpose of rendering the ceremony complete for proceeding with the administration of justice. It was, however, a dangerous proceeding, and one which, in his conscience, he believed to be calculated to lower the dignity of that House, to pay men for the performance of strictly Parliamentary duties, while that course was taken for the purpose of retaining a nominal jurisdiction in cases in which ninety-nine out of every hundred among their Lordships took no active part whatsoever. But, passing from the question of appellate jurisdiction, he should beg the House to consider the consequences which were likely to follow from the operation of the Bill in relation to the subject of the creation of life peerages. There could, he thought, be no doubt that under that operation the prerogative of the Crown, with respect to that subject, would be affected, one way or the other. That prerogative would be either extended or restrained; and whichever effect took place, the measure was equally objectionable. It was his opinion, as well as that of Her Majesty's Ministers, that the Crown might lawfully create Peers for life; but if the Bill were to pass, was there one of their Lordships who would contend that the Crown could, for the future, grant a life peerage without the consent of the Legislature? Noble Lords opposite maintained that the Crown had not the power to grant such peerages, and appeared to apprehend the most dangerous consequences from the exercise of such a power upon the part of some future Minister. But what did the Bill propose to do? To give the Crown the power of creating Peers for life for certain purposes. Now, let him ask those noble Lords whether they really believed that a step in the proposed direction having been once taken, the creation of life peerages would stop at the point laid down by the measure under their notice? For his own part, he should not only answer that question in the negative, but should further say, that in his opinion the power of such creation should not be so defined. Why, he would ask, should the creation of these peerages be restricted to members of the legal profession? Why should members of the military and naval professions be excluded from the privileges which it sought to confer? or, looking upon it in the light of creating a disability, why was it that the members of the legal profession should be made the subject of that disability, and deprived of the hope they had hitherto entertained, of gaining for themselves an hereditary peerage? For his own part, his objections to the Bill were so strong, that he could not refrain from expressing a hope that it would not pass into a law; but even if it should, he could never believe that it would pass the House of Commons.

EARL GRANVILLE said, he should not have thought it necessary to add anything to the very accurate statement which had been made by the noble Earl opposite (the Earl of Derby) of the course taken by both parties in the Committee, were it not for some observations which had fallen from the noble Marquess who had just sat down. It was difficult to understand what was really the objection of the noble Marquess to this Bill in connection with life peerages, he having himself voted that the question of life peerages should be referred to the Committee for Privileges. Apparently the noble Marquess objected to the Bill strongly upon two grounds; but upon neither of these grounds had he been able to gather very accurately what the noble Marquess's own views were.

THE MARQUESS OF CLANRICARDE: I did not express my views.

EARL GRANVILLE: The first objection urged by the noble Marquess was the prejudicial effect which he imagined the Bill would have upon the manner in which their Lordships would for the future discharge their functions of appellate jurisdiction. He was not sure whether the noble Marquess would desire the immediate removal of the appellate jurisdiction from the House or not; but he thought that his argument seemed to be in favour of its removal. The noble Marquess said, "You are now going for the first time to confer salaries upon some Members of this House for discharging Parliamentary duties." But there were certainly two Members of that House—the Lord Chancellor and the Chairman of Committees—who discharged Parliamentary duties of the most important character, and who received salaries for their services.

THE MARQUESS OF CLANRICARDE: I deny that the Lord Chancellor is paid for his Parliamentary duties.

EARL GRANVILLE was not quite sure how the case was with regard to the Lord Chancellor; but he thought that the Act of Parliament diminished the salary of the Chancellor by £4,000 a year as long as he was paid that sum for the performance of his Parliamentary duties as Speaker of the House of Lords; and he was reminded by his noble and learned Friend near him (Lord Campbell) that Lord Eldon had for a time received £4,000 a year as Speaker of that House. Exactly the same thing occurred in the House of Commons—the Chairman of Committees there was paid for duties purely Parliamentary; and, whatever doubt there might be about the Lord Chancellor there could be none that the Speaker was paid purely for Parliamentary duties. The noble Marquess also objected to the Bill because it destroyed the fiction of the whole House exercising the functions of appellate jurisdiction. It was true that the Bill would put an end to the hitherto necessary fiction of having three Members to form a House, although two of them were Peers who only came down, probably, day by day, hearing a bit of the argument now and then, and confessedly having nothing to do with the decision. In place of that, however, it would ensure a quorum of men whose opinions were entitled to the greatest possible weight; and he thought that that was an improvement upon the custom under which one law Lord alone could decide. With regard to the question of peerages for life, he must say that the Government had by circumstances been placed at a considerable disadvantage. With all their strength and industry the Government had endeavoured to fight the battle of the Queen's prerogative with respect to the creation of life peerages; but they had unfortunately been deprived of all legal assistance on the occasion; while many of those who usually supported the Government, with their votes and speeches, were prevented from giving them their good offices. The noble Marquess, however, voted in the division which referred the question to the Committee for Privileges, and he (Earl Granville) had always seen, after that division, how difficult it would be for the Government to persuade the House to stultify itself by treating the decision of the Committee as of no avail. What then happened? The opponents of life peerages obtained a position from which, without having recourse to the most violent measures, which, he was sure, every one of their Lordships would have condemned, it would have been impossible to dislodge them. The question was as good as settled, and that, too, in a manner which placed the Crown, the House of Lords, and Baron Wensleydale himself, in a situation of the utmost difficulty and delicacy. In those circumstances, the Goverment thought it was worth while to see whether, the ground having been, as it were, cut beneath their feet upon the abstract question, they could not attain the practical results of the step which had been taken in advising Her Majesty to create a life Peer. The chief objection to that measure was, that it introduced a principle capable of almost infinite extension; that Her Majesty might be advised to create not one but twenty life Peers, and that there was no security against the House being swamped by such creations. He need not say that, as far as the Government were concerned, that objection was entirely unfounded. What they wanted was to strengthen a little the number of law Peers in the House by means of life instead of hereditary peerages, and they also thought that a slur would be cast upon the Crown if Baron Wensleydale were not allowed to take his seat in virtue of the patent granted to him by Her Majesty. Although the Opposition objected to the creation of life peerages by the Crown, they were fully alive to the importance of preserving the appellate jurisdiction of the House, and expressed their willingness to facilitate the arrangements of the Government in that respect, provided they consented to limit the number of life Peers. He maintained that the Government had secured the great object which they had in view when they advised Her Majesty to confer a life peerage upon Baron Wensleydale, and had secured it, moreover, without making any but the slightest possible change in the constitution of the House. They had strengthened the appellate jurisdiction of the House by securing that, at all times, there should be present a sufficient number of persons able to perform judicial functions; and when the noble Marquess came forward at the last moment, but not till then, to attack the Government for what they had done, it would, perhaps, have been as well if he had told their Lordships what he himself would have proposed. No doubt there was something objectionable in the doctrine that life Peers ought to be created by the authority of Parliament; but when it was admitted on all hands to be desirable to have a certain number of such Peers, and when there was an actual collision between the Crown and the House of Lords on the question, he could not conceive any more constitutional mode of removing the difficulty than by the two Houses of Parliament, with the concurrence of the Crown, deciding what should be done. He admitted, without hesitation, that the present Bill did limit the prerogative of the Crown; but he submitted that a slight limitation of the prerogative was not too high a price to pay for a measure which removed an anomaly and subserved the interests of the public by strengthening their appellate jurisdiction without weakening the House itself.

THE EARL OF WICKLOW thought that that the Bill would, to a certain extent, improve the appellate jurisdiction of the House, although its advantages in that respect had been greatly overrated, for the new life Peers would no sooner be created than the old law Lords would cease to perform the duties which they had hitherto discharged. But he charged the Government with having carried their compromise to the extent of sacrificing the prerogative of the Crown, and nothing which he had yet heard had tended in the smallest degree to weaken that objection to the Bill. He regretted that Her Majesty's Ministers did not hold a higher tone on the Committee, one consequence of which was the introduction of this paltry measure, by which the prerogative of the Crown was in no small degree lowered.

LORD DENMAN rose to reply, amidst loud cries of "Order!" and "Divide!"

EARL GRANVILLE said, the noble Lord was quite out of order, as by the twenty-first standing order of the House no Peer could speak twice on any one stage of a Bill.

On Question, that ("now") stand part of the Motion, their Lordships *divided*:—Content 44; Not-content 4: Majority 40.

*Resolved* in the *affirmative:* Bill read $3^a$ accordingly: Amendments *moved* and *negatived:* a further Amendment *moved* and *negatived:* Amendments made.

On Question that the Bill do pass,

THE MARQUESS OF CLANRICARDE said, he would take that opportunity of replying to the observations of the noble Earl (Earl Granville), and of explaining why he had delayed the expression of his views on this subject until now. The fact was, the Government ought to have put him on the Committee if they had been anxious to learn his opinions of the matter, and the Government, and not himself, were to blame that he had not been able to propound them before. It was the Government, and not he, who had shirked the question of life Peerages, by what was called the "compromise" effected by the Bill—for the Bill not only evaded that question, but it did not even embody the recommendation of the Committee. The Committee recommended that steps should be taken to reduce the expense of appeals, that especial attention should be devoted to Scotch appeals, but this Bill did not contain a single word upon either of those subjects. But the noble Earl, the President of the Council, said the Bill had been framed to meet the case of Lord Wensleydale; but it would do nothing of the sort, unless Lord Wensleydale consented to become a Deputy Speaker, and even then the noble and learned Lord would assume more the position of an officer than a Member of the House.

EARL GRANVILLE said, he must disclaim any responsibility with regard to the omission of the name of the noble Marquess from the Committee. It was usual for any noble Lord who moved for a Committee to prepare the list of its Members. His noble and learned Friend opposite, who moved for the Committee on this subject, submitted to him the list of names, and he believed he made one suggestion with reference to it, but he certainly would not have thought it his duty to propose the addition of the name of the noble Marquess who had voted in opposition to him. The noble Marquess had entirely misrepresented the recommendation of the Report—there was no recommendation about the saving of expense or improving the manner of conducting Scotch appeals. Nevertheless, he regretted that the noble Marquess was not on the Committee, because they might in that case have obtained a still better measure.

LORD CAMPBELL thought their Lordships had reason to complain that the noble Marquess had concealed within his own bosom some plan better than that proposed by the Government. He would say to the noble Marquess—

> "Si quid novisti rectius istis,
> "Candidus imperti; si non, his utere mecum."

He felt it right, at the close of the proceedings upon this Bill, to allude to the favourite scheme entertained by those out of doors who disapproved this measure—namely, to send all appeals before the Judicial Committee of the Privy Council. That would be a most unconstitutional course, because the members of that Committee held their offices during the pleasure of the Crown, and many questions arose between the Crown and the subject, which it would be very improper to refer to such a tribunal. Another objection to such an arrangement was, that although the members of that court were well able to get through the business now allotted to them, it would be utterly impossible for them, in addition, to dispose of the appeals which now came before their Lordships. If such a scheme were adopted, it would be necessary entirely to remodel the Judicial Committee of the Privy Council, and great expense would be entailed upon the country. By this Bill the public were called upon to pay £10,000 a year, in order to add to the judicial strength of that House; but three times £10,000 would be required if the Judicial Committee of Privy Council were remodelled, and enabled to dispose of the legal business now brought before their Lordships. The only plan that had been suggested for creating an appellate jurisdiction would be most unconstitutional, most impracticable, and much more costly than that proposed by the present Bill.

THE LORD CHANCELLOR said, he wished to correct an erroneous impression that had got abroad, with respect to what he had said as to the Bill interfering with the prerogative of the Crown; what he really did say was, that whether it did interfere with the prerogative or not would depend on the construction given to one of the clauses. He did not say what that construction would be, but one of the two constructions put upon it would undoubtedly have the effect of depriving the Crown of a prerogative which, in his opinion, it had heretofore possessed.

LORD ST. LEONARDS moved the omission from Clause 2, which declares the qualification necessary for the office of Deputy Speaker, of the words "Judge of the High Court of Admiralty of England, Judge of the Prerogative Court of the Archbishop of Canterbury, Judge of the Prerogative Court in Ireland." The Resolution of the Committee contemplated that the choice of the Deputy Speakers should be made from persons who had held high judicial offices for a period of not less than five years; but it was never intended that the circle of selection should include the Judge of the Admiralty Court, or the Judge of the Prerogative Court in either country, whose qualifications did not extend to the branches of the law comprehended within the appellate jurisdiction of their Lordships. The noble and learned Lord then moved his Amendment, in order that it might appear on the journals, but said he should not trouble the House to divide.

THE LORD CHANCELLOR said, that the intention of the Committee, in inserting the names of these Judges, was not that they should be selected, but that they should be eligible for the offices referred to. The desire was to secure judicial experience and talent, and in his opinion those qualifications might sometimes be found in persons who were administering the law, though perhaps not that branch of it which generally demanded their Lordships' consideration. If it were not so, the argument in favour of introducing the Scotch element would fall to the ground. He hoped their Lordships would not agree to the omission.

*Lord Campbell*

Amendment negatived.

Bill *passed*, and sent to the Commons.

---

## PROTESTS.

## THE APPELLATE JURISDICTION (HOUSE OF LORDS) BILL.

*Die Veneris, 6° Junii, 1856.*

*Third Reading of The Appellate Jurisdiction Bill.*

DISSENTIENT—"1. Because pecuniary payment to Members of this House, nominated by the Crown, for deliberating and voting in Parliament is, in my opinion, an innovation calculated to impair the independence, dignity, and character of the House of Lords.

"The services for which the Speaker of the House may be paid are not voting upon or discussing Questions submitted to Parliament; as Speaker only, he can do neither, and is not necessarily a Peer. The Chairman of Committees is not nominated by the Crown, but elected by the House, and the duties imposed upon him are of a special nature, such as could not be performed by Members of the House indiscriminately. But it is now proposed to pay certain Peers named by the Crown for executing those duties which, so long as the Appellate Jurisdiction is retained, devolve upon all Lords of Parliament. The Bill thus proclaims that the Hereditary Peers are incompetent or unwilling to perform functions which they nevertheless desire to retain, and for the execution of which they seek to provide at the cost of the public revenue.

"2. Because whether by this Bill a Prerogative long disused be revived, or a new power be accorded to the Crown—(a question upon which high authorities in debate were divided)—to enact the admission to Parliament of Peers for life, and to confine that admission to the sole case of remedying the inefficiency or consulting the ease of Hereditary Peers, appears to me unjust, impolitic, and impossible. If a certain number of Judges are by reason of their professional eminence to sit in this House with life-peerages, upon what ground can we exclude Admirals and Generals, and it may be others, who may have proved their capacity, and risen to high distinction in the public service, and whose presence and counsel might add wisdom and authority to our proceedings? If life-peerages are to be created by Act of Parliament, they cannot be restricted to Judges of Appeals.

"3. Because the Bill wholly fails to establish such a Supreme Court of Appeal as the opinion and the requirements of the country demand. It does not even secure the permanent existence of the Court it is designed to create. For it is obvious that, under the provisions of the Bill, four Peers for life may enjoy pensions, and sit and vote in Parliament, after they have ceased to act as Judges of Appeals. The occurrence of such a contingency is not very improbable, as the new Deputy Speakers, who must be Judges of experience, may be persons also of advanced age.

"A suitor must still be in uncertainty regarding the composition of the appellate tribunal. An appeal may still be tried by several, or virtually by one learned Judge, according to the varying capabilities, convenience, or caprice of the Lords.

"4. Because a Bill thus faulty in principle and short-sighted in its enactments cannot, in my opinion, secure a satisfactory administration of the law, or uphold the dignity and authority of this House.

"SOMERHILL.

"For the 3rd and 4th Reason,

"DUNGANNON."

DISSENTIENT.—"Because the creation of any Peers with a patent for life only, though limited to the number of four, and introduced for a special object and for special reasons to sit and vote in the House of Lords, is an innovation of a dangerous character, and an invasion of those Hereditary Principles and Privileges which have hitherto distinguished that branch of the Legislature, thereby establishing a Precedent which may, at no very distant period of time, be acted upon and extended, to the serious Prejudice of the Hereditary Peerage and the Peril of the Stability of the Throne.

"DUNGANNON,
"CLANCARTY."

DISSENTIENT—"1. Because it recognises the creation of Peerages for life only, which by a recent Resolution of the House have been declared illegal and unconstitutional.

"2. Because the conferring of Life Peerages would be subversive of the prescriptive title by which Peers of the Realm now sit as Hereditary Counsellors of the Crown; and though limited by the Bill to four, would be dangerous as a precedent for further innovations upon the constitution of the House, and is uncalled for by any necessity.

"3. Because the object of the Bill being to obtain 'for the hearing of Appeals an increased number of Peers who have filled high judicial offices,' it appears an anomaly that for the admission to the House of persons whose learning and abilities have been thus tested, and whose qualifications for the Peerage are therefore of the highest order, dignities should be proposed, inferior in point of estate to those held by other Peers.

"4. Because the strict maintenance of the principle of hereditary succession in the Peerage is essential to the independence, and therefore to the due influence, of the House of Lords in the Great Council of the Nation.

"5. Because the abandonment of the hereditary principle in the Peerage may imperil its continuance in the Crown.

"CLANCARTY,
"DUNGANNON."

House adjourned to Monday next.

# HOUSE OF COMMONS,

## *Friday, June* 6, 1856.

MINUTES.] PUBLIC BILLS.—1° Peace Preservation (Ireland).

2° Nuisances Removal, &c. (Scotland) (No. 2); Smoke Nuisance Abatement (Metropolis) Act, 1853, Amendment; Insurance on Lives (Abatement of Income Tax) Continuance.

## MANNING AND EQUIPMENT OF THE NAVY—QUESTION.

SIR GEORGE TYLER said, he would beg to ask the First Lord of the Admiralty whether Her Majesty's Government had under consideration any measure for securing the more immediate manning and equipment of the navy on any future emergency; and, if so, whether it was their intention to bring it forward during the present session of Parliament?

SIR CHARLES WOOD said, he fully admitted the great importance of the subject, which had been alluded to by the hon. and gallant member and which had been inquired into at various times, but with regard to which there was a great difference of opinion. The difference of opinion, indeed, was so great, that no practical conclusion had as yet been arrived at. All he could say was that the matter still occupied the most serious consideration of the Admiralty.

## RIOTS IN DEMERARA—QUESTION.

MR. HORSFALL said, he wished to inquire of the Secretary of State for the Colonies if he had any objection to lay on the table of the House copies of Governor Wodehouse's Despatches on the subject of the recent riots in Demerara, and whether the right hon. Gentleman had received any further intelligence?

MR. LABOUCHERE in reply said, that intelligence had been received by the West India mail, which arrived yesterday, that tranquillity had been completely restored in the colony; that the ringleaders in the late disgraceful disturbances had been tried and convicted, and that the law had been successfully vindicated. There would be no objection to lay the correspondence on the table if the hon. Member chose to move for it.

## GRAND JURY CESS IN THE COUNTY OF MAYO—QUESTION.

COLONEL HIGGINS said, he would beg to ask the right hon. Gentleman the Chief Secretary for Ireland whether it was his intention to carry out the promise made by the Irish Government to the Grand Jury of the county of Mayo, of introducing a Bill to enable the Grand Jury to represent the arrears of cess now due in that county, and on the faith of which promise alone the Act of the 17 & 18 *Vict.* c. 110, was agreed to by that county?

MR. J. D. FITZGERALD said, that it was the intention of the Government immediately to bring in a Bill of the nature referred to; but it would not be introduced on any implied promise of the Irish Government.

## RELATIONS WITH THE UNITED STATES —QUESTION.

SIR BULWER LYTTON: Sir, seeing the noble Lord at the head of the Government in his place, I will take this opportunity of putting a question to him; and I think that the importance of the subject will justify me in making one or two very brief remarks, which shall be strictly explanatory of the question I am about to put. The House will, perhaps, recollect that some time ago I postponed a Motion of which I had given notice with regard to the disputes on the subject of Central America; and I did so in order that an answer might first be received from the United States to a proposal which we were given to understand had been made by Her Majesty's Government to submit those disputes to arbitration. Since then, very grave events have occurred and although I would fain believe, in the absence of official information, that our Minister has not been dismissed from Washington; yet at all events it is clear that the Government of which General Walker is the representative and the dictator has been recognised by the United States; and also that General Walker is on the point of annexing to the territory of Nicaragua the territory of Mosquito—a territory which our Government holds that it is pledged to protect from external aggression. Sir, I have it on very good authority, that the Government of the United States have sent a vessel of War to Nicaragua, though I hope it is only for the purpose of observation, and not with a view to assist those adventurers who, after the recognition of General Walker, would, no doubt, flock by hundreds and thousands to his standard in order to assist him in his threatened invasion of the Mosquito territory. Now, Sir, I think that these circumstances entail an awful responsibility upon the Governments of both nations—nations between whom war would be the greatest of all conceivable calamities, except indeed the loss of honour. Certainly, Sir, by no act of mine would I force on a discussion which might be considered premature or indiscreet, and thereby add to the elements of irritation which already exist. I shall therefore continue to postpone my Motion upon a question which has now unhappily become aggravated, and more extended in its character. The question that in the meanwhile I would wish to ask the noble Lord is this—seeing that the Parliamentary discussion, and the advantage that might have resulted from it, have been delayed for the express purpose of obtaining an answer from the United States Government, to a conciliatory proposition on the part of Her Majesty's Government—seeing, too, that at the time I urged upon Her Majesty's Government the expediency of obtaining that answer as soon as possible, because I foresaw, as we must all have foreseen, the possibility that diplomatic negotiations might be suspended—I wish to ask whether in the interval of four or five weeks which has since elapsed, any steps have been taken on the part of Her Majesty's Government to press for and obtain that reply?

MR. ROEBUCK: Sir, I am sorry to interpose between the hon. Gentleman's question and the noble Lords reply, but I believe that it is of the utmost possible importance that not only the public of England but that of America should understand what really are the feelings of this House and of the country with regard to the question which is now pending. Sir, I believe it is of the greatest importance that all the world should know—

MR. DISRAELI: Sir, I rise to order. I do not understand that any question is before the House.

MR. ROEBUCK: I beg pardon. I thought the adjournment of the House had been moved.

MR. DISRAELI: I understand that, though my hon. Friend the Member for Hertfordshire wished to address a question to the noble Lord, he would not take advantage of the opportunity which the Motion for the adjournment of the House would have given him, lest it should lead to a debate. Of course if a debate is to be permitted, other hon. Gentlemen as well as myself will wish to express their opinions as well as the hon. and learned member for Sheffield. Under these circumstances, I shall await with the greatest interest the answer of the noble Lord.

MR. ROEBUCK: I have to assure the House that I was under the impression that the adjournment of the House had been moved, and I beg to apologise for interposing.

VISCOUNT PALMERSTON: Sir, I am unable to give a definite answer to the particular question which the hon. Baronet

(Sir B. Lytton) has put to me as to what particular steps have been taken during the last three weeks to obtain from the American Government an answer to the proposition of Her Majesty's Government for arbitration in respect to the Central American matter, but I can say this—that the American Government have been made fully aware that the offer is made and pressed on them to accept or decline, as they may think best. I do not know, in that short period, that my noble Friend at the head of the Foreign Department has thought it necessary to press specially for an answer upon that particular subject, as another question of more practical moment was pending between the two Governments. With respect to the general tenour of what has fallen from the hon. Baronet, I may say that in the present state of things between the two Governments I do think, if my opinion is asked for, or if it be deemed desirable that the opinion of the Government should be expressed—I say, without hesitation, that I think the interests of the country and the prospect of maintaining permanent amicable relations between this country and the United States would be promoted by a continuance of that forbearance—that judicious forbearance—which the House has hitherto exhibited in regard to these questions. Upon other occasions of a somewhat similar nature, when questions of importance were pending in relation to the last war—both at the commencement of the war and when negotiations were pending which finally led to its conclusion—I think the House acted in a manner most honourable to itself and most creditable to its judgment in abstaining from throwing any possible difficulty in the way of the Government by provoking premature discussion upon the subjects then in dispute. The questions now pending are certainly, I confess, of a very grave character; but I hope, and sincerely hope—and I hope not without good reason—that those discussions may terminate without any interruption of the peaceful relations of the two countries. Where there is no real cause for collision, it is to be hoped that good sense on both sides of the water may prevent any unnecessary collision; but, certainly, discussion in this House, which must be productive of a conflict of opinions—some too much on one side and some too much on the other—cannot, in my opinion, fail to tend to injurious results. As I am quite sure the hon. Baronet, in putting his question, had in mind the answer which I gave to a question yesterday, I may be permitted to allude to it. In reply to a question, whether Mr. Crampton had retired from Washington, I stated yesterday that we had, indirectly, information that such had been the case. I find from my noble Friend at the head of the Foreign Department that the information came by a Cunard packet, which sailed from Halifax on the 22nd ultimo. Since that—yesterday evening—a packet has arrived from New York, which left that place on the 24th, and which does not bring any confirmation of the Report brought by the former packet. We are, therefore, not in possession of any official information on that subject.

## ST. JAMES'S PARK—QUESTION.

MR. WILSON having moved that the House at its rising do adjourn to Monday,

MR. STAFFORD said, he would beg to ask why the gates between St. James's Palace and the German Chapel were not open for the free passage of carriages; also, why free passage was not permitted to hackney carriages by day through the Stable-yard gate? He considered that it was incumbent on those who kept the two first-named gates shut to state the reasons for doing so. As to the Stable-yard gate, it was open to hackney cabs during the whole period of the Exhibition without inconvenience, and he wished to know what the owners of or riders in cabs had done since the Exhibition to require that inconsistent regulation? He did not put the question to any individual Member of the Government, because any individual might state that it was a matter not in his particular department; and he should not be surprised if he received no answer at all, because the noble Lord the Member for Marylebone (Viscount Ebrington) had been put off when he asked a similar question. There were, perhaps, about eight or nine Fridays more before the end of the Session, and he should feel it his duty to knock at these gates again, the restriction upon opening which ought not to continue.

THE CHANCELLOR OF THE EXCHEQUER said, a Vote in Committee of Supply that night would give full opportunity for the discussion to be raised. He believed the hon. Gentleman was incorrect in his statement as to the passage of cabs during the Exhibition.

## SLIGO ELECTION COMMITTEE.

MR. T. DUNCOMBE said, it was with great regret and considerable reluctance that he begged to call the attention of the House to the Report of the Sligo Election Committee. An address had been put forth by a former member of that House (Mr. Somers), in which his (Mr. T. Duncombe's) name was mentioned, in consequence of his having undertaken to present a petition from Mr. Somers, complaining of the appointment of the hon. and learned Member for Weymouth (Mr. G. Butt) as Chairman of the Sligo Election Committee. It appeared that Mr. Somers had written a letter to the hon. and learned Member for Weymouth, asking him to withdraw from that Chairmanship, because of a dispute which occurred between them some years ago. Mr. Somers having received no answer to that letter forthwith prepared a petition to the House, stating the circumstances, and praying the House to appoint another Chairman, as he could not expect impartial justice if the hon. and learned Gentleman was appointed Chairman of that Committee. In his address to the electors of Sligo, which had been published in the Irish papers, Mr. Somers said—

> "He intrusted the presentation of the petition to his old friend, Mr. Duncombe, who informed Mr. Butt of his having received such a petition. Mr. Duncombe, after conversation with Mr. Butt, came out and gave a strong assurance that the quarrel would not influence Mr. Butt to the disadvantage or prejudice of his (Mr. Somers') case. Mr. Duncombe advised him against the presentation of the petition, and he was induced to withdraw it, relying on the adherence of Mr. Butt to his promise to act fairly and impartially."

Now, all that, he could state to the House, was perfectly true. The hon. and learned Gentleman (Mr. G. Butt) did convince him that he had no prejudice against the petitioner, Mr. Somers, and he did say to the hon. and learned Gentleman that the best thing he could do with Mr. Somers's letter, which he told Mr. Somers was an improper letter, was to put it into the fire, and he should advise Mr. Somers to put the petition in his pocket. Thus the matter ended. Well, the Committee met, sat, he believed only one day, and reported that Mr. Wynne was duly elected; that the petition of Mr. Somers was frivolous and vexatious; and that Edward Killoran and James Ward had been guilty of wilful and corrupt perjury. The evidence which gave rise to the latter conclusion was this:—Killoran swore that he met Mr. Wynne and told him he was an elector and wanted some money; that Mr. Wynne appointed to meet him the next day; that Mr. Wynne did meet him; that he, Killoran said, he was extremely poor and wanted money; and that Mr. Wynne gave him a £1 note of the Bank of Ireland in the street in the presence of many persons, one of whom was James Ward. Ward, in the course of his examination stated, that he saw Mr. Wynne give the £1 note to Killoran, and he further corroborated Killoran's evidence. Nothing had been done to shake the testimony of these two witnesses, and their character had not been impugned. They were, it is true, poor men, but such bribes would only be likely to be offered to poor men. The next witness called was the sitting Member for Sligo, whose seat was in jeopardy. He said, in reply to the questions of counsel, that he had heard the evidence given by Ward and Killoran, and that there was not one single word of truth in it from beginning to the end. Now, the only object he (Mr. Duncombe) had in view was, to see that justice had been done between all parties, whatever might be their condition in life. He would, therefore, ask, in the first place, the hon. and learned Member for Weymouth (Mr. G. Butt), whether he meant to carry out the opinion of the Committee, by moving that the accused parties should be indicted for perjury. If, however, such was not his intention, then he would ask the First Lord of the Treasury whether it was the determination of Her Majesty's Government to direct the Attorney General for Ireland to proceed to the prosecution of the parties. It was clear that perjury had been committed somewhere, and a serious imputation rested upon the hon. Gentleman who formerly represented Sligo until the matter was cleared up; because, if these two men were guilty of perjury, the imputation and the natural inference was, that Mr. Somers had been guilty of subornation of perjury. Now, Mr. Somers indignantly denied that imputation and was determined, if possible, to have the case fully investigated. It could not be overlooked certainly as an unfavourable feature in his case, that Mr. Somers had given board and lodging to these two witnesses. His answer was, that Mr. Wynne's agent had offered £20 to Killoran to keep out of the way. Other parties likewise would prove that they had seen Killoran receive the £1 note. Ought such a question to remain where it was, and ought the evidence of one man who had a seat in that House to overturn the evidence of two men whose character was not impeached? It was attempted to be proved that Ward had once been brought up for drunkenness. He said it was true he had been brought up once, but that it was for making a noise in the streets. Be that as it might, if every Irishman or Englishman who was not a member of the Temperance Society was not to give evidence before Election Committees there would be an end to their functions. He was authorised to say, that if it were not intended by the Committee or the Government to prosecute those parties for perjury, it was the intention of Mr. Somers to indict the hon. Member for Sligo (Mr. Wynne) for perjury. [*Laughter.*] It might be a laughing matter to hon. Members opposite, but it would be considered no laughing matter in the eyes of the public that these parties should go to their homes under the stigma of perjury, when it was the opinion of those who knew them best that they had spoken the truth. He now wished to ask the hon. and learned Member who was Chairman of the Sligo Election Committee, or the First Lord of the Treasury, whether it was intended to move that Edward Killoran and James Ward be indicted for perjury in conformity with the Report of that Committee?

MR. G. BUTT said, it was not his intention to occupy the time of the House with any vindication of the course pursued by the Committee. Having been unwillingly appointed Chairman of the Committee, a fact was brought to his remembrance that about sixteen years ago he happened to be engaged as counsel in an arbitration case against the Gentleman who was petitioning against the return for Sligo. There was certainly something very offensive in the letter reminding him of the circumstance, and he therefore doubted whether he ought not to take public notice of it. However, upon the whole he came to the conclusion that it was better to let the letter lie by in his desk. The hon. Member for Finsbury (Mr. T. Duncombe) spoke to him upon the subject, when he (Mr. Butt) assured him, that he had quite forgotten the fact to which the letter referred, while, at the same time, he sincerely wished to avoid being Chairman of the Committee. The result was, however, that he had no alternative but to be Chairman. As respected the communication which he had received, it was agreed that he should throw it in the fire. He might now state that the Members of the Committee were perfectly unanimous, except as regarded one or two minor points. He might also, perhaps, be allowed to remind the hon. Gentleman (Mr. Duncombe), as a point of general importance, that, by the Act of Parliament, according to which Election Committees were constituted, all matters were consigned to them in a judicial capacity, and, therefore, that the House was not a Court of Appeal from the decision of a Committee. He mentioned that as the reason why he did not enter into the discussion of the evidence taken before the Committee. In answer to the question put to him by the hon. Member, he begged to say that the Report of the Committee was before the House, and that it did not direct that he, as Chairman, should move the House to order that the Attorney General for Ireland should be called upon to prosecute the parties implicated for perjury. The Committee was now at an end, and he had no authority whatever to represent them as an individual. Therefore, he did not intend to make the Motion referred to by the hon. Gentleman. At the same it was, of course, still open to the Government to direct a prosecution if they should think fit. In any event he hoped that no denial of justice would be occasioned by any course which the Committee might have thought proper to adopt.

MR. LEVESON GOWER said, that as a Member of the Sligo Election Committee, he wished to state that it was impossible for a Committee to have been more unanimous than the Sligo Election Committee had been. As there had been some attempt to cast an imputation upon the conduct of their Chairman, he felt bound to declare that the imputation was most unfounded, for nothing could be fairer than the conduct of the hon. and learned Gentleman throughout the whole of the investigation. When an appeal was made to him by the junior counsel for the petitioner, for indulgence, on the ground of the absence of his leader, as well as from his own inexperience in conducting a case of the kind, the Chairman freely granted that indulgence, and stated that every opportunity should be offered to him to substantiate the petitioner's case. Election Committees seemed to him every day to be becoming more and more worthy of public confidence; but those tribunals, it could not be concealed, would not long retain that character if imputations like the present were unwarrantably cast upon their Chairmen.

MR. T. DUNCOMBE said, he hoped the noble Lord (Viscount Palmerston), or the Attorney General for Ireland, would state whether it was the intention of the Government to direct a prosecution against the two witnesses.

MR. J. D. FITZGERALD said, the House would observe that the Committee had not adverted to the two witnesses as being guilty of perjury. Their language was that there was strong ground for believing that they had been guilty of perjury; and it must also be recollected that the Chairman had announced that the Committee had declined to recommend the Attorney General to prosecute. He was therefore bound to assume that the Committee had good reasons for so declining. If a direction had been given he should have put the law in force without fear or favour. He had read the Report and the evidence, and there evidently was a technical difficulty in the way of instituting a prosecution. The law required that there should be two witnesses to establish the fact of perjury, or that there should be one witness with corroborative evidence of the facts. He had examined the evidence, and he could not find, if a prosecution was instituted, that these two witnesses could give evidence of the perjury. He then looked to see whether there were any corroborative circumstances to depend upon. He found that though Killoran stated that the one pound note was given, he named only one person as being present at the time, and that person was Ward, who was equally charged by the Committee with perjury. Under those circumstances, the Government did not think it right to apply to the House for an order to prosecute the parties, nor could he on his own responsibility recommend a prosecution.

Subject dropped.

## RETURN OF TROOPS FROM THE CRIMEA—QUESTION.

LORD ELCHO said, he wished, as general discontent prevailed at the delay in bringing home the troops from the Crimea, to put a question on the subject to the right hon. Baronet the First Lord of the Admiralty. It was upon the 13th of March that the treaty of peace was signed, but for some time previously the Government must have been well aware that the negotiations would lead to a successful issue. Well, they had now arrived at the 6th of June, and, to the best of his belief, not a single infantry soldier had been brought home from the Crimea. He wished, therefore, to ask the First Lord of the Admiralty what was the cause of that delay; for during the same period nearly 60,000 French troops, and nearly the whole of the Sardinian army, had been removed? At the same time our transports had been employed to carry the troops of our Allies. He was aware that it had been stated by the Government that the militia were in the first place to be brought home, and that then troops were to be taken from the army in the Crimea to garrison the Mediterranean stations. What, however, he wanted to know was, why the navy had not been employed as well as the transports to bring home the troops? Last week, indeed, orders were received at Plymouth and Portsmouth for ships of the navy to proceed to the Crimea to bring home troops. But if it was right that that order should be issued last week, why was it not equally right that it should have been issued five or six weeks ago?

SIR CHARLES WOOD said, directions had been given that, in the first place, the Sardinian troops should be sent home, and upwards of 10,000 had accordingly been conveyed to Italy. In the next place, after those troops had been taken back to America, which had been withdrawn in consequence of the war, other English troops were to be conveyed to the Mediterranean stations, and the militia regiments which occupied those stations were to be conveyed home. Then the embarkation of the troops to be brought from the Crimea to England was to take place. The number of men who had been and who would be embarked was, in round numbers, as nearly as could be calculated, as follows:—10,000 Sardinians and 2,600 horses had been conveyed to Italy. Up to the 1st of June 17,000 English troops had been brought from the Crimea, and 4,000 from Scutari, making together 21,000 men. By the 20th of June there would be embarked 19,000; by the 10th of July 18,000; and by the end of July the remainder, about 14,000. This was according to most unfavourable calculation, but it was hoped that all the troops, including the Land Transport Corps, would be removed by the 30th of July. Steam transports had been provided for 32,000 men; sailing transports for 9,000. He calculated that 14,000 or 15,000 would be brought by ships of war. Two line-of-battle ships and six large steamers had been ordered from the Black Sea, three sailing line-of-battle ships had been sent hence, directions had been despatched to the Mediterranean that any vessels which could be spared should be employed in the conveyance of troops, and ten line-of-battle ships, two frigates, and two large steamers had been appropriated to that service. If the numbers had been correctly calculated, 38,000 men would be embarked by the first week in July, the total number to be removed was 47,000, and transport had been provided for 51,000. It was his belief that all the men would have left the Crimea by the end of July.

Lord ELCHO said, that, notwithstanding the right hon. Baronet's explanation, he yet wished to know why the ships of war were not ordered to bring home the troops before last week?

Sir CHARLES WOOD replied, that the reason was, that the ships were not in a state to be sent to sea immediately for that purpose.

Captain SCOBELL said, that six weeks ago he had asked whether any line-of-battle ships, or other vessels, were to go to the Crimea to embark not only troops, but stores, guns, and other articles, including captures from the Russians. He was sorry to say that he only got a brief and unsatisfactory answer, and on repeating the question at a subsequent period, he was told that it was not proper employment for Her Majesty's ships. Those ships were ready to go to the Baltic if the war had continued, and now it was said that they had not been ready to go to the Crimea, although the mere removal of their lower deck guns would have made them fit for the purpose. If the ships had gone after the review at Spithead, they would have been home again by this time. If the hot season should cause sickness among the troops in the Crimea, he thought much blame would attach to the Board of Admiralty for having hesitated so long in the matter.

Sir MAURICE BERKELEY said, that he was in a great degree answerable for his right hon. Friend the First Lord of the Admiralty not sending out the line-of-battle ships at an earlier period of the year, for as a naval officer he was aware how much ships were disorganised by the conveyance of troops. Besides, there was another circumstance which might not be within the knowledge of the hon. and gallant Member for Bath (Captain Scobell), but was within the knowledge of the Admiralty, namely—that a three-decker was nearly sunk in the Mediterranean on account of the way in which the screw was fitted. Consequently, when the ships came from the Baltic, it was thought necessary to examine all the screws, in order to prevent the possibility of accidents which that House and the country would have deeply deplored. The hon. and gallant Member for Bath intimated that it would have been an easy matter to get out the lower-deck guns of the line-of-battle ships, but it was no easy matter to make room for troops unless part of the ships' companies were removed as well as the guns. For these reasons he had advised the First Lord of the Amiralty not to send out the line-of-battle ships to the Crimea, unless the necessity was urgent indeed.

Sir CHARLES NAPIER said, he could not conceive why the Baltic fleet, immediately on its return home, was not sent out to bring home troops. It was quite true that the conveyance of troops was likely to disorganise a ship of war. But last night it was shown that the coast-guard men, the riggers, and the "five years' men" had been all dismissed from the fleet, so that the crews of the ships had by that means been so reduced, he considered, as to allow of their bringing home troops without any inconvenience. He might also be allowed to observe, that the screws of the Baltic fleet had been all examined before proceeding there, and, therefore, he presumed, the ships were in a fit state to proceed to the Black Sea. He certainly thought the ships would have been perfectly ready to sail immediately after the review at Portsmouth. He was happy, however, to find that at last the ships had been ordered to the Mediterranean for the conveyance of troops, and as otherwise a great number of them would be paid off, he did not see how in any event the service could suffer.

Subject dropped.

## PUBLIC OFFICES—QUESTION.

Mr. OLIVEIRA said, he would beg to inquire what steps had been taken in reference to the application of £40,000 voted by clause 26 of the Consolidated Fund (Appropriation) Act, 1855, 18 & 19 *Vict.*, for the erection of a new Foreign Office; and the sum of £5,800, voted by the same Act, for the continuation of Pall Mall into the Green Park?

Sir BENJAMIN HALL said, that the sum of £40,000 voted last year was for two purposes; a sum of £10,000 was intended for the purpose of repairing the Foreign Office, and the remaining sum of £30,000 was for the acquisition of property in the neighbourhood of the offices in Downing Street. He had not thought it advisable that the £10,000 should be laid out at the present time, because a Select Committee was appointed to consider what buildings should be erected in that neighbourhood. With respect to the £30,000 voted for the acquisition of property, he could state that a great deal of the property had been already purchased. The sum of £5,800, referred to by the hon. Member, was to be paid for some property belonging to Lord Ellesmere, being the only property between St. James's Street and the Green Park not in the possession of the Crown. The purchase was not yet completed, but the hon. Gentleman was mistaken in supposing that that sum would be sufficient to open a line from Pall Mall to the Green Park. The cost of such a line would approach to something more like £100,000, and the Committee, so far from agreeing to that proposition, rejected it.

## GRATUITY TO THE DISBANDED MILITIA —QUESTION.

Colonel GREVILLE said, he wished to ask whether it was the intention of the Government to give any gratuity to the non-commissioned officers and privates of the militia on disembodiment? He understood that something was to be given to the officers, and it would certainly be very strange if the men were to be sent home without anything.

Viscount PALMERSTON said, that in 1814 the militia were disembodied with fourteen days' pay in advance, and the troops of the line received a larger sum. That precedent would be followed on the present occasion, but the House, he was sure, would see that it was not desirable to place a large sum at once in the hands of men who were to be disembodied, when it was not quite sure that it would be applied in the manner most likely to be for their benefit. The best arrangement, it was thought, would be to consider the fourteen shillings as a gratuity of fourteen days' pay, and that the men should be entitled to the residue of the bounty when they came back to training next year. Colonels would be allowed to expend a part of the fourteen shillings in providing the men who were in need of clothing with some; and, as they would take their fatigue jackets and other necessaries with them, those who had taken care of their clothes would be in no want for immediate use.

The Motion for the adjournment of the House to Monday was then *agreed to.*

## SIMPSON'S CRIMEAN SKETCHES.

Order of the Day for going into Committee of Supply read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Lord ELCHO said, he rose, pursuant to notice, to call the attention of the House to the propriety of purchasing for the nation Mr. Simpson's Crimean sketches, which were now being exhibited at Messrs. Colnaghi's, Pall Mall East. The history of his bringing forward the Motion was simply this: Knowing the existence of those sketches, and that the collection was about to be broken up, it appeared to him that we should only be doing honour to our gallant army by endeavouring to keep together so faithful a record, made by a distinguished artist on the spot, of their heroic deeds, privations, and trials, during the late severe struggle in the Crimea. Mr. Simpson, the artist, was sent out specially by the Messrs. Colnaghi, for the purpose of illustrating upon the spot the many striking scenes in which our army was engaged in the Crimea. Mr. Simpson went out with every facility for doing so, and received letters to the late Commander in Chief, and other distinguished officers of our army in the East. He had discharged his difficult duties faithfully, conscientiously, and fearlessly, and most ably executed the commission entrusted to him. On referring to the catalogue, he found a paragraph, stating that while this gentleman was engaged in taking a particular scene a shell had dropped so close to him that it had the effect of covering his sketch with mud and dust. The collection of pictures embraced all the events in the Crimea, from the firing of the first shot to the last retreat of the Russians. He held in his hand letters from the Duke of Cambridge, Admiral Lyons, General Simpson, Colonel Steel (the military secretary of the late Lord Raglan), and other distinguished officers, all of which testified to their great merit and accuracy. He had also a letter from General Sir De Lacy Evans, in which that gallant Officer promised to support him (Lord Elcho) in his appeal to Government to purchase the pictures in question. The hon. Member for Aylesbury (Mr. Layard), who was at present absent, unfortunately, on business in the East, had also promised to give him a similar support. With respect to the artistic merit of the pictures, he had the testimony of some of the most distinguished artists of the day—Mr. Stanfield, Mr. Roberts, and Mr. Haghe—all of whom spoke in high terms of them as works of art. He now came to the question which was the most important to the House, namely, the price at which they could be obtained. These pictures were ninety in number, and the whole price asked for them was only £1,400—a sum which Mr. Colnaghi had assured him was infinitely less than they had originally cost. There was another point on which he would urge the desirability of purchasing these pictures, and that was, that they would serve as faithful records of the Crimean campaign for the use of the future historian. He had heard that the right hon. Gentleman the Chancellor of the Exchequer had said, when he first saw them, that it was to be regretted, on historical grounds, that we had not similar records of the campaigns of Marlborough. A truthful account of the war in the Crimea was yet to be written. It could not be found either in the letters of "Our own Correspondent," or the Report of the Crimean Commissioners; still less in a work which had been published on the other side of the Channel, with an Imperial dedication upon the title-page. It was to enable a future generation to arrive at the truth that he (Lord Elcho) wished that this collection should be purchased and preserved by the country. A precedent for such a collection might be found in the Palace of Versailles, where, as it was well known, there was a series of paintings illustrating the great military achievements of the Republican and Imperial armies, but they were less interesting than those to which his remarks referred, inasmuch as they were not taken by the artist on the spot, but were in some measure imaginary. If Government were to purchase these pictures they might be hung either at Woolwich, where there was at present something like a military museum, or in the hall of Chelsea Hospital, the only use of which at present was to try, on the termination of a war, such officers as had zealously and faithfully performed their duty. He had yesterday heard that the right hon. Gentleman, notwithstanding his first admiration of the pictures, was not now disposed to recommend the Government to purchase them, and that he had come to that decision because Sir Charles Eastlake had pronounced against them. Now, although Sir Charles Eastlake was President of the Royal Academy and Director of the National Gallery, his opinion, he apprehended, had no weight with the artistic world. He understood that Sir Charles Eastlake's objections to the pictures were three in number, namely, that they were in water colours; that the price was excessive; and that they had been already engraved and published. The House should, however, bear in mind that Sir Charles Eastlake was a painter in oils, and on the principle "that there is nothing like leather," disapproved, of course, of paintings executed in water colours. He would also remind the House that there were many old paintings executed in water-colours, which still remained in a state of excellent preservation. With regard to the price, he thought it extremely moderate, and he certainly could not conceive that the fact of their having already been published was a valid objection. It was for the benefit of the public that he was anxious this collection should be purchased by the nation. The engraved copies were published at ten guineas; and it appeared to him to be a strange argument to advance, that because a few persons could afford to give ten guineas for a copy, therefore it was not necessary to have these pictures purchased for the benefit of the million. He had nothing more to add, except to observe that, whatever might be the opinion of the Government or the feeling of the House with reference to the purchasing of these pictures, there existed a strong desire out of doors that they should be kept together and possessed by the nation. Messrs. Colnaghi originally had no notion of offering them to the nation, and had disposed of many of them by private sale; but, as soon as the idea was suggested that they should be purchased by the Government, all those who had bought any of the pictures came forward and expressed their readiness to give them up for the benefit of the public. He trusted, therefore, the right hon. Gentleman would take a favourable view of the suggestion he had ventured to make, and feel it consistent with his duty to recommend the advance of a sum of money for the purpose of purchasing these pictures.

THE CHANCELLOR OF THE EXCHEQUER said, he felt that he need not assure the House how cordially he concurred with his noble Friend in thinking that anything which commemorated the exploits of their gallant army in the Crimea was interesting, both in an historical and national point of view, and that, therefore, if the acquisition of the water-colour drawings to which he had alluded would have that effect in any material degree, the application of a moderate sum of money from the public Exchequer would be fully justified. In consequence of a suggestion by his noble Friend, some time ago, he visited the pictures to which his noble Friend referred, and he did so for the purpose of ascertaining whether it was desirable that they should be purchased for the use of the nation. As far as he understood the facts, these water-colour drawings or sketches were made by an artist who was employed by Messrs. Colnaghi for the purpose of founding upon them a collection of engravings for publication. That collection having been completed by the engraver, they were subsequently offered for sale to the nation. Their size was not very large. No doubt, from the authentic character of the sketches, and from their connection with the memorable scenes in the Crimea, the pictures were highly interesting; but after having consulted and advised with very competent judges, it did not appear to him desirable that they should be purchased for the use of the nation. The materials on which they were painted were not sufficiently durable, and the paintings themselves were not of a character of that prominent importance such as a nation would wish to possess as a pictorial representation of the great struggle in the Crimea. Under these circumstances, he therefore did not feel himself justified in proposing an advance of the public money for the purpose of purchasing those pictures.

## CHURCH ACCOMMODATION AT PLUMSTEAD.

THE MARQUESS OF BLANDFORD said, he wished to call attention to the existing want of church accommodation in the parish of Plumstead, and to the claims upon the Government in respect of property and employment of labour in the

parish. He was unwilling to delay the progress of public business; but as he considered that the Government was bound to make suitable provision for the moral, social, and religious convenience of those whom it employed, when the parochial means for that object were deficient, and knowing that expressions recognising that obligation had already fallen from some of Her Majesty's Ministers, he therefore wished to draw from the House such an expression of their opinion as might justify the Government in proceeding to do that which it was already their wish and desire to accomplish. With that view he rose to call their attention to the present state of the parish of Plumstead, in reference to church accommodation. The population of that parish had, from 1841 to 1851, increased from 2,816 to 8,373 persons, which increase was chiefly occasioned by the employment given at Woolwich Arsenal to such a large number of persons by Government; but he regretted to state that the church accommodation remained without any addition. The present parish church could accommodate only about 400 people, and was situate a mile and a half from the arsenal. It was true there were in the parish other places of worship. There was a Roman Catholic Chapel and a Dissenting Meeting-House. A memorial had been addressed to the War Department from the Archbishop of Canterbury and other dignitaries of the Church, in which a representation was made to the Government of the state of the parish. That memorial stated that the parish of Plumstead, in which the Arsenal of Woolwich was situate, had, since the commencement of the war, advanced from a population of 2,000 persons to 12,000. The increase was represented as being in some degree attributable to the increased amount of activity in the Government works. Nevertheless, there was a permanent population created by the Government works, which was not affected either by the increased activity consequent upon the war, or by the number that would be discharged during the peace. In 1841 the census stated that there were five houses building in the parish. In 1851, according to the Census Returns, there were no less than 1,556 houses building. He was informed by the incumbent of the parish that there were three or four families on an average residing in each of the houses there; and that the accommodation was, therefore, very inadequate for the population. As he had previously stated, there was no other accommodation for attendance on Divine worship, in addition to the one Protestant church, than one Dissenting Chapel and one Roman Catholic Chapel. The late Vicar stated that he offered £1,500 towards a new church, but all he could get in the shape of subscriptions was £260. Government only granted £100 towards the church, and that sum was so inadequate that he had lodged it in a bank, where it had since remained. The only other assistance the Vicar could obtain was £110 from the Church-building Commissioners, and £70 or £80 from the Incorporated Society. Government had, after many applications, recognised its duty towards the children of those it employed, and consented to give £1,000 towards the erection of schools, the incumbent undertaking to raise £1,000 more. The Government had also undertaken to erect a school in the Arsenal. That, he would confess, was doing something, though they had done it tardily. What the Vicar now wanted was, that the Government should contribute £2,000 towards the building of a church, he undertaking to provide £2,000 more. He based this application on the ground of the Government owning so much of the property in Plumstead. The acreage of Plumstead was about 3,000 acres, and the marshes were almost exclusively owned by the Government. The principle which he contended for was admitted in the case of Woolwich, where £7,000 had been granted for the building of a chapel in the dock-yard, and in the provisions made by the Government for the religious instruction of the coast-guard and others in its employ. At Waltham Abbey and other places the principle was also admitted; and he could see no reason why what was now asked for should not be conceded. The principle was likewise recognised and acted upon by private individuals and firms, such as Messrs. Marshall, of Leeds, who had erected a church and schools for their operatives; Price's Candle Company, and several others. The importance of religious teaching in the case of the military, as in that of all other classes of society, would not be denied. Then, let them remember the large sums that had recently been spent in rejoicings for the peace. He valued the peace as much as any one, and did not quarrel with the expenditure for those rejoicings; but he thought that the Government should show themselves ready to acknowledge the blessings of tranquillity by liberally bestowing grants for churches on their own property. He would now beg to move the Amendment of which he had given notice.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the circumstances of the parish of Plumstead continue to demand the attention of the Government," instead thereof.

MR. MONSELL said, he could assure the House that the Minister for War felt as strongly as any one the duty of the Government in respect to those matters which the noble Marquess had brought before the House; and he (Mr. Monsell) thought the noble Marquess would act wisely if he now left the case in the hands of the Government. The Government were fully aware of their responsibility, and they had not been neglectful of the moral and religious state of the operatives they employed in the district referred to by the noble Marquess. A sum of £1,000 had, since June last, been granted by the Government towards the erection of schools in connection with the Established Church; and sites had been granted for a Roman Catholic Church and a Presbyterian Church, those several denominations undertaking to contribute certain sums. The school in the Arsenal had also been much improved and enlarged. At the time the £100 was given towards the new church a different state of circumstances existed. He could assure the noble Marquess that he would be quite safe in leaving this matter in the hands of the Government.

MR. JAMES MACGREGOR said, that as a resident in the district he could speak from personal knowledge of the wants of the neighbourhood, and while admitting the extent to which the Government had responded to the demands for drainage, schools, and other improvements, he would refer to the liberality of Sir Culling Eardley in the adjoining parish of Erith, who had provided a site and built a church, and expressed a hope that the Government would make provision for the spiritual destitution of the population, which the Arsenal and other public works had brought together in Plumstead.

SIR JOHN PAKINGTON said, he did not quite collect, from what had fallen from the right hon. Gentleman the Clerk of the Ordnance, what the particular intention of the Government with respect to the claim now before them was. The noble Lord (the Marquess of Blandford) had made out a very clear case; but considering the liberality—the very judicious liberality—displayed by the Government in the case of the Plumstead school, and also bearing in mind the very proper spirit in which the right hon. Gentleman (Mr. Monsell) had met the statement of his noble Friend, he was led to hope that the Government were disposed to meet in a spirit of liberality the requirement which they themselves had created, especially as they had a precedent in the case of Waltham Abbey. He trusted, therefore, that the Government would discharge the duty which devolved upon them in respect of church accommodation at Plumstead; and after what had fallen from the right hon. Gentleman the Clerk of the Ordnance, perhaps his noble Friend would think it more judicious not to press his Motion.

The Marquess of BLANDFORD said, he would not, after the statement of the right hon. Gentleman the Clerk of the Ordnance, that the matter would continue to receive the consideration of Her Majesty's Government, press his Motion.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

### THE EDUCATION ESTIMATES.

Sir JOHN PAKINGTON said, he was desirous, before Mr. Speaker left the chair, to address a few words to the noble Lord at the head of Her Majesty's Government. A short time since that noble Lord was good enough to promise him that the Education Estimates should not be brought forward without notice. Now, the letter of that promise had been kept, but he hardly thought that its spirit had been, for he found those Estimates on the papers for that evening. The understanding when the promise was made was, that he (Sir J. Pakington) and his Friends should have fair notice when these Estimates were to be brought forward; but he could assure the noble Lord that until within the previous half hour he had not the least idea that those Estimates were to come before the House that evening. He had spoken to two or three Friends on the subject, and found that their impression as to the spirit of the promise was the same as his, and that the coming on of the Education Estimates that evening was to them likewise a source of surprise.

*Sir John Pakington*

Sir GEORGE GREY said, that, under the circumstances stated by the right hon. Baronet, the taking of the Votes on the Education Estimates would be postponed till Thursday next.

Main Question put and *agreed to.*

### SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee; Mr. FitzRoy in the chair.

(1.) £40,000, Cape of Good Hope.

Mr. W. WILLIAMS said, he wished for some explanation of the Vote.

Mr. LABOUCHERE said, that last year a scheme had been submitted by Sir George Grey, the Governor of the Cape of Good Hope, for the civilisation of the native tribes and the maintenance of tranquillity, a part of which consisted in providing means for employing them in the construction of public roads, the establishment of schools, and other works of improvement, which he considered would be more effectual in preserving peace and insuring the safety of the colony than any amount of force that could be sent out. That scheme involved an annual grant for ten years—to the extent of £40,000 for the first three years, to be diminished gradually in the succeeding years until it ceased altogether. He proposed to lay upon the table that night the accounts which had been received from the colony since last year, when the first grant was made, in which Governor Grey stated that the plan of employing the Kafirs upon public works had been most successful; that the cost was comparatively small; that it was opening up the resources of the country, implanting habits of industry in the native population, and preserving peace and tranquillity throughout that vast district. As a matter of economy he believed that this money was well spent, inasmuch as it afforded the most effectual means of preventing those outbreaks on the frontier which occurred some time ago, and which were not only calamitous in their results, but occasioned a heavy charge upon the finances of the country.

Vote *agreed to.*

(2.) £12,634, Loss on Treasury Commissariat Chest Transactions—Freight of Specie.

Sir FRANCIS BARING said, he could not understand the Vote, and must beg for some explanation respecting it.

Mr. WILSON said, that the Vote was composed of two items—£2,634, to make good loss on chest transactions in 1854-5, and £10,000 for freight of specie, including expenses of shipment in 1856-7. The change in the form of the Vote arose from the change in the form in which the account was kept. At one time the Commissariat Chest account and the Commissariat Vote were managed by the Treasury. About two years ago the Commissariat was bodily removed from the Treasury to the War Department, but after a year's experience the cash fund was removed to the Treasury, leaving the Commissariat Vote to the War Department.

Vote *agreed to.*

(3.) £6,600, Agricultural Statistics.

MR. H. HERBERT said, he wished to call attention to this Vote, for the statistics were collected in Ireland by the constabulary, who, from their habit of life, must necessarily want the knowledge which would enable them to give the returns with that care and accuracy that were required. They were generally unacquainted with agricultural matters, could not survey an acre of land if told to do so, and were utterly incompetent to give a sound opinion with regard to the produce per acre. Under those circumstances he felt it to be his duty to state that the result was just what might have been expected—that those statistics were not to be relied upon, and peremptorily required that the attention of the Government should be directed to the subject.

MR. PALK said, he regretted that more Members were not present to hear the observations of the hon. Member for Kerry (Mr. H. Herbert). It would have been a lesson to them how they dealt with a measure on agricultural statistics for England which would shortly come before them from the other House. Nothing, in his opinion, could be more mischievous to the country generally, and the agricultural interest in particular, than a bad system of statistics; indeed, so far as agricultural statistics were concerned, he doubted the justice and propriety of collecting them under any circumstances. He was altogether at a loss to imagine how it was that those who had so strenuously promoted freedom of trade could, consistently with their own principles, ask Parliament to enact a measure for prying into a branch of industry the management of which they had no more right to inquire into than that of any other interest in the State. At all events, one thing would be admitted, that information gathered in the manner described by the hon. Member for Kerry must, of necessity, be very detrimental to the country, and to those speculators in corn, to whose offices, in time of scarcity, we were so much indebted for lowering the price of food to the people; and he contended that it was discreditable to that House to vote even small sums of money to be applied to so bad and injudicious a purpose. There was one point with regard to the question in respect to which some explanation was certainly necessary. He observed that the sum of £4,000 was voted last year for the collection of statistics in England, but that it was not expended. He should be glad to know, therefore, the reason for its remaining unexpended, and also if the Vote of £6,600 now proposed was in addition to that £4,000, or whether the £4,000 was to be deducted from it?

MR. WILSON said, that, in consequence of the recommendations of a Committee of the House of Lords, a Bill had been introduced into Parliament in the course of the present Session for the purpose of establishing a system of agricultural statistics in this country, as well as in Scotland and Ireland, where the machinery for collection already existed. But the Government had determined not to do anything with a view to the collection of these statistics in England until that Bill had passed into a law; consequently the £4,000 voted for the collection of agricultural statistics in England last year was not expended, whilst the Vote now proposed to be taken was for the cost of collecting statistics in Scotland and Ireland. The Government did not think it necessary to ask for a large sum for England in anticipation of the passing of the measure to which he referred, but resolved that as the £4,000 remained unexpended they would be satisfied with that sum for the present year. It was not proposed, therefore, to take a Vote for England this year at all. With regard to the observations of his hon. Friend the Member for Kerry (Mr. H. Herbert), he was compelled to admit, that when last year he compared the results of the Scotch inquiry with those which were sent from Ireland, he thought there were discrepancies between them which were not to be accounted for either by the soil or climate. In consequence, he referred the Returns back to the authorities in Ireland, and called their attention to those discrepancies; and they, after considerable investigation, admitted that the Returns were inaccurate in some respects, and, as far as they could, corrected them. True, those statistics were not of such a nature as to furnish a perfect criterion of the value of an estate; but they certainly did form a very fair index as to the general changes which took place from year to year in the description of cultivation that went on in Ireland. He could assure hon. Members that much more attention had been paid to making those statistics in Ireland reliable this year than last.

Sir JOHN TYRELL said, that in this country agriculturists did not object to a just system of statistics; but they did object to a measure which was most vexatious alike in its schedules and in the pains and penalties it proposed to inflict.

Mr. LLOYD DAVIES said, he quite agreed that a small outlay like that now proposed would be attended with beneficial results, provided the Returns were accurate, and the information they contained could be relied upon—not else.

Lord NAAS said, he was fully sensible of the great value of agricultural statistics, and bad as those statistics were in Ireland, he believed they were highly valued even in their imperfect state by a large class of persons there. Two of the heads of inquiry—there were three altogether—were very useful. For instance, they got a very fair return of the number of acres under the various descriptions of crops; and also of the quantity and sort of stock in the possession of the owners and occupiers. But with regard to the third head of inquiry—namely, the average acreable produce throughout the country, he believed the Returns were totally and entirely fallacious, and did not supply even an approximate idea of the actual truth. It, however, could scarcely be otherwise; for how was the information collected? Some weeks or months after the Returns had been sent in, circulars were written to different persons in the employ of Government, and also to a few country gentlemen, requesting them to state what, in their opinion, was the average quantity of produce per acre in that particular district. But those inquiries were for the most part answered by the inspectors of constabulary, men who could not have the least idea on the matters they were required to report upon, and whose opinions could only be gained from casual conversations with persons they met at the different fairs and markets. The Returns as to the average acreable produce were based upon those inquiries alone, and, in his (Lord Naas's) opinion, they were not worth the paper upon which they were written. He would recommend to the Government, therefore, that in future the Returns should be confined to those two heads—the description of produce and the quantity and description of stock, and not include the average produce per acre. The only mode of getting an approximate idea of the quantity of corn throughout the country would be by getting Returns of the produce brought to market.

Sir ROBERT FERGUSON said, that the acreage Returns were very well done by the constabulary, who were generally the sons of farmers, and very intelligent men; and they were afterwards submitted to the correction of proprietors of land. But when the constabulary came to collect the returns of the quantity or produce, it was very different, and by no means satisfactory.

Mr. STAFFORD said, the Committee had reason to be indebted to the hon. Member for Kerry for having brought this subject under their notice. He believed that the police in Ireland did not perform the duty of collecting these statistics *con amore;* that they were rather disposed to look upon it as an extraneous labour forced upon them; and that even if they did the work willingly they were not competent either to measure the size of a field or calculate the produce of an acre of land accurately. As to the value of these statistics, the best proof of that would be found in the number of copies of the Returns which were purchased by the present proprietors in Ireland. He believed, however, that they generally governed their proceedings, not by the Blue-books containing those Returns, but by the reports which appeared in the newspapers, and by the conduct of those by whom they were surrounded. At the same time, he did not mean to say that the statistics were without value; but the merit of them in Ireland was, that no compulsion was used in their collection.

Mr. SPOONER said, the Secretary to the Treasury had admitted that those statistics were not sufficient to guide, direct, or control the buying or selling of land; in other words, that they did not give any information as to the effects which the growing crops were likely to exercise upon the prices in the market; and he added, also—and he (Mr. Spooner) agreed with him, that a Return of the quantity of acres under the different sorts of corn—

namely, wheat, barley, oats, &c., in every year, ought to be as accurate as possible. Now, to making such a Return as that, he believed no objection whatever was entertained by the agriculturists of this country. The information would be of a most practical and useful character, and tend to check that extra cultivation which high prices sometimes encouraged, and regulate the number of acres in cultivation; but as far as Returns of the quantity of live stock on a farm were concerned, it would be impossible to come to any accurate conclusion from such Returns.

MR. SERJEANT SHEE said, he quite agreed as to the value of agricultural statistics, though the peasants did not read them. But he should like to know what number of the labouring population of Ireland was receiving wages, and for how many months in the year. That was a branch of statistics he should wish to see attended to. He should also like to have Returns as regarded the improvements of estates in Ireland—the building of cottages for the labourers. Numbers of mud houses had been swept away, but he had not heard that they were replaced by other and better ones. He also wished to know what progress had been made in providing good farm buildings by landlords and tenants in that country. Until some improvement took place in the relation of landlord and tenant in Ireland, these agricultural statistics would be of no use to the people of Ireland or the Government. He would suggest, therefore, that the statistics, which cost such a large sum, should include these particulars in future as regarded agricultural statistics in Ireland.

Vote *agreed to.*

(4.) £2,000 British Historical Portrait Gallery.

LORD WILLIAM GRAHAM said, he should like to have some information about the mode in which this sum was to be expended, as it was the first time a Vote of this kind had been proposed. He would beg to ask whether Government intended to purchase pictures when they came into the market, or whether they intended to employ artists to copy portraits; because, unless they adopted the latter course, there were many portraits in the possession of families as heir looms, which might never be brought into the market at all, but copies of which it might be desirable to obtain for the gallery.

THE CHANCELLOR OF THE EXCHEQUER said, that this was the first occasion in which such a Vote as this had come before the Committee; and it had been proposed, in consequence of the answer which Her Majesty had been pleased to give to an Address agreed to by the other House of Parliament, praying her to take measures for the formation of a gallery of historical portraits. It had not been decided that there should be any necessary connection between this collection and the National Gallery of pictures, although such a connection might be convenient; but it was intended that this gallery should, in the first instance, lay the foundation for the acquisition of portraits, the chief value of which should consist rather in the accuracy of the likeness and the interest attaching to the person represented than to the celebrity of the painting. Owing to our happy exemption from intestine disturbances, civil wars, and other causes by which the houses of distinguished families in other countries had been destroyed and their collections of works of art dispersed, there existed, he believed, in the Inns of Court, the colleges, the bishops' palaces, the public institutions, and the large countryhouses of this country, a greater number of valuable historical portraits than any other nation of Europe would be found to possess. It was not to be supposed that any large number of these portraits would find their way into the market, family portraits being cherished beyond any other class of pictures. It might, however, be expected that, in some instances, if a gallery of this sort was established, persons would be disposed to make presents to the nation of historical portraits, and no doubt means would be found, as the noble Lord had stated, in cases where the original portraits could not be obtained, to employ artists who would make correct copies of them, which would form a chain in a chronological series which it might be desirous to establish. He could not say that before this Vote was obtained, Government had thought it desirable to lay down any principle on which the Vote should be administered, but so far as they had formed views on the subject, their desire would be in the first instance to begin with a collection of pictures, which might be contributed voluntarily, merely to form a temporary exhibition, of which the large building which would shortly be completed, at Kensington Gore, and which was the subject of the next Vote, would be a convenient receptacle. But he could assure the noble Lord and the Committee, that it was a subject which would engage the attention of the Government. It was their desire to administer the Vote in such a manner as to lay the foundation of a collection of historical portraits, which would prove interesting to those who desired to study the history of the country, and would form a supplement to those documentary treasures which we possessed illustrative of our national history.

Mr. SPOONER said that, in his opinion, this was not a legitimate object for the expenditure of public money. The taxes levied upon the malt, the tea, and other articles consumed by the labouring man, ought not to be expended upon the formation of galleries of historical portraits for the gratification of the taste of the higher classes. Although the question might be considered a very trifling one, it was the beginning of a new system, and was laying the foundation of an establishment of a National Portrait Gallery. It was likewise laying the foundation of a great expense. He could not give his silent acquiescence to any such proposition. He did not consider that it was a legitimate way of expending the public money. It was not pretended that the object was to promote the art of painting. It was merely to establish an historical gallery of men eminent in science, and who had rendered good service to their country whether in a military or naval capacity. He did not dispute that this was a very fit and proper thing to be done, but the poor people of this country ought not to be called upon to pay for it. Let it be put upon any system that would pay itself. If money were advanced for a time to promote the object, there might be no objection; but he could not give his consent to a proposition that the people of this country should be called upon to contribute towards an historical picture gallery that could be of no use to them, and which it would not be possible for them to enjoy. If such a gallery were to be established, let it be done either at the expense of those who enjoyed it, or, as he had before said, let it be self-remunerative. When he looked around him and beheld the empty benches while they were voting such large sums of the public money away, he could hardly expect any support in any effort he might make to prevent the Vote from being adopted. Nay, he could not help observing the absence of those who were the leaders of his own (the Opposition) side of the House, and he really felt that they were all neglecting their duty to the country in not evincing a greater watchfulness over the expenditure of the public money. Were he to oppose the Vote, Members who were then in the purlieus of the House would immediately come in and vote against him without having heard a single word upon the subject.

Mr. W. WILLIAMS said, he was very glad the hon. Gentleman the Member for North Warwickshire (Mr. Spooner) had taken up this subject in so spirited a manner. The country already possessed statues of the most eminent men, in Westminster Abbey and in St. Paul's; they had portraits of the most distinguished naval commanders at Greenwich and elsewhere, and they were now forming a gallery of statues in the Houses of Parliament. Some had already been produced at a very large cost, and they were considered to be the statues of the most eminent men in the history of this country. [*Laughter.*] He was quite aware that there was great difference of opinion on that point with regard to some of them. But what he wanted to know was, who were the men who were to apply this Vote?—who were to select the portraits that were to be placed in the gallery? He would venture to say that if the portraits selected by those on whom the duty would devolve were submitted to the House, three out of four would be rejected. He hoped, therefore, the hon. Member for North Warwickshire would divide the Committee against the Vote. He really began to look to the Opposition side of the House for measures of economical reform. On several divisions upon questions of expenditure which he considered to be unjustifiable, he had found hon. Gentlemen on the other side of the House more friendly to economy than those sitting on that (the Ministerial) side; and he had latterly received from them more cordial support in his endeavours to promote economy. He, therefore, hoped the hon. Gentleman would divide the Committee on this question.

Mr. LLOYD DAVIES said, that, although the sum now proposed to be voted for a portrait gallery was comparatively small, yet they might expect that it would become greater every year; and that by and bye they would be told that after so much money had been invested in the collection of a portrait gallery it would be impolitic to refuse a further grant to sustain it. He, however, thought that such an outlay on the part of the country at large, for the enjoyment of the population of the metropolis only, could not be justified. It could not be said that whenever any man distinguished himself in this country—whether in the army, in the navy, or in any other capacity—Parliament was niggardly in rewarding him, both by conferring honours upon him and by granting to him money.

Mr. J. G. PHILLIMORE said, if he had entire reliance on the taste and judgment of those whose duty it would be to select the historical portraits, he might be disposed to stretch a point and not offer any opposition to this Vote; but the statue of the Duke of Wellington ought to operate as a great warning, both to the Committee and the public, against confiding the collection of a gallery of historical portraits to any particular body of men. It was impossible that there should be an entire agreement as to the proper persons who should be appointed to make the selection; and there would be a still greater difference of opinion, he apprehended, as to the selection of the portraits to be placed in the gallery. With respect to the statues of the great men which had been put in the Houses of Parliament, he must confess that he should have proposed to place there the statues of men very different from those which had been selected. On this subject strong feelings and associations must necessarily exist. For instance, he should have proposed that statues of Pym and of Cromwell should be erected there. He thought that any man who could object to a statue of Cromwell must be imbued with bigotry and party spirit in the highest degree. Many, however, would, no doubt, think the contrary. Again, he should certainly be inclined to recommend Clarendon and Falkland, while others would be for excluding them altogether. This diversity of opinion and of taste must necessarily be, from the very nature of the work to be performed, and from the inadequate resources of those to whom such work would be confided. He, therefore, did not think it was right or proper to sanction a principle which must end in failure. Nobody could undervalue the benefit to the people of having the images of great men placed before them; and no one would attempt to depreciate the magnificent associations which the contemplation of those images was calculated to excite. Every man not utterly callous to all impressions must appreciate the feelings thus inspired; but the Committee must recollect that they were not legislating for the metropolis alone, but for an over-burdened and a patient people who had borne with great forbearance and in an uncomplaining spirit the weighty pressure which the exigencies of war had created, and that they were therefore not justified in giving away the public money to gratify a sentimental feeling.

Sir JOHN PAKINGTON said, he could not agree with the hon. and learned Gentleman that the humbler classes would not appreciate portraits of an historical character.

Mr. J. G. PHILLIMORE said, he must beg to explain that he had not used the words attributed to him by the right hon. Baronet. He had said that such portraits would not be accessible to those classes.

Sir JOHN PAKINGTON said, he was rejoiced to find that he had misunderstood the hon. and learned Gentleman. At the same time he could not concur with the hon. Members for North Warwickshire and Lambeth, who considered the proposed Vote as an objectionable one. On the contrary, he was glad to see a beginning made towards the establishment of such a gallery as that which had been so gracefully suggested by a noble Friend of his in another place (Earl Stanhope) who had himself achieved great fame as an historian.

Viscount PALMERSTON: Sir, the arguments which have been used against this Vote apply equally to every collection connected with the arts or the history of the country. Upon the same principle we should have no statues, no paintings, and must confine the expenditure of the country to what is absolutely necessary for the administration of affairs. That has not been the practice of any country which had a pride in itself or a sense of its own dignity, and was desirous of elevating the minds of its people by the exhibition of objects which excited admiration. It does surprise me, Sir, to hear it said that the people of this country will have no opportunity of seeing these things; but surely those who say so forget what happened a week or ten days since, when this city was filled by tens of thousands who came from all parts of the country to take part in the rejoicings for peace. They must also forget the multitudes who thronged our streets month after month during the Great Exhibition of 1851. I really must say it argues a forgetfulness of a fundamental principle of human nature to declare that a collection of portraits of men distinguished in the history of the country is not an object worthy the expenditure of the small sum asked for in this Vote. Does any man say, who will only examine his own mind, that it is not a great gratification to see the likeness of men whose actions have excited our admiration? It has been said that when we read history it is merely a record of abstract names. You read that a man named Cæsar beat a man named Pompey, but you have no notion of what Cæsar was like, nor what Pompey. But if you see a picture which accurately represents what Cæsar was, or gives you an image of Pompey, what a much greater interest does it excite. In the same way I am sure it will afford to the people of this country the greatest satisfaction to see the features, to become acquainted with the countenances, of men whose actions had excited their interest when reading the history of former times. Then, again, it is said, such a collection will contain portraits of those whom some may consider unworthy of such honour and not deserving of public approbation. Why, Sir, in a free country like this, where there will always be contending parties, those men who are pre-eminent in history must belong to some party, and they will be regarded of course with different feeling, according to the views of each individual who considers them. Some will approve them, and others will condemn them. Now, this, Sir, is a very small Vote. It must not be supposed that we are going to ransack countryhouses to collect pictures of gentlemen's uncles and aunts. That is not the object, nor is it, as the hon. and learned Member for Leominster (Mr. J. G. Phillimore) seems to think, to form a collection of pictures valuable on account of their merit as works of art. The object is to get the best portraits of men distinguished in the history of the country. Of course there must be some judgment in the selection, but I trust that not only by the present Government, but by any that may succeed them, the small sum to be annually voted for this purpose will be judiciously expended, and that the collection will only contain the portraits of those who by general assent have played parts in life which qualified them for the honour of being represented in a national gallery. Other countries do the same thing. Every one must remember at Versailles the great collection of portraits of men distinguished in the history of France. Why should we feel less pride in a collection of images of those who have gone before us, and who, I will venture to say, are not less worthy than the historical characters of other nations to live in the memories of their descendants? There cannot, I feel convinced, be a greater incentive to mental exertion, to noble actions, to good conduct on the part of the living, than for them to see before them the features of those who have done things which are worthy of our admiration, and whose example we are more induced to imitate when they are brought before us in the visible and tangible shape of portraits.

MR. ROEBUCK said, he quite agreed with the noble Lord about the great advantage of a gallery of this sort. The inscription over the Pantheon at Paris, "*Aux grands hommes la patrie est reconnaissante,*" always appeared to him most touching. But he had another doubt, and that was, as to the persons appointed for the selection; for he had heard it said that from their hall was excluded Cromwell, who was proposed to be there set forth in his image as a great man belonging to this country. He certainly was one of the rulers of our country, and one of the greatest rulers; and he, he was told, was excluded from that hall because he was not what was called a king. Now, if the Vote under consideration was to be used to shut out those who were really the honour and the pride of this country, though they might not be legitimate kings or legitimate inheritors of honours, then he should not agree to the Vote; but he believed that public opinion would guide those who selected the portraits, and he should therefore support it.

MR. SPOONER said, the noble Lord had, with his usual skill, met objections which he (Mr. Spooner) had not raised, and, at the same time, had answered those which he had not made. His objection to the proposition was, that they had no right to tax the labouring classes of this country to provide a gallery of portraits, which would be of no use to those people, and in which they could take no pleasure. The present Vote was but the beginning; and, small as the sum was, it might, and probably would, if granted, lead to very great expense in future years.

THE CHANCELLOR OF THE EXCHEQUER: Sir, my hon. and learned Friend the Member for Sheffield (Mr. Roebuck) first asks whether it is intended that any political distinction should be made in the choice of portraits for the intended gallery, and then inquires who the persons are in whom the power of making the selection will be vested. Before the Vote has received the sanction of Parliament it would not be competent for the Government to nominate any persons by whom the grant should be administered; but I have no objection to explain to my hon. and learned Friend the principles on which it is designed that the institution shall be conducted. The object is to form a collection of historical portraits. Any one will understand by that, not sovereigns or statesmen pleasing to any particular party—not leaders of religious sects acceptable only to their own followers, but all men, of whatever opinions, who are illustrious in the records of history. Surely that view of the case will prevent any illiberal exclusion of sect or party, and open the gallery to men of all sects and parties who are celebrated in the annals of their country. That is my idea of a national portrait gallery, a place to which the portraits of all men shall be admissible, who, whether connected in their lifetime with Church or State, with arts or arms, occupy a distinguished position in the annals of the past. The hon. Member for North Warwickshire (Mr. Spooner) objects to this proposal that we are voting the money of the poorer classes of taxpayers to an object from which they cannot derive any benefit, and this objection he urges on the ground of economy. [Mr. SPOONER: Of justice.] Well, then, of justice based on considerations of economy. I confess, Sir, that this criticism does appear to me to be founded on views of a very narrow description, and I have the strongest conviction that if that hon. Member whom we were so long accustomed to regard as the representative of economy in this House—the late Mr. Hume—were now present, he would not join with the hon. Member for North Warwickshire in proscribing a collection proposed to be conducted on such principles as I have described. I would ask the Committee whether it be true that the working classes obtain no advantage from institutions of this kind, which are calculated to diffuse a taste for national history, and to kindle feelings of patriotism; and whether they have not an interest in everything that promotes the education and enlightenment of the country? Does the hon. Member suppose that he can draw distinctions in these respects between the working and the other classes of the community? If his doctrine were adopted we should at once have to shut up the British Museum. That institution is, I consider, doubly open to his objections. In the first place, it is an institution from which, according to his view, the working classes derive no benefit, for they can neither read the books in the learned languages nor study the antiquities, nor examine the collection of natural history with which its rooms are filled. In the second place, it is in London, and for that reason it is impossible that persons in different parts of the country should derive personal or immediate good from it. Adopt the hon. Member's view of the question, and not only must we close the British Museum and the National Gallery, but I should like to know upon what principle you will justify the keeping of a Record Office? The State Paper Office must also be abolished. It is maintained by an annual Vote of this House. Does the hon. Member suppose that the working classes examine the records of our ancient history? Really, if we commit ourselves to the hon. Member's narrow notions of economy, I know not where we are to stop. We all remember to have read that in former times the Romans, a nation eminently addicted to the cultivation of the patriotic feeling, adorned the vestibules of their mansions with the portraits of their illustrious ancestors—not as exhibiting a collection of works of art, but as an incentive to noble deeds, and as a means to excite the existing generation to emulate the bright example of the great men who had gone before them. That principle which the Romans followed with regard to their private families we now propose to adopt with reference to the whole community; and I cannot believe that an English House of Commons will lay it down, at the bidding of the hon. Member, that any class of the community—whether the working class or that which is devoted to intellectual pursuits—has no interest in a collection of portraits which will be a splendid record of the great deeds of their ancestors.

MR. RICE said, he thought that an injustice was done to the operative classes by the suggestion of the hon. Member for North Warwickshire, that they were unable to derive pleasure from pictures. He could state to the hon. Member that he had himself presented a working man's society in Dover—a self-supporting institution—with a portrait of the late Mr. Hume, and the gift was highly prized.

MR. SPOONER said, he must disclaim having ever asserted that the working people of this country were unable to enjoy pictures. He had objected to their being taxed for that which they would have no opportunity of enjoying. He would willingly sanction any plan having for object the establishment of a portrait gallery on a self-supporting principle.

VISCOUNT GODERICH said, he thought the hon. Member for North Warwickshire was very inconsistent in complaining that the working classes had no opportunity of enjoying pictures, after he had himself voted for the closing of the National Gallery on the only day of the week available to them for such a purpose.

MR. JAMES MACGREGOR said, he rose to support the Vote before the Committee, and to appeal to his hon. Friend (Mr. Spooner) to withdraw his opposition. None, he felt assured, would appreciate such a collection more than the people. Such portraits as that of Watt and other men who had risen from their own class by their ingenuity would give them the highest pleasure, and produce a wholesome effect. He had been that day at the British Museum, and had refreshed his memory with regard to the rules of that establishment, when he found that it was available to the public only on three days in the week, and he did not see why it should not be open every day in the week, except Sunday. While visiting that institution it had been gratifying to him to meet, in the sculpture gallery, the accomplished librarian of the establishment, and to express to him his concurrence in the elegant and classical compliment which Mr. Speaker had paid him a short time since; and as he there looked round on the busts of the Roman Emperors, he felt that the public money could not be better expended than in making the people better acquainted with the illustrious characters of history.

MR. M'MAHON said, he would remind the Committee that the Chancellor of the Exchequer had said, in his Budget speech, that if they did not reduce expenditure he could not reduce the taxation of the country. Now this year they had done nothing to diminish the annual charge, except in the naval and military departments. When the Income Tax was first imposed, the Civil Contingencies amounted only to £3,500,000; this year they were £6,700,000. Besides, he should like to know what they intended the gallery ultimately to be? Did they mean to have another Versailles? He would take the liberty of reminding the Committee that the French attained to great excellence in that respect at the time they were verging fast upon bankruptcy and revolution. He protested against the lavish expenditure which had prevailed of late years.

Motion made, and Question put—

> "That a sum, not exceeding £2,000, be granted to Her Majesty, towards carrying out measures for the formation of a Gallery of the Portraits of the Most Eminent Persons in British History, in the year ending the 31st day of March, 1857."

The Committee *divided:*—Ayes 97; Noes 28: Majority 69.

(5.) £10,000, Science and Art Department, Marlborough House Removal.

LORD ROBERT GROSVENOR said, there was appended to the Vote, by way of explanation, a letter, the second paragraph of which stated that the German Chapel would be taken down to make a public road from Pall Mall to St. James's Park, and that public accommodation would have the effect of causing the removal of the principal class-rooms of the training-school. The Estimate for the new road was the next Vote, and until that was decided he thought the present Vote ought to be postponed.

MR. WILSON said, the new road was one of the minor grounds for the proposed removal, the principal ground being that the Department of Art and Science occupied Marlborough House only for a limited period, and must of necessity move to enable the building to be prepared by the time the Prince of Wales came of age. There could be no objection to the postponement of the Vote if the Committee thought proper, but he really could see no reason why they should postpone it.

MR. PELLATT said, he thought the postponement of the Vote ought to take place, in order that the Government might consider the whole question. When the proposed removal had been effected, at a cost of £10,000, what did the Government intend to do with the Schools of Design at Somerset House, the Geological School in Jermyn-Street, and other places?

He believed a saving of money and increased efficiency would be secured by having those establishments brought under one roof, instead of being scattered over different parts of the metropolis.

SIR JOSEPH PAXTON said, he should support the Vote, believing the intended removal from Marlborough House to be absolutely necessary, in consequence of the insecure state of the temporary buildings there.

MR. W. WILLIAMS said, he was of opinion that, before the Committee went on voting money for filling up the large vacant piece of ground at Kensington Gore, they ought to have some programme before them as to what was intended to be done with the ground, and what was the probable outlay which would take place. He had heard it stated, on very good authority, that there would be an expenditure of some millions of money, and that he knew was the prevalent impression in the public mind. As regarded the removal, for which the present Vote was to provide, the Committee should remember that it would be a day's journey for poor scholars to go to Kensington Gore and back again in all sorts of weather. He could not help thinking that a great error had been committed in the purchase of the ground for such objects. It was said that the gallery proposed to be erected there would be out of the smoke of London; but the fact was that the smoke of London was blown over that locality during the greater part of the year, and the smoke would damage the pictures quite as much at Kensington Gore as in any other part of London. The whole subject and the scheme proposed ought, he considered, to be referred to a Select Committee.

MR. DISRAELI said, the observations of the hon. Gentleman did not apply in the least to the Vote before the Committee, which was asked for on this ground:—At present the Science and Art Branch of the Education Department was located at Marlborough House, which belonged to the Prince of Wales, and was required, or would soon be required, for the use of the Prince. The question, then, arose, what was to be done with this department? The Prince of Wales was not going to live at Somerset House; the Prince of Wales was probably not going to live in Jermyn-Street; but would, at the proper time, require Marlborough House, his own befitting habitation. The Committee were not called upon now to inquire into a subject of great magnitude and interest, which had been alluded to by the hon. Gentleman, but which had nothing whatever to do with the present Vote; they were called upon to provide the means by which this department could be removed and placed in a position compatible with the public convenience and accommodation, and he thought they ought to be very glad that they possessed at Kensington Gore a site to which it could be conveniently removed.

MR. SPOONER said, he must confess that he found ample justification for what he had previously said on the question of this site at Kensington Gore in the contents of the third Report of the Commissioners of 1851, which he now held in his hand. The Vote of £150,000 on account of this site was passed at the instance of his right hon. Friend (Mr. Disraeli), and it was declared in the Report that the House of Commons had unanimously agreed to the Vote. Now, he certainly did not divide the Committee against the Vote when it was proposed, because he found that the general feeling was against him, but henceforth he should learn on such occasions not to be deterred from going to a division, even though by gentlemen opposite he should again be called a narrow-minded man, and by his right hon. Friend (Mr. Disraeli) "an old-fashioned man." In a Treasury Minute contained in this Report, he found the following passage:—

> "Under these circumstances, it is necessary to revert to the Vote of the year 1852, and the expectations with which it was given. Parliament appears to have been under the impression at the period of that Vote, that so far as regarded the purchase of land it was final. Had the Government of that day possessed information leading to a contrary conclusion, it would have been their duty to make it known to the House of Commons, and to give the best conjectural estimate in their power of the amount of any ulterior demand likely to arise. It is now obvious that more money will be, at least temporarily, and perhaps permanently, required, and this to an extent even exceeding the first Vote of Parliament, if the entire square defined by the main roads is to be made available for public purposes."

That square was now to be made available for public purposes, and the House of Commons would soon be asked for a larger sum than they had yet voted. They ought, therefore, to be cautious how they gave their sanction to a small sum which might be but the beginning of a series of large Votes. Another question was, to whom this land belonged? It appeared that the estate itself was vested in the Commissioners, and that the Government and the State had no power or control over it. He should have liked to ask the law officers of the Crown, if they had been present, what power the Government would have over this land, supposing at some future time there should be a dispute, as was not improbable, between the Exhibition Commissioners and the Government? He found in the Report a Treasury Minute, dated February 15th, 1853, relative to the control over this property:—

"Mr. Gladstone informs their Lordships that he has been in personal communication with the Royal Commissioners on the subject, and he suggests that an arrangement of the following nature should be submitted to them for their consideration. If the Royal Commissioners shall concur therein, and shall express to this Board their readiness to adopt and act thereon, then Mr. Gladstone is of opinion that such sums might properly be issued from time to time, not exceeding on the whole £150,000, as may be necessary to enable the Royal Commissioners to pay for such lands as shall be purchased to carry out the plan and arrangements contemplated in their second Report. It appears to the Chancellor of the Exchequer that, in order to secure that unity of action which it is highly desirable to maintain over property purchased from various different parties, but intended to be applied to kindred objects, the legal title to the whole should be vested in the Commissioners to whom the lands already purchased have been conveyed; but he suggests at the same time that, for the purpose of securing to the Crown the right of general superintendence, it should be distinctly understood that the Commissioners should hold the whole of such purchases, as well those already made as those to be made hereafter, subject to such directions of appropriation as shall from time to time be issued by this Board in respect to such part, not exceeding one moiety, as shall by agreement between this Board and the Royal Commissioners, be set apart for such institutions connected with science and art as are more immediately dependent upon and supported by the Government from funds voted by Parliament; and subject also, with respect to the other part thereof, to such general superintendence by the Lords of the Treasury as may be necessary to secure that the appropriation proposed to be made, and all the arrangements in relation thereto as regards buildings to be erected thereon, shall be in conformity with some general plan which shall be adopted as applicable to all parts of the property, whether such buildings shall be erected from public moneys or by private subscription. On the other hand, Mr. Gladstone thinks it should be understood that no buildings shall be erected at the public expense on any portion of the property, the whole of which will have been acquired for the public by the joint contribution, in equal moieties, of Parliament on the one hand, and of the Royal Commissioners on the other, without first giving to the Royal Commissioners opportunity of submitting to this Board their objections, if any should occur to them, to what may be proposed in respect to such buildings, whereby a joint superintendence of a beneficial character would be secured for the public over the whole."

Thus the title appeared to be in the Commissioners, while the control of the Government was based upon an understanding. The question for the Committee to decide was whether an irresponsible Board of Commissioners ought to be entrusted with the property in this estate, on which so much had been already laid out, and upon which, without doubt, the House of Commons would be asked to expend so much more. If such a proposal had been made in what used to be styled the corrupt Tory Parliaments of his younger days, no Minister would have dared to adopt it, and no House of Commons would have sanctioned it. It was left for a reformed House of Commons to trust a body of irresponsible Commissioners with a large property, bought, in great part, with the funds of the State, but over which the Government were to exercise no control except, as he had just said, upon an understanding. He had opposed all these grants successively, and he should recommend the property to be disposed of and the partnership to be dissolved between the Government and the Commissioners. He might not live to see it, but, depend upon it, the purchase of this property would involve the country in an expenditure which very few now contemplated.

Mr. WILSON said, he hoped the Committee would allow him to make a few observations in reply to those made by the hon. Member who had last addressed them. The Vote had nothing whatever to do with the purchase of the estate. The hon. Gentleman was right in stating that the fee simple of the estate was in the hands of the Exhibition Commissioners of 1851, but it was held by them so subject to equitable rights that the House of Commons and the public could control its appropriation. In the first instance, the sum of £150,000, belonging to the Commissioners, had been invested in the purchase of the property. Parliament then consented to give £150,000 more to complete the purchase. When it became a question into whose hands the property was to be conveyed, it appeared to the Government of the day that the Royal Commissioners, having had actually conveyed to them a portion of the property in the first instance, it would be better that the whole of the property should be conveyed to them, but the Government insisted upon a clear and distinct understanding as to the conditions which should give to the public the proper control over this estate. The understanding expressed in the Minute was afterwards converted into an obligation, which was accepted by the Royal Commissioners. The Government took a legal opinion as to the legality of that equitable claim, and as to the control which the Government would have over this property. That claim was recognised in the Bill introduced by his right hon. Friend the Chancellor of the Exchequer relative to the site of the New National Gallery. The Vote of £10,000 was for the erection of an iron building in an outlying portion of the property, for the purpose of receiving the contents of the sheds and other buildings now at Marlborough House, and which it would be necessary to remove from there.

MR. SPOONER said, he wished to ask whether there had been any understanding not to build upon this land except by the assent of the Treasury? He should like to know whether a deed of trust had been executed?

MR. HENLEY said, he thought that every one would admit the necessity of finding some place of reception for the contents of the temporary buildings which it would be necessary in a short time to remove from Marlborough House. The only doubt which he entertained upon the subject was, that he believed that these educational establishments, from the admirable manner in which they were working, would become permanent, and if so he thought that it was bad economy to put up these temporary buildings. As regarded the buildings in Marlborough House, the Committee had been told they were of that nature that they ought hardly to be permitted in the metropolis, and it was a question whether it was expedient to incur any expense in the removal of a quantity of wretched wooden sheds.

SIR JOSEPH PAXTON said, his hon. Friend the Member for Lambeth (Mr. W. Williams) had stated that he thought it would be a hardship to take the students so far as Kensington, but when he (Sir J. Paxton) said that the students who received their instruction were brought from all parts of the country, it would appear that Kensington would be a far better place for them to reside in than anywhere else.

SIR JOHN SHELLEY said, he would like to hear whether this £10,000 was merely for removing the wretched buildings alluded to by the right hon. Member for Oxfordshire (Mr. Henley), or whether it was for erecting a permanent building.

MR. WILSON said, that the chief part of the sum was required for the purpose of erecting an iron building, connected with an iron building now existing, which had been voted last year, and the removal of the sheds at Marlborough House would take a very small portion of the amount.

MR. DISRAELI said, that his hon. Friend the Member for North Warwickshire (Mr. Spooner) had, with a constancy and perseverance which all must admire, made the same statement which he had been in the habit of making on previous occasions. He had invariably stated, whenever these Votes had been brought before the Committee, that it was only an instance of the general practice of beginning by asking for a small sum, which would in the course of time lead to an expenditure never originally anticipated. Now, that was an erroneous view of his hon. Friend, notwithstanding the sedulousness with which he had read the Report of the Commissioners. At the commencement of these operations no small Vote was asked for. The Vote originally proposed was £150,000, the expenditure contemplated being £300,000, and the other moiety of that sum was to be supplied by the surplus shillings of the multitude who visited the Great Exhibition in 1851 in the hands of the Commissioners. That sum had been increased by a Vote of £25,000, for the purpose of purchasing a plot of ground which, from its particular position, it became absolutely necessary to possess in order to carry out the original idea; and, as a proof that the purchase was not an improvident one, the whole of the ground could now be sold at a great increase upon the sum which had been paid for it. His hon. Friend had also complained of the manner in which the property had been invested; but he maintained that it was necessary that the property should be vested in the Royal Commissioners. Now, that had not been done at the instance of the Commissioners, but at the instance of the Treasury, which had made it one of the conditions upon which that department would assist the Royal Commissioners, that the estate should be vested in them. Now, what had been the result? Why, on the very first instance in which the Commissioners had been applied to—and that was with regard to the contemplated project of erecting a National Gallery upon that land—and when the question arose as to how the different interests might be defined, they had come forward at once, and said, "From the commencement we have only looked upon ourselves as trustees for the interest of the public; say what quantity of land you require, and we will at once exercise the authority we possess, and convey it to you without condition." The taunts, therefore, of his hon. Friend were not at all justified. His hon. Friend complained very much of the erection of buildings at Kensington Gore, and said the Commissioners were only empowered to purchase land, and not to build. But his hon. Friend must be quite aware of the circumstances of the case. The temporary building, for which £15,000 was voted, was not raised by or at the desire of the Royal Commissioners. At that moment collections of great value and interest were offered to the country on condition that they should be placed in some public gallery, collections which, to the shame of the country, the Government could not receive. The rare and valuable collection of Mr. Turner had been left to the country, on condition that within ten years some receptacle should be provided for it; five years of that period had elapsed, and yet it was not in the power of the Government to fulfil the condition on which alone it could accept the magnificent offering. Under those circumstances the Government determined to raise a temporary building, not of wood, not of decaying timber, but of iron and glass, according to the type originally erected by the genius of the hon. Gentleman opposite (Sir J. Paxton)—the Crystal Palace—the materials of which might be brought into use when the purpose for which it had been erected had been accomplished. But the Government had no site upon which to raise such a building, and they applied to the Royal Commissioners, who, after consideration, gave them that site. He would beg to remind his hon. Friend (Mr. Spooner) that it was the Government that went to the Commissioners, not the Commissioners to the Government. It was no device or scheme of the Commissioners that the country was indebted for a museum which would, he believed, afford the greatest instruction and delight to the people of this country when it was completed. The Commissioners came forward to assist the Government, and on account of the service so rendered by the Commissioners his hon. Friend felt bound, it appeared, to oppose the progress of this plan. He could not believe that the Committee would sympathise with his hon. Friend in his attempt to oppose this plan, any more than it had sympathised with him in his opposition to the creation of a gallery of British worthies. He believed they would look upon this project as an attempt to refine the taste of the community—a community which was distinguished for great energy and enterprise, and which ought not to be deficient in that refinement and culture so eminently necessary to a country depending, as England depended, upon its manufacturing skill. He was confident that the Committee would take a large view of the question, and look on this as one of the most successful of the efforts which had been made to meet the genius of the age in which we lived—having for its object to advance and refine the taste of the community—founded not upon an idea that it was necessary to establish museums of mere curiosities and works of art, but upon the conviction that it was of the first necessity to a country like England that it should cultivate the taste of its people, and bring to bear upon the productions of its manufacturing skill all the inspirations and refinements of art.

Sir HENRY WILLOUGHBY said, he was glad to hear from the right hon. Gentleman that the estate which had been purchased at Kensington Gore was so extremely valuable, and being so, he thought that the best thing they could do would be to sell it. Kensington Gore was too remote from the metropolis for the erection of a National Gallery. Perhaps, as a site for a training institution, the land in question might not be objectionable. He thought it was a strange scheme for the Government to get back, as it were, from the Royal Commissioners a portion of land which had been purchased by them. He wished to know what was intended to be done with Burlington House?

Mr. WILSON said, there was at present no plan under consideration for building upon the site of Burlington House, but the Government thought it desirable to turn Burlington House to some use, and an arrangement with that object had just been concluded. By that arrangement the Senate of the London University would occupy the right wing for the purpose of holding their ordinary examinations. The centre of the building would be occupied by the Royal Society, in connection with the Linnean Society and the Chemical Society, on condition that the Royal Society and the Chemical Society gave up the important premises they now occupied in Somerset House, which would then be available for the increasing demands of the Inland Revenue Office. Those societies had also consented to unite their three magnificent libraries, and the one library thereby formed would be open to any of the public upon the introduction of one fellow of either society. The other wing would be converted into a large hall, which would be used by the London University for their annual examinations, and would also be at the service of the three societies during the season for holding their usual meetings. The Royal Society had consented to place their magnificent collection of portraits in that building, and to allow the public free admission to it. He therefore trusted that that arrangement would be satisfactory to the Committee.

MR. CARDWELL said, he begged to express his approval of the Vote, as he considered that it would tend to bring the whole of the business of the department together, and in a situation more convenient than the present one.

MR. SPOONER said, that, notwithstanding the observations that had been made in the course of the discussion, he would once more declare it as his conviction that they would yet see this sum of £150,000 grow to £1,000,000. It should be a warning to them how they commenced an undertaking before they had made up their minds what they were really going to do.

COLONEL BOLDERO said, he trusted that he might be allowed to remind the Committee that the site which they were now disposing of would have been very appropriate for the purposes of barracks. They would shortly be in want of ground for barracks in the neighbourhood of the metropolis, for Lord Portman was calling out for the surrender of the barracks in Portman Street, and he knew no position better adapted for the purpose than that now under consideration.

Vote *agreed to.*

Motion made, and Question proposed—

"That a sum, not exceeding £24,700, be granted to Her Majesty, to defray the Expense of constructing a Road through Saint James's Park from Pall Mall to Buckingham Gate, and a Foot Bridge over the Ornamental Water, in the year ending the 31st day of March, 1857."

LORD ROBERT GROSVENOR said, he desired to call attention to this Vote, as some important considerations were involved in it, and he thought he should not have much difficulty in showing the Committee that the proposition of the Vote was premature. It was his intention to move that the Vote be postponed for six months, with a view to the reconsideration of the subject of improvements in St. James's Park by a Select Committee of the House, before any expenditure was incurred for that purpose. He feared that if the Committee consented to give so large a sum for the purpose stated in the Vote, they would be not unlikely to add another to that long list of unfortunate failures which had resulted from the attempts to carry out what were called metropolitan improvements. Thousands of persons flocked to Paris from all parts of the world to see the magnificent embellishments which had recently been effected in that beautiful capital. He was aware that it was impossible, in consequence of English institutions, to emulate here what was done in the neighbouring country, but at the same time matters need not be managed so ill as they were at present. The people in this country were singularly unfortunate, for they did not know, on account of the number of Boards in the metropolis, who proposed the improvements, who were responsible for carrying them out, or who were to pay for them. Since he had had the honour of being connected with the representation of the metropolis, he had passed a good deal of his time in endeavouring to discover who were really responsible for the so-called metropolitan improvements. Last year it was thought they had devised an authority that would be a responsible body, but it was found eventually that it was of no avail. The House had passed a Bill creating the Metropolitan Board of Works, and that Board had declared that they would not undertake those improvements at all, not believing that they had legal authority for the purpose. The country had got a magnificent palace in which the legislative business of the nation was transacted, but they all had the mortification of reflecting that some £400,000 or £500,000 had been spent, not in beautifying it, but positively in disfiguring it, by overloading it with useless ornaments. The present Vote, he presumed, was founded on the Report of the Committee appointed at the beginning of the Session, but nothing could be more discordant than the recommendations contained in that Report. The Committee agreed to Resolutions which totally contradicted each other. The only point on which the Committee divided and which they carried by rather a large majority, was a Resolution to the effect "that to any considerable increase of traffic in the Royal Parks there were grave objections," but afterwards the Committee resolved that the Duke of York's Column should be removed, and that a line of communication should be made from Waterloo Place to Storey's Gate; and, not satisfied with that, the Committee also proposed to make an opening into St. James's Park from Trafalgar Square by Spring Gardens. Charing Cross might be taken as the type of the struggle and bustle of a crowded city, and yet within a hundred yards of the spot you found yourself midst lowing herds and rural sights and sounds, which had existed there since the time of the Merry Monarch. All this would ruthlessly be swept away. Another Resolution was that on which the present Vote was founded. He thought that no one was better qualified than himself to speak with respect to the Parks, for he was born and bred within a few hundred yards of the place where he was now standing, had been for thirty-four years a Member of that House, and had probably traversed St. James's Park more frequently than any one he was addressing. He had paid a great deal of attention to sanitary matters connected with the metropolis, and he declared that nothing ever done to promote the health of the metropolis was comparable to the benefit derived from the parks now in existence, and of all those parks St. James's was, in his opinion, from its situation, the most valuable. He considered, therefore, that it would be desirable to interfere as little as possible with the parks; but if they stretched along an extended line of country the time must naturally arrive when the exigencies of the traffic would require that there should be some sacrifice made of the privacy of the parks. The two principles, however, which should guide the authorities when that time arrived, should clearly be, the interference with the smallest possible portion of the park, and the affording of the greatest amount of accommodation to the greatest number of people. The portions of the town which required now to be accommodated were those which lay to the north-west and south-west of the metropolis—all that part between Regent Street and Westbourne Terrace and Notting Hill on the one side, and the Thames and Belgravia on the other. Now, how was this to be effected? By a road through Pall Mall, with various turnings right and left, at acute angles, through the park. How could that answer the object? It would not secure the object, and it would entail great inconveniences and disadvantages. In his opinion, if there was to be a sacrifice of space, in the park, for the sake of an entrance and accommodation, let it be done well and handsomely. Go straight through St. James's Palace. Let that be the point of departure — from the bottom of St. James's Street. The consent of the Crown could be obtained to pass through the precincts of the palace. For that purpose, therefore, let the Vote be postponed. Then let the road go straight out to the other side of the park. ["Oh, oh!"] Let those who cried "Oh, oh!" point out any better mode of communication. He would take that opportunity of pleading, on behalf of those ladies who attended Her Majesty's Drawing Rooms, for better accommodation and a relief from inconveniences which were wholly unbefitting the place and the occasion, and to which they would not be exposed at a common theatre. Lord Ravensworth had well stated those inconveniences in a speech in the other House. He now came to the proposal with regard to the enclosure, and he would remind the Committee that the place where the *gamins* of London exercised their muscles and strengthened their limbs was not inside that enclosure, but in the Green Park, on the mall, and on the esplanade between the Duke of York's column and the entrance to the Treasury—those were the places where they played their games and "poked their fun." Therefore his proposal would in no way interfere with their amusement. With regard to the bridge across the ornamental water, he did not see that it would be any disfigurement to the park, and if it were deemed necessary, he saw no objection to it. The hon. Member for Coventry (Sir J. Paxton) could no doubt tell them of places where bridges were put up not because they were required, but in order to improve the view; many hon. Members must recollect the bridge at Blenheim which had been erected by Sir John Vanbrugh, no mean authority, evidently for the purpose of improving the scenic effect. The plan which he proposed would afford greater accommodation than any other to those portions of the metropolis which required better communication than what they now enjoyed, and, when closely examined, he believed it would not be found to be liable to the objections which had originally been urged against it. His object was, as he had previously stated, to have the subject re-investigated by a Select Committee, and to give an opportunity in the meantime for the Government to reconsider the matter, and he should conclude, therefore, by moving that this Vote be disallowed.

SIR BENJAMIN HALL said, he was very much surprised at the course which his noble Friend had taken. The point which was strongly urged upon the Government was the construction of a road from the north side of the park to Belgravia, and, in consequence of the constant demands made on the Government to that effect, a Select Committee was appointed to consider the best means of carrying out the desired object. Before that Committee several plans were laid. One was to make a road across the ornamental water, but that plan did not meet with the approbation of the Committee. Another plan was to make a road through Cleveland Row, taking down the north side of it, through Lord Sydney's House, and through the Green Park to the north angle of the Mall immediately in front of Buckingham Palace. The expense of that plan, owing to the great value of the property which it was proposed to take, was estimated at £163,000; and it was also rejected by the Committee. The Committee came to a Resolution condemnatory of any great increase of traffic in the park, and then came the question how a road could be made from Pall Mall to Belgravia, which would cut up the park to the least possible extent. The proposition embodied in that question was considered by the Committee, and it was carried by a majority of eight to four. The noble Lord himself was one of those who concurred in that vote. [Lord R. GROSVENOR: No, no!] At any rate, the noble Lord's name was down among those who voted in favour of the proposition, and he could not understand how the noble Lord could now express his dissent from it. He supported now that which he had rejected in Committee, and opposed that which he had voted for in Committee. The noble Lord said he would do anything rather than sacrifice the park; but that plan certainly involved no sacrifice of the park. It opened no new road, and it travelled upon a road which was already travelled upon. It would meet the wishes of the public, as expressed in that House; and it would afford a great amount of accommodation to the surrounding districts.

MR. SPOONER said, he wished to ask the Government how they reconciled the plan which was in prospect of fitting up Marlborough House for the Prince of Wales with the proposition now before the Committee to drive a road right through the courtyard of Marlborough House?

MR. TITE said, that all that was wanted, in the first instance, by the public, was a communication between Belgravia and Pall Mall, through the Stable Yard; and he could not see why that could not be granted, while these plans were under discussion. If a road by Marlborough House were desired, all that was necessary was to take in a portion of the garden of St. James's Palace, forty feet wide, and 210 feet in length. If they did this they would have a road forty feet wide, removed seventy feet from Marlborough House, and the cost, instead of being £21,900, would only be about the odd £900. There would then be no necessity to pull down the German Chapel, which internally was one of the best specimens of architecture, as applied to a private chapel, in the kingdom. It was built by Inigo Jones, for Catharine of Braganza, the Queen of Charles II., and was associated with many historical recollections; there was no necessity for interfering with this chapel, in reference to which he had received letters from many distinguished architects, all deprecating the pulling it down. Let the entrance to Marlborough House be as it ought to be, from Pall Mall, and all the advantages he proposed would be obtained. Nothing could be more tasteless and ugly than the bridge which it was proposed to throw over the ornamental water, supported upon sixteen poles, and he thought it would be much better to act upon the suggestion made by Mr. Sydney Smirke, in a book published in the year 1834, and to substitute for it a suspension bridge of wire like that which was to be seen at Geneva, and in many cases on the Seine. His proposition was—" That the road from Pall Mall into St. James's Park be so placed that the necessity for pulling down and rebuilding the German Chapel be avoided, and that the £10,000 provided for doing so be omitted in the estimate." He believed that by the adoption of this suggestion they would be doing justice to the public and saving the country from a large and unnecessary expense.

Sir JOSEPH PAXTON said, that the road past Marlborough House which had been recommended by the hon. Member for Bath (Mr. Tite) would interfere with the holding of Drawing Rooms and Levees. It was not proposed that the German Chapel should be destroyed, but only that it should be removed. For his own part, he should not be sorry that the matter should stand over for a little while; and that an experiment should be made by opening to the public the existing road. He decidedly objected to the proposed foot-bridge across the ornamental water in St. James's Park. It would cut the lake into two, and materially interfere with the prospect. A much more desirable improvement would be the opening of fresh entrances to the park. There was at present no carriage entrance behind the Duke of York's column, and at two or three other places openings might be made with great advantage to the public. Moreover, the detestable, unsightly hurdles which now disfigured the park would be a disgrace to Donnybrook Fair, and the sooner they were removed the better.

Colonel BOLDERO said, he could not avoid expressing his surprise that hon. Gentlemen who had served upon the Committee, and had taken part in its deliberations, should deem it their duty now to repudiate the conclusions at which it arrived. He wished to know, in the first place, what restrictions were to be put upon the admission to the park—whether carts and omnibuses were to be excluded —because that would make an alteration in the original proposals? It appeared to him, in the next place, that it would not be necessary to expend a large sum in pulling down the German Chapel, because by removing the two gates, as had been suggested, space enough, he considered, would be provided for all useful purposes. The House had decided not to take down the Duke of York's Column, and the President of the Board of Works had stated that the Government had no power to make a road there at all. He wished to know whether that question had been submitted to the Law Officers of the Crown, and, if so, what was their opinion upon it? That part of the plan which related to the footbridge across the ornamental water in the park was carried by the casting vote of the Chairman, and he did not believe it would be successful. Its construction was bad, and it would be a great detriment to the park. He could not, however, support the Motion for the rejection of the whole Vote, because he thought the recommendations of the Committee with one or two exceptions, should be carried into effect.

Mr. STUART WORTLEY said, that as one of the minority in the Committee who voted against the plan now under consideration, he was anxious to state his objections to it. In the first place, it seemed to him that it combined great expense with the minimum of public accommodation. The best plan, in his opinion, was that which carried a road across the park. The question was not so much how to accommodate Belgravia as how to place the north of London in connection with Westminster and the south. For that purpose the road recommended by the Committee would be of no use whatever, while one carried straight across the park, with a bridge over the ornamental water, would meet every possible requirement. The noble Lord the Member for Middlesex (Lord R. Grosvenor) had proposed a very good plan, and one which they might contemplate for the future. One main objection, indeed, to the scheme suggested by the Committee was, that it would prevent the possibility of the adoption of that plan or anything like it. Other objections were that it would afford no accommodation except to Westminster and Belgravia, and that it would very much interfere with the enjoyment of the park. Rather than adopt such a plan, he would infinitely prefer to see the Board of Works confining its attention to the improvement of the present entrances to the park. The opening of the gates between St. James' Palace and Marlborough House would afford a vast increase of accommodation to the public, and he was sure that Her Majesty would not object to any measure which promoted the comfort and convenience of her subjects, even though it might interfere, to some slight extent, with the absolute privacy of some portions of the Palace.

Mr. MICHELL said, he did not understand why the taxes paid by the people of this country generally should be applied to improvements in London, or what interest the lower classes had in the construction of a road from Belgravia to the north of the metropolis. The civil Estimates had, within the last fifteen years, been increased from £3,000,000 to £6,000,000, and if the people learnt that such improvements as these caused them to pay a double price for their sugar and their tea, he apprehended that they would begin to inquire what was the difference between President and Prince. Improvements of this description raised the value of property in London, but they conferred no benefit upon people in other districts of the country. He thought it most objectionable that the Chief Commissioner of Works should be the representative of a metropolitan constituency. That was the great evil. Last year a sum of £5,800 had been voted for establishing a communication between Pall Mall and the Green Park, but they had never heard in what manner the money had been applied. If such an opening were made the road might be carried along in front of the Palace, and that probably might meet the public convenience; but if a road, to be traversed by cabs and other vehicles, was to be established through the park, the safety of pedestrians, and especially of children who resorted to the park in great numbers for recreation, would be seriously endangered. Under these circumstances, therefore, he should feel it his duty to oppose the Vote.

LORD ROBERT GROSVENOR said, he wished to explain how it happened that he had voted in favour of the proposition of the Government. He was unable to attend the Select Committee on the first day of its sitting, and on that day the Committee determined that they would not entertain the plan for crossing the enclosure. He could not, therefore, vote in favour of that plan after the Committee had decided upon it, and he gave his vote for the present plan because he thought it preferable to any of the others which were proposed. He hoped the decision of the Committee upon this question might be deferred, in order to afford an opportunity for the expression of public opinion on the subject.

The Committee *divided:*—Ayes 70; Noes 192: Majority 122.

The next Vote (6.) £2,570, for the formation of a new road through Holyrood Park to Duddingstone, was *agreed to.*

Motion made, and Question proposed—

"That a sum, not exceeding £6,184, be granted to Her Majesty, to pay, in the year ending the 31st day of March, 1857, compensation to Mr. Patrick Boyle, on the surrender of his Patent Office of Clerk of Justiciary in Scotland."

THE LORD ADVOCATE, in reply to a question from Mr. W. WILLIAMS, explained that the office of the Principal Clerk of Justiciary was a patent office, which at the death of the present holder, Mr. Boyle, would be abolished. Under the provisions of the 2 & 3 *Vict.* c. 36, Mr. Boyle's rights had been purchased, among which was the power of appointing his deputies, who really did the work of the office, and whose selection would henceforth be vested in the Crown.

SIR HENRY WILLOUGHBY said, he wished to know what was the annual value of Mr. Boyle's situation? Without knowing that it would be impossible for the Committee to judge whether the amount of his compensation was reasonable.

MR. WILSON replied, that before the money was paid, he would take care that all the papers relating to the office should be laid before the House. This was the last patent office in that Court, and by its abolition the officer in question was greatly injured.

SIR HENRY WILLOUGHBY said, he was not satisfied with the explanation.

THE LORD ADVOCATE said, Mr. Boyle, the officer in question, had the power of appointing deputies, one of whom was of very advanced age, and therefore it was desirable that the arrangement to abolish fees should be made before a vacancy occurred. He (the Lord Advocate) had not a statement of the fees received by the officer; but the compensation had been estimated by an actuary.

MR. VANSITTART said, he did not see how this could have been an unforeseen contingency, if it had been under consideration since 1853.

MR. PEACOCKE said, he believed a Motion to postpone the Vote could not be put. He would, therefore, move, that the Chairman report progress, unless the Government withdrew the Vote for the present.

MR. WILSON said, he would withdraw the Vote.

Motion, by leave, *withdrawn.*

Original Question, by leave, *withdrawn.*

House resumed.

## JOINT STOCK COMPANIES WINDING-UP ACTS AMENDMENT BILL.

Order for Second Reading read.

MR. MALINS, in moving the second reading of this Bill, said, it had come down from the House of Lords with the sanction of the high authorities of Lord Brougham, who introduced it, of the Lord Chancellor, and, with some Amendments, of Lord St. Leonards. Its object was to remedy a great defect in the present Winding-up Acts. It was originally proposed that the failing of a joint-stock company should be an act of bankruptcy, that in the official manager should vest all the estate of the company applicable to pay its debts, and that he should have control over the separate estate of the shareholders, making the proceedings analogous to the bankruptcy of a private firm. But those who introduced the Winding-up Acts made them to settle the liabilities of shareholders *inter se,* and the creditors were left the same remedy as before, with the exception that after a winding-up order was made a creditor was no longer at liberty to sue without first taking a proof of debt into the Master's Office. An impression, he believed, prevailed that this Bill was brought in by some parties to give protection to the shareholders of the Tipperary Bank. If hon. Members wished to continue to entertain an erroneous impression, he could not help that; but he had thought that he would be free from the supposition that he had any sinister motive in the introduction to that House of a measure like the present. He could not be presumed to have any personal connection with the party whom some hon. Members seemed to think the Bill was intended to benefit; and certainly he had no political sympathy whatever with those individuals who had been concerned in the affairs of the Tipperary Bank. He was conscious of the rectitude of his own motives; and nothing but that consciousness could have compensated him for the pain inflicted on him by the opinions expressed in reference to this Bill by some of those whom he had been accustomed to regard as his nearest and dearest political friends. The origin of the Bill was this. On a Saturday, about three weeks ago, Mr. Bacon, a learned and distinguished Queen's counsel said, as he was sitting by his side in Court, that his attention had been called in a marked manner to the evil of the Winding-up Acts, by his having to advise whether the Tipperary Bank could be made bankrupt, and he thought it could not, as the joint property vested in the official manager. He told Mr. Bacon he was quite aware of the imperfection in the law, and he perused an opinion of his learned Friend and a Bill prepared to remedy the evil. Having in the interim been waited upon by the solicitor who had charge of the business, he stated on the Monday that he was so clearly of opinion that something ought to be done that, if it were desired, he would take charge of a Bill upon the subject. The Tipperary Bank had no doubt given rise to the Bill. The House would remember that Sydney Smith once said, that railways would never be set right till a Bishop was killed; so the evils now brought before the House would never have been attempted to be remedied if it had not been for the monstrous injuries inflicted on a large body of individuals by the failure of the Tipperary Bank. He would ask hon. Members what difference ought there to be made between the failure of a firm consisting of ten members, and of a firm consisting of 100 members? If the joint estate and the separate estate of the ten members should vest in the assignees, why should not the same process apply to the joint and separate estates of the 100 members? But, according to the present law, in the latter the joint estate was only vested in the assignees, while the separate estate of the shareholders was untouched. There was another great difference between the bankrupt law and the Winding-up Act. By the bankrupt law all process against the parties by the creditors was stopped, except by the assignees; but, under the Winding-up Act, any creditor might sue a shareholder, so that he had the means of litigation, and might come in and take the spoil, and a comparatively wealthy shareholder was assailed as it were by a pack of blood-hounds. Now, he would ask, was it reasonable or proper that one principle should prevail in the case of a bankruptcy of a firm consisting of ten partners, and another principle in the case of a firm consisting of 100 partners? Justice and reason required the same principle to apply whatever the number of proprietors might be. It was monstrous that every creditor should be let loose on every shareholder, by means of which either all the property of a shareholder might be laid hold of by a single creditor, or, if 100 creditors brought actions, the whole of the property of the shareholders might be absorbed in the expenses of litigation. He would now show the working of the present law in another shape. He would suppose a certain number of the shareholders of a company under the Winding-up Act to be possessed of means by which all the debts of the company might be paid; and that the joint estate which was vested in the assignees was only equal to pay 2*s*. in the pound. The question then would be, how were the creditors to get paid the residue of their debts? It would be done by making calls on the shareholders. Well, a call of £40 a share had already been made in the case of the Tipperary Bank, and if that were not enough, a second call would be made; so that if there were 200 shareholders, and it was found that the call was not sufficient to pay the whole of the debts, by making a further call those creditors who had means would be made to pay on account of those who were not possessed of any. At present the creditors under the Winding-up Act, although they might be thousands in number, had no representative; and they could not be brought to bind themselves to any particular course of action. The object of the present Bill was to enable the judge or master charged with the winding up of any company to call upon the creditors to appoint a representative, by whose acts the creditors should be bound. Was there anything very wrong in that? And yet he had been charged with advocating a Bill for the purpose of whitewashing some political delinquents. By the 150th clause of the Bankruptcy Act the assignee, with the sanction of the Commissioner, could enter into arrangements with the creditors. Was it improper to extend that principle? The object of the Bill was, without sacrificing the interests of creditors, to afford some protection to shareholders. It was not intended to refer particularly to the bank with which the late Mr. Sadleir had been connected, but it was certain that person was in the habit of visiting Buckinghamshire and Hertfordshire in consequence of his connection with another bank, and the result was, he believed, that hundreds of persons who were induced to take shares in the Tipperary Bank now found themselves suddenly ruined. He was aware, that all that those persons possessed must, to the last farthing, if necessary, be applied in paying the debts of the company. By the second clause of the Bill, he proposed that the Master should be enabled to call meetings of the creditors, at which the creditors should appoint a representative, and that this official person should have the power of making arrangements with the shareholders either for payment in full, or for payment in part, giving time, entering into compromises, and so on; and that the official person who represented the shareholders should have the same power of compromising with the creditors, that the assignee in bankruptcy now possessed under the sanction of the Court. It had been supposed by hon. Gentlemen from the other side of the water, that his object was to release shareholders from their liability. That would, in fact, be impossible under an Irish Act, called "The Bankers' Act," the 33 *Geo.* II. By the 3rd clause of that Act, from the moment any person became a banker, his estate was pledged to the creditors, and he could not afterwards make any settlement so as to deprive his creditors of the security of any part of the estate. It was decided in 1838, by Lord Plunket, that where a banker made a settlement on his son and became bankrupt, the settlement was void. That principle was applicable to joint-stock banks, so that in the case of the Tipperary Bank, all shareholders possessing real estate were liable to the full extent of their property, so that if he had intended by his Bill to protect the shareholders in that bank, he should have signally failed. Having thus stated the objects of the Bill, he would beg to urge its second reading on the House.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. SEYMOUR FITZGERALD said, in opposing the second reading of the Bill now before the House he felt the difficulty of his position, as his Amendment, if carried, would materially affect some Members of that House for whom he had the greatest respect. There must be also, as the hon. and learned Gentleman had stated, considerable sympathy with the innocent shareholders who now found that their whole estates would be swept away if this Bill were not passed. At the same time the provisions of the Bill were not only injurious but cruel to the small depositors who had invested their all in that bank, and so opposed to the policy of the law affecting joint-stock banks that he felt it his duty to oppose the second reading. It might be true, as stated by the hon. and learned Member for Wallingford, that it was not the object of the Bill to whitewash the shareholders of the Tipperary Bank, but that such would be its effect could scarcely be questioned. Assuredly there was something suspicious in the unreasonable haste with which the measure had been pressed on, not only in that House but elsewhere. The hon. and learned Member who had charge of the Bill had promised not to bring it forward after twelve o'clock, and he (Mr. S. Fitzgerald) conceived that he had a just cause of complaint that the engagement had not been adhered to.

Mr. MALINS said, he must explain that it was only five minutes after twelve o'clock when he rose to move the second reading, and he had done so in obedience to loud calls from all parts of the House.

Mr. SEYMOUR FITZGERALD said, he must state that he had not heard any of those calls, and he still thought that the hon. and learned Member would have acted more fairly in respecting the original arrangement. There could be no doubt that the reason why the Bill was forced on with such precipitation was that, passing into law without delay, it might be made applicable, notwithstanding what had been stated to the contrary, to the particular case of the Tipperary Bank. If such was not the intention, nothing could be easier than for the hon. and learned Member to introduce a general proviso declaring that the Bill should not have a retrospective effect, or a special one excluding the Tipperary Bank from its operation. With respect to the shareholders in that establishment, there were some of whom it was not too much to say that no language of reprobation could be too strong to mark the sense which the country entertained of their fraud and criminality. Others of them there were who were not liable to such serious imputations, but even they had laid themselves open to grave censure, inasmuch as they had, through their neglect or incompetency, permitted a state of things in reference to the bank which had been productive of the most calamitous results to many industrious and deserving families. No doubt there were other shareholders who had acted in an honourable spirit, and for whom, their fortunes being swept away by the ruin that had overtaken the bank, it was impossible not to feel sympathy. But, on the other hand, it should not be forgotten that there was a multitude of humble creditors—depositors of sums varying from £30 to £100—whose whole savings would be lost to them for ever if the present Bill should become law. These poor people had all the stronger claim on the commiseration of the Legislature that they had no means of making their voices heard in that House. The aspect of the question was twofold. In the first place the Bill would touch the particular case of the Tipperary Bank, and secondly it would also affect the general law as regarded joint-stock banks. It was obviously liable to the objection which Parliament had at all times entertained to *ex post facto* legislation. It would curtail the rights of depositors and the liabilities of shareholders. Then there was another circumstance with reference to this Bill to which he desired to call attention. Look at the way it had passed the Lords! Brought in on Monday, it was read a second time on Tuesday, committed on Thursday, and read a third time on Friday. The printed draught of it had not reached Dublin until after the Bill had gone through all its stages in the other House. The hon. and learned Member (Mr. Malins) contended that it would not be in the power of the Bill to destroy that provision of the Irish Bankers' Act which gave to the creditor a lien on all the property of the shareholder; but the hon. and learned Gentleman would do well to explain to the House the probable operation of the second clause. He (Mr. Fitzgerald) was inclined to think that under that clause it would be quite possible for the representative of the creditors to enter into a compromise or composition one term or condition of which should be the discharge of that lien. His hon. and learned Friend said he wished by this Bill to bind every shilling and every acre of the shareholders' property, but already every acre and shilling of the shareholder was liable to the creditor. More than this the Bill could not give them. It object was clearly to give him less—to serve the shareholder at the expense of the creditor. The assignee of a bankrupt establishment was possessed of the joint and separate estates of the bankrupts, and could at once say whether a proposed compromise would be beneficial and equitable or otherwise, but no such knowledge would be within the power of the "official representative" contemplated by this Bill. Moreover, an assignee would not sanction any compromise that was not approved by a majority of the creditors representing both numbers and value, whereas the present Bill proposed that the representatives should be bound by a majority in value only.

Mr. MALINS: I propose to alter that in Committee, and to provide that the compromise shall be sanctioned by two-thirds of the creditors, regard being had both to value and number.

Mr. SEYMOUR FITZGERALD: In that case the objection would fall to the ground. But there were other serious arguments against the Bill. The Bill provided that the representative of the creditors, who was to enter into the compromise, should be elected by those who, at the moment when it was thought desirable to make the compromise, should have proved their debts. It was perfectly obvious, therefore, that this representative might be elected at a time when a portion of the creditors only might have proved their debts—those creditors being persons whose claims were the largest, who could best afford the loss, and who would thus be enabled to bind all those who had not proved. It appeared to him that the Bill was one intended for the benefit of the rich shareholders, and in order to oust, as far as it could, the poor creditor. It was obvious that when you had to deal with an institution which would have its head-quarters in a town or city, you would be sure to find the richer creditors living close in the neighbourhood of the bank, and easily able to avail themselves of the provisions of the Bill now under consideration, while the poorer creditors, to whom the loss of £30 or £40 would be of more importance than thousands to a rich man, would be scattered over the country, would be probably in ignorance of the course to be taken under the Bill, and would find themselves under its provisions ousted of their rights, and denied the payment of their just debts. But he would put the matter to the House in another point of view. It seemed to him that by this proposed alteration in the law, you changed the whole system of credit upon which these joint-stock banks rested. What was now the security of a depositor in a joint-stock bank? Why, he knew that there was a certain paid-up capital, that the shareholders had a certain additional amount to pay in calls before the capital was completely raised, and that every month there was published in the *Gazette* a list of the shareholders in the bank, so that the depositors might see in case of failure to whom they were to have recourse for the discharge of the bank's liabilities. The present Bill, however, declared that there should no longer be a list of men who to their utmost shilling would be responsible to the creditors for the debts of the bank, but that it should be a list of gentlemen who might, by collusion with an official manager, by having friends among the creditors of the bank, and by threatening litigation, induce the poorer creditors to accept a composition, and instead of 20*s*., take, perhaps, only 10*s*. in the pound. Of course it was in the power of Parliament to do anything, but in the case of a Bill which was to meet a by-gone case he was at a loss to understand on what principle of equity or justice, if any creditor of this bank could get 20*s*. in the pound, Parliament should interfere and say, "You have a right to 20*s*., but because some other creditors in the bank are willing to let the shareholders off easily and accept 12*s*., we will compel you to forego your legal rights and to accept the same composition." On those grounds—looking to the effect of the Bill as applicable to this particular case, and also believing it to be most objectionable—being of opinion that it would be attended with great injustice and cruelty to the poorer creditors—looking at the same time to the general policy of the law affecting joint-stock banks, and believing that it would strike a fatal blow to the credit of joint-stock banks generally, he asked the House to assent to the Amendment with which he would now conclude—namely, that this Bill should be read a second time that day six months.

Mr. HENLEY said, he would second the Amendment. He wished, in the first place, to remark upon the defence which his hon. and learned Friend (Mr. Malins) had thought it necessary to make against imputations which he said had been cast upon him in reference to this Bill. Now, he (Mr. Henley) had heard of no such imputations, and he thought his hon. and learned Friend need hardly have troubled himself to notice them. His hon. and learned Friend had honestly avowed that this was a Bill intended to meet the case of the Tipperary Bank; that, in fact, it was brought in with that special object. Now, the House had only just passed a Bill which included among its objects the Amendment of the Winding-up Acts, and if this grievance had been so much felt it was certainly very odd that it had not occurred to his hon. and learned Friend to insert clauses in that Bill which would have accomplished his object. The only ground on which his hon. and learned Friend asked the House to assent to the Bill now before them was because he said it was a very hard case, if five or six persons were in trade, and were made bankrupts, that you should not give to the 100 persons in a joint-stock company the same advantages as to those five or six individuals. But his hon. and learned Friend did not propose in his Bill that all the property of these 100 shareholders in the joint-stock bank, about which he was so tender, should immediately vest in the assignee. If that were the proposal made, he could understand what was meant. Then his hon. and learned Friend was a great stickler for what he called freedom of contract, but it was a strange sequence to freedom of contract that as soon as men had made contracts and found them to be inconvenient the Legislature was to interfere for their relief. When once a principle of that sort was established—when once Parliament countenanced such a mode of proceeding—there was no telling where it would end. It would open the door to every species of collusion and trickery.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. BLAND said, he did not think that, as between the shareholders and the creditors, this was by any means a fair Bill. It was a one-sided Bill, which did not, as it ought to do, attempt to put the creditors of these banks in the same position as the creditors of bankrupts.

Mr. HUME moved the adjournment of the debate.

Mr. MALINS said, he should be sorry to take a division at that hour, after his having given an assurance that he would not proceed with the Bill after Twelve o'clock, and therefore he would accede to the Motion for adjournment.

Debate adjourned.

### ANNUITIES REDEMPTION.

Order for Committee read.

House in Committee.

The CHANCELLOR of the EXCHEQUER said, he must beg to state in reference to this measure that in 1853 a number of charges then paid out of the gross revenue was transferred to the Votes in Supply, and certain hereditary pensions were bought up, and paid for out of the gross revenue. Four of these purchasable pensions still remained, but it was considered advisable to pay for them out of the gross revenue, and the object of the Bill he was about to bring in was to transfer the cost to the Consolidation Fund. Three of the pensions were for £1,000 a year each, and the other for £375 a year, and they would be all specifically referred to in the Bill.

House resumed.

*Resolved*—"That it is expedient to redeem certain Annuities charged on Branches of the Gross Revenue, by payments out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

Resolution to be *reported* on *Monday* next.

House adjourned at Two o'clock till *Monday* next.

---

## HOUSE OF LORDS,

*Monday, June* 9, 1856.

Minutes.] *Sat First in Parliament.*—The Lord Bagot.

Public Bills.—2ª Reformatory and Industrial Schools; Pawnbrokers.

### THE FOREIGN LEGIONS—QUESTION.

The Earl of DONOUGHMORE begged to ask a question of the noble Lord the Secretary for War. The militia were now in a rapid course of disembodiment, but he believed that no steps had been taken to disband the foreign troops which had been enlisted into Her Majesty's service. It would be satisfactory to know what were the intentions of the Government as to those foreign troops, and what was the cost of those troops at present to the country.

Lord PANMURE said, the terms on which the foreign legions were enlisted were, that they should serve Her Majesty in every capacity the same as the other troops enlisted for the service in the line, and that they should be liable to be sent abroad to the seat of war on active service, under Her Majesty's standard, in the same way as any other troops. Neither the officers nor men of those legions, upon being disembodied, were to receive any single advantage beyond the British troops, neither would they receive any half pay. In former wars, when foreigners were enlisted, one of the conditions of service was that they should be entitled to half-pay the same as the regular army. That was not to be the case in the present instance. When the foreign legions were disembodied, the men were to be sent to their homes, or to be located in some British colony, at the expense of the Government. In the event of their being wounded, the officers and men were to come under the same regulations as the officers and men of Her Majesty's army, and receive pensions. The foreign legions that had been sent to the Crimea had distinguished themselves as much and had maintained as good order as any troops of her Majesty's service; and no doubt, had the war continued, would have conducted themselves as valiantly as any troops that had been brought into the field. The troops of the foreign legion consisted of 8,552 Germans, 3,013 Swiss, and 3,535 Italians—making together 15,100 men, and the cost of maintaining them was about £1,100 a day. The Swiss and Italian legions, he hoped, would, in the course of a very few weeks, be disembodied. With respect to the German legion, it appeared that a large portion of them were desirous of being transferred to the Cape of Good Hope. Her Majesty's Government thought that such a course was highly desirable, as those Germans were of the same character as the original settlers in that colony. Arrangements would, he hoped, shortly be made to carry out the object of their wishes by making the proposed transfer.

## THE BISHOPRIC OF GLOUCESTER AND BRISTOL.

THE EARL OF ELLENBOROUGH begged to call the attention of the noble Earl the President of the Council to the vacancy which had recently taken place in the united dioceses of Gloucester and Bristol. He personally deplored the late lamented event that had occurred. During the last twenty-five years he had had the good fortune to be intimately acquainted with the late Dr. Monk, and he considered his death to be a great loss to the Church. He was a man distinguished for learning, for great kindness of disposition, and for magnificent liberality. He had at heart an object which he (the Earl of Ellenborough) rejoiced to say he, in a great degree, succeeded in accomplishing—namely, the extension of religious instruction in his diocese. When Dr. Monk was appointed Bishop of Gloucester he held that bishopric alone, and he then resided in the middle of the county and in the county town. At that time the right rev. prelate was in the habit of holding constant communication, not only with the clergy, but with the laity of his diocese, and he was thereby in every way enabled to keep a constant and vigilant watch over the spiritual wants of his diocese. He believed that the right rev. Prelate had never at any time any desire to have the bishopric of Bristol annexed to that of Gloucester. A large palace had been built at Gloucester, which was, he believed, very expensive to keep up, and that circumstance, combined with others, induced the Bishop to reside permanently at Stapleton, near Bristol, and abandon altogether his original residence. The consequence was that, in point of fact, during the last ten or fifteen years, there had virtually been a non-resident Bishop. He would not say that the ecclesiastical duties of the diocese had been neglected; he believed that they had not been; at the same time it was impossible not to feel the absence of that total want of personal communication with the gentlemen of the county which a Bishop was enabled to keep up when resident in a county town; and which increased to a great extent his usefulness. A petition to Her Majesty was at the present moment in circulation throughout the county, and, from what he had heard several months ago as to the feelings of the Members for the county and of the county gentlemen, he believed that petition would express almost universally the sense of the county in favour of the separation of the two dioceses. Under these circumstances, he would express not only the hope, but the confident expectation, that the Government would adopt no measure whatever for the purpose of filling up the existing vacancy in the diocese of Gloucester and Bristol until they had had the opportunity of ascertaining the feelings of the inhabitants of Gloucestershire on the subject he had alluded to,

LORD REDESDALE thought it impossible for any clergyman to carry on the duties of the extended see of Gloucester and Bristol in the manner in which they ought to be performed. The union of Gloucester and Bristol was effected at a time when it was determined that the number of bishops should not be increased, and it was with that object that four sees were united—namely, Bangor and St. Asaph, and Gloucester and Bristol—in order that the two new sees of Manchester and Ripon might be created. In the case of Bangor and St. Asaph the opposition to the union of those sees had proved successful; but the two dioceses in question were not so large as Gloucester and Bristol, and he thought, therefore, that the inhabitants of the latter dioceses had a decided claim upon Parliament for the separation of the two sees.

Earl GRANVILLE said, the question was one of a very difficult character, and one which could not be decided without grave consideration. In several other sees great complaints had been made of the extended area comprised within them, and of the heavy duties, therefore, devolving upon the occupants of those sees. The separation of Gloucester and Bristol was not, therefore, a question to be decided upon by itself; the other cases to which he had referred must be taken into consideration at the same time. All he could say was, that after what had passed there that evening, he had no doubt the successor to the late Bishop, whoever he might be, would be appointed subject to any future arrangements which might be come to with regard to the separation of the diocese.

## OUR RELATIONS WITH THE UNITED STATES — REPORTED DISMISSAL OF MR. CRAMPTON—QUESTION.

The Earl of CARNARVON: I wish to put a question to the Government on a subject which at the present moment is a source of great anxiety to the people of this country. It is reported that a packet has, within the last few hours, arrived from the United States, bringing intelligence of importance with regard to our relations with that country. I should feel obliged if the noble Earl would inform us whether any such packet has arrived, and if it has, and it be convenient to the Government, if he would give us information as to the intelligence brought.

Earl GRANVILLE said, I understand that the *Asia* has arrived, and that by that packet some news of a private character has been brought, which is not quite clear —not quite intelligible. There is a report, on the one hand, that letters have been received to the 27th announcing the departure of Mr. Crampton; and, on the other, that a telegraphic message was sent on the 28th stating that there was no further news. But it is not quite clear as to what the telegraphic message alludes—whether it means that there is no further news except the dismissal of Mr. Crampton, or that Mr. Crampton's dismissal had not taken place. Her Majesty's Government have received no official information on this subject. Letters, however, will arrive either to-night or to-morrow morning from Mr. Crampton to the 27th; but until then Her Majesty's Government will not be able to give any authentic information on the subject.

## MERCANTILE LAW AMENDMENT BILL.

House in Committee (on Re-commitment) (according to Order).

On Clause 1, which repealed the 17th section of 29 *Charles* II., c. 3, "for the prevention of frauds and perjuries," and the 7th section of the 9 *Geo.* IV., c. 14,

The LORD CHANCELLOR said, the noble Lord behind him (Lord Overstone) had presented a petition from traders of the city of London, who complained that this clause would tend to prejudice very much their commercial interests. Their Lordships were aware that this Bill had been introduced in pursuance of the report of a Royal Commission which had been instituted in consequence of complaints from Manchester, Glasgow, and various places in the north of England against the present state of the mercantile law. That Report recommended the assimilation of the laws of the two countries, and, as far as regarded personal property, the repeal of the 17th section of the Statute of Frauds. That section provided that no contract for the sale of goods for a value exceeding £10 should be valid unless it was reduced to writing, or unless part of the purchase money had been paid, or part of the goods purchased had been delivered. Now, in the case of land, it was perhaps desirable to require that all contracts should be reduced to writing; but he did not think that it was so in the case of personal property. At present the necessity of reducing contracts to writing was nullified by the provision that the contract should be valid if part of the purchase money had been paid or part of the goods delivered; and, in point of fact, it was impossible to reduce every mercantile contract to writing. It was true that it was said by some of the most respectable merchants, that they entered into contracts through the agency of middlemen or brokers, and, if it were not necessary to reduce these contracts to writing, contracts might be palmed off on them which they had never authorised. Now, he could only say that he believed that if the present Bill became law, the custom would continue the same as it was at present. The fact that in the north of England nine-tenths of the contracts made were not in writing, and that in Scotland there was no law compelling them to be so, afforded a strong presumption that that portion of the Statute of Frauds was really of no practical value; and he trusted therefore, that their Lordships would not offer any opposition to the present Bill, for by agreeing to it their Lordships would, in reality, be discouraging, not encouraging fraud.

Lord OVERSTONE said, he should not divide the House upon the Bill; but on the part of the merchants of London, he begged to say that the result of the inquiry which had taken place before the Select Committee had only been to strengthen the opinion of the great majority of the mercantile interest in the soundness of the views which they had all along entertained in opposition to this clause. Merchants were persons whose business necessarily led them to enter into contracts of a very extensive and complicated character. For the purpose of coming to that common agreement on which such contracts must be founded, it was obviously requisite that much preliminary conversation must take place; and the danger which the merchants apprehended was, that those inchoate and incomplete conversations would be forced upon them as binding contracts, there being no written memorandum whatever on which to found such obligations. They believed, if such were the effect of the clause, that they would be precluded from that freedom of discussion which was necessary to every satisfactory commercial contract. In order to prove that portion of the case which he thought was in dispute, he had called before the Select Committee the highest mercantile authorities in the city of London, in respect both to character, to the amount of their business, and the eminence of their abilities; but had he been required to establish the whole case, he should have called before that Committee witnesses from every branch of trade in the city of London, all testifying to the like apprehensions arising out of the peculiar nature of the transactions in their respective branches of business. It would be presumptuous in him to attempt to discuss with the learned authorities in that House the legal bearings of the question; but he was bound to say that the merchants and traders of every kind and description to whom he had referred, who were men of great intelligence and ability, were very capable of tracing out the legal bearings of provisions of this nature, and that they were fortified in all their apprehensions by the authority and advice of the professional persons in the city by whom they were usually guided. Moreover, while they were prepared to bow with great respect and deference to high legal authorities undertaking to declare what the law was and to administer it, they felt considerable apprehension when the same legal authorities came down to determine what the law ought to be, when they found that the reasons and arguments by which those legal authorities were guided, indicated the absence of a sufficient knowledge of the details of the various transactions of business and of the complicated circumstances which belonged to the course of contracts in each respective branch of trade; and at the same time they ventured to think that they were as competent judges as to what forms were applicable to matters of trade and commerce, and as to what dangers and difficulties would arise to commence from the application of particular forms of law, as the highest legal authorities that existed. He had thought it necessary to say thus much by way of caution. In that House it was impossible to contend against the combined legal opinions which undoubtedly existed in favour of the proposed clause: he had discharged his duty in representing the feelings of the mercantile body in regard to this Bill; and he rejoiced, therefore, that it must go down to another assembly, where the mercantile interests were more adequately represented than in that House, and where the objections to the measure would be more ably put forward, and, he believed, with greater effect than they could be in their Lordships' House.

Lord CAMPBELL said, he had a strong conviction that the Bill would be as much approved of in the House of Commons as by their Lordships, and that by the bulk of the mercantile community the present law was condemned. It did more harm than good; it covered frauds, and did not prevent them. It was an error to imagine that it required contracts for the sale of goods to be always in writing, for it dispensed with it when there was either part payment or part delivery; and necessarily dispensed with it in those cases, for surely if the purchaser had paid his money he must have his goods, or if the seller had delivered the goods he ought to have the price. But these three exceptions ate up the rule, and gave rise to enormous litigation of the very nature it was intended to prevent. Last term the Court in which he presided had been occupied two days on this question. A horse was bought by word of mouth; and the seller then begged to retain him for a few days, and was allowed so to do. The buyer then refused to receive the horse. The Court held this borrowing of him by the seller equivalent to a delivery, and sufficient to satisfy the statute. The books swarmed with cases of that kind.

**Lord St. LEONARDS** remarked, that this showed that the statute had received a large amount of judicial illustrations.

**Lord CAMPBELL**: At an enormous expense to suitors.

**Lord St. LEONARDS**: Then the public have paid a large price for the judicial exposition of this statute, and should not be deprived of it just when its construction was settled.

**Lord CAMPBELL**: It is more unsettled than ever.

**Lord St. LEONARDS**: No wonder if the Court of Queen's Bench take two days to deal with a trumpery case about a horse, such as we have had described. But decisions on such points had nothing to do with the substance and object of the statute, which applied to land as well as goods, and all the objections urged against the sections applying to goods equally applied to the sections relating to land. And some day it would be said, "Why retain the enactment as to land when it has been swept away with regard to goods?" And were their Lordships prepared to say that verbal bargains should dispose of estates? The argument that delivery or payment was proveable by verbal evidence had no weight, for delivery and payment were facts easily proved, and were different from the terms of a contract, which few persons could recollect accurately. He thought the noble Lord (Lord Overstone) did wisely not to divide the House; but he doubted, with him, the policy of an alteration made against the opinion of the great merchants and traders of the city of London.

**Lord STANLEY of ALDERLEY** admitted that the higher class of merchants in the city of London were opposed to the alteration of the existing law; but against that he had to state, that no inconvenience had been experienced from the law of Scotland, which was different from that of England; that the practice of the whole north of England was in conformity with the law of Scotland; and that more than a half of all the pecuniary transactions of England connected with buying and selling were conducted in defiance of the law, and without the slightest security that the parties would be able to enforce their contracts. Having stated those facts, he thought he had established a case which called for legislation, and laid a ground for asking their Lordships to supply the mercantile classes with a security which they did not at present possess. If they altered the law as now proposed, no person would be precluded from still requiring a written contract, while the great bulk of the mercantile community would be relieved from a difficulty of which they had long complained.

Amendments made: The Report thereof to be received *To-morrow.*

## REFORMATORY AND INDUSTRIAL SCHOOLS BILL.

**Lord RAVENSWORTH**, in moving the second reading of this Bill, said it would not be necessary for him, on the present occasion, as he had no reason to anticipate any opposition to the measure, to refer in detail to the advantages which might be expected to arise from the establishment of reformatory and industrial schools, by which the endeavour was made to check the source of crime by sending juvenile offenders to these institutions, and removing them from the contamination of bad parents. Such institutions would undoubtedly form one great means of drying up the sources of crime. That crime had recently increased was unhappily proved by statistics, and if that increase had taken place under disadvantageous circumstances—if there had been any redundancy of population or scarcity of employment, or if wages had been reduced—we could not have been surprised at the fact, however we might have deplored it. But at no time had there been such general prosperity in the agricultural, manufacturing, and mining districts, as had existed during the last few years, and yet, in the face of that prosperity, and of all the pains that had been taken to improve the condition of the labouring and mining population, there had unquestionably been an increase of crime in this country. The main objects of the present Bill were to simplify the existing modes of committing young persons to reformatory schools, to give to parents the power of removing their children from one school to another, and to give facilities for the proper identification of children. The Bill, which amended the provisions of the 17 & 18 *Vict.*, c. 86, and the Scotch Act brought in by Mr. Dunlop, had received the sanction and concurrence of the Government, and three or four of the clauses had been brought in by the Home Secretary in the other House. He anticipated no opposition to the measure, but, should any be offered, he hoped to be able to produce satisfactory reasons why their Lordships should look upon it with favour. He moved that the Bill be read a second time.

After a few words from the Earl of HARROWBY, in approval of the measure,

Bill read 2ª and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned till To-morrow.

# HOUSE OF COMMONS,

*Monday, June* 9, 1856.

MINUTES.] PUBLIC BILLS.—1° Appellate Jurisdiction (House of Lords).
2° Oxford University.
3° Oath of Abjuration; Excise; Small Debts Imprisonment Act Amendment (Scotland).

## REFORMATORY ESTABLISHMENTS—QUESTION.

VISCOUNT NEWPORT said, that as the course to be taken by more counties than one depended upon what were the intentions of the Government with respect to Reformatory Establishments, he begged to ask the Secretary of State for the Home Department whether it was the intention of Her Majesty's Government to make any increased allowance for the maintenance of juvenile criminals committed to such establishments?

SIR GEORGE GREY said, the question had been brought under his consideration some time ago, and he undertook to arrange with the Treasury what would be considered a fair and reasonable allowance for it to make towards the maintenance of reformatory institutions. In settling the question, however, a difficulty arose in consequence of the different rates of expense gone to by different establishments, and which stood in the way of their arriving at an immediate conclusion. Still, the principle which he thought ought to be acted on was, that the Treasury should appropriate, for the maintenance of the inmates of those institutions the same amount as would have to be expended had they been sent to prison and maintained there at the public expense.

## INCUMBERED ESTATES COURT (IRELAND)—QUESTION.

COLONEL GREVILLE said, he would beg to ask the hon. and learned Gentleman the Attorney General for Ireland if it was his intention to bring in a Bill in the course of the Session to continue the Encumbered Estates Commission?

MR. J. D. FITZGERALD said, he must beg to remind the House that at the very earliest date in the present Session he introduced a Bill, having the double object of enlarging and making permanent the system at present in operation in Ireland for the sale of estates, as well as the introduction of other large reforms into the Court of Chancery. The Bill, however, had been referred to a Select Committee, and from that cause, in conjunction with the advanced period of the Session, it would not be practical to carry the Bill through during the present Session. He was aware of the great anxiety which prevailed on the subject, and he likewise believed that it was the unanimous opinion that the system of the Incumbered Estates Court should be continued. He was, therefore, prepared to advise Her Majesty's Government to introduce a Bill to maintain the jurisdiction of the court without intermission for another year.

## THE RETURN OF THE TROOPS—EXPLANATION.

SIR CHARLES WOOD said, he wished to correct a mistake which he had fallen into on Friday night. He stated on the part of his hon. and gallant Friend (Sir M. Berkeley) that a message had been received to the effect that the *Princess Royal* had arrived at Malta with a battalion of the Guards on Board. He feared that in that statement he had misled the House, for since then another telegraphic despatch had been received, explaining the actual state of the case as follows. The *St. Jean d'Acre* had arrived at Constantinople, and left for Malta on the 5th, with a battalion of the Guards on board. The *Agamemnon* had arrived on the 6th, and left the same evening with a battalion of the Coldstreams, while a battalion of Rifles had arrived there on its way home. The *Princess Royal* was at Constantinople taking out her lower deck guns, in order to go on to the Crimea for troops.

## CIVIL SERVICE COMMITTEE—QUESTION.

Mr. KENDALL said, he would beg to ask the Chairman of the Civil Service Superannuation Committee (the Chancellor of the Exchequer) whether he could inform the House when the Report of the Committee would be laid upon the table, and what had been the cause of the delay?

The CHANCELLOR of the EXCHEQUER said, the Civil Service Committee had completed the evidence on the principal branch of the inquiry, and had decided before proceeding with any more evidence or coming to a conclusion, to refer the evidence to actuaries, to give an opinion as to a question of calculation by which they thought their judgment would be guided. The report of the actuaries had not yet been received, and therefore the Committee were not at present in a condition to pursue their inquiry.

## OUR RELATIONS WITH THE UNITED STATES—QUESTION.

Major REED: Sir, seeing the hon. Gentleman the Member for Inverness-shire (Mr. Baillie) in his place, I beg to ask him if, after the opinion expressed by the hon. Baronet the Member for Hertfordshire (Sir B. Lytton), confirmed by that of the noble Lord at the head of the Government, as to the inexpediency of entering upon such a question at present, it is his intention to raise the discussion of which he has given notice on the Motion for going into Committee of Supply on the Army Estimates?

Mr. BAILLIE: I beg to state that it is my intention to call the attention of the House to the question of which I have given notice, as soon as possible after the receipt in this country of the official accounts relative to what has passed in the United States. If those accounts should reach England previous to the bringing on of the Army Estimates, I shall do so then; if not, upon the earliest subsequent occasion.

Mr. DISRAELI: I may take this opportunity of inquiring from the noble Lord the First Minister, whether he has now received direct information of the retirement of Her Majesty's Representative from Washington?

Viscount PALMERSTON: Sir, Her Majesty's Government have received no information upon which any reliance can be placed.

## THE TIPPERARY BANK—QUESTION.

Mr. BOWYER said, he would beg to ask the Attorney General for Ireland whether Her Majesty's Government had had their attention called to certain observations of the Master of the Rolls last Tuesday on the case of the Tipperary Bank? The Master of the Rolls was reported to have said:

> "He could not help expressing his great surprise that the Government had allowed this case to go on so long without interfering. Having regard to the English shareholders, he had no hesitation in saying that if the Government remained longer quiescent—if they did not at once hand the matter over to the first law officer of the Crown—they would be guilty of a gross dereliction of duty. It would be proved to the satisfaction, he felt convinced, of the entire English and Irish public, before he delivered his judgment, that the most nefarious frauds had been committed, and if the Government neglected their duty by passing the matter over they could not complain if the public were to say they had been conniving at what had been doing."

He wished to ask whether the Government intended to take any steps in accordance with, or in consequence of, the opinion of the Master of the Rolls?

Mr. J. D. FITZGERALD said, he must beg to apprise the hon. and learned Gentleman that on Friday last he saw in a Dublin newspaper, which had been indirectly transmitted to him, observations similar, as he believed, to what the hon. and learned Gentleman had just read. Immediately upon reading the judgment, acting upon his own responsibility, he communicated with the Crown Solicitor to ascertain when the learned Judge was to deliver judgment, conceiving that he would not have made observations so strong if there had not been good grounds for his doing so. As yet he knew nothing of the case beyond those rumours which met the public eye from time to time in the newspapers. But the course of the learned Judge was quite clear, namely, to order the documents in the case to be handed over to the Crown Solicitor, to be laid before him (the Attorney General) for his direction. He had, therefore, as he said, put himself in communication with the Crown Solicitor, and had directed him, if the evidence assumed the character hinted at by the learned Judge, to inform him, in order that he should be enabled to act promptly and decidedly, and put the law in force against whoever were the guilty parties.

## OATH OF ABJURATION BILL.

Order for Third Reading read; Bill read 3°.

SIR FREDERIC THESIGER: I rise, Sir, to move to leave out all the words from the beginning of line 8 in page 2, and to insert the words of which I have given notice. It is with extreme reluctance I trespass once more upon the attention of the House with reference to this often discussed and all but exhausted subject. If I could bring myself to believe that it was a question of trifling importance—if I could ever feel any indifference to the subject, or permit myself to act upon the suggestions of my own ease and comfort, I should undoubtedly abstain from occupying further time with its consideration. But the more I consider the question, the more I feel the great importance of it, and I am therefore anxious to make one more effort to arrest a step which, according to my view, will be of the most serious detriment to the public interests of this country. I cannot hope to command the attention of the House, for I have nothing of novelty to say to it. All I ask is for its patience and forbearance, of which I have, on former occasions, received a very large share. Sir, it is unnecessary for me to explain to the House the character and nature of the Amendment which I propose; it is sufficiently intelligible. Its object, which must be apparent to every one, is to bring back the oath of abjuration substantially to the form in which it has existed without objection for 150 years, omitting from it those portions which have been objected to upon the ground of having ceased to be of any effect; and I think there are considerations which ought to induce the House to accept the Amendment which I now beg to propose. In considering the question, it may be useful to take a retrospective glance of the circumstances which have brought the question into its present position. From the earliest period of the existence of the Legislature down to the year 1830 it never entered into the imagination of any one that a person not professing the Christian religion could be a Member of the Legislature. In the year 1830, Mr. Grant first brought forward the Motion to relieve the Jews from the disabilities under which they laboured. And I should recommend to Gentlemen who are in the habit of asserting that it is merely by the accidental insertion of certain words in the oath that the Jews are excluded from the Legislature, to read the account of the various disabilities which are described by Mr. Grant to have existed no longer ago than twenty-six years from the present moment; and it will be found that those disabilities extended to their exclusion from almost every civil office and employment. Mr. Grant was not successful in his first attempt, but he renewed it with more success at a later period—namely, in the year 1836. From that year, however, down to the year 1847, there was a cessation in the agitation relative to the question, although in the intervening time various Bills had been passed relieving the Jews from disabilities and admitting them to certain privileges, amongst others to corporate offices. But in the year 1847 the noble Lord (Lord J. Russell) was returned for the City of London with Baron de Rothschild; and in pursuance of a pledge which the noble Lord gave on the hustings, from that time down to the present almost every year has been marked by some attempt, directly or indirectly, to introduce the Jews into the Legislature. The oath of abjuration was that which furnished what might be called the stumbling-block to the admission of the Jews; and, therefore, in the course of all their discussions it invariably was made the object of attack and animadversion. Undoubtedly there were objections to that oath, arising from a portion of it having become completely obsolete, there being no person in existence to whom it could apply. Unfortunately neither party felt disposed to do that which, I think, ought to have been done—namely, to omit those objections which were patent to all in the oath. Those who were in favour of the exclusion of the Jews from Parliament felt that there was some danger in touching the question at all, for fear of placing that portion of the oath on which they relied in jeopardy. Those, again, who were desirous of admitting the Jews into the House were unwilling to abolish the oath, because by so doing they felt that they would lose a standing argument as to that oath presenting the only impediment for the admission of the Jews. Under these circumstances, neither party was desirous of advancing. The right hon. Gentleman the Member for Manchester (Mr. M. Gibson) taking advantage of this state of things, to use a familiar expression, made himself master of the position. He, thereupon, determined to cut the knot asunder of the difficulties, by proposing a measure to abolish the oath of abjuration altogether. That oath, however, even by those who are in favour of the admission of the Jews to Parliament, is admitted to contain much matter of the highest importance. It is admitted that it contains the recognition of the Protestant religion, as laid down by the Act of Settlement. There were many hon. Members who were startled at the notion of getting rid of the whole of the oath, and of thereby abandoning the important recognition to which I have referred. But, unfortunately, they consented to the second reading of this Bill, under the expectation that they would be enabled to alter it in Committee according to their wish. The noble Lord the Member for London by this movement of the right hon. Gentleman, found himself placed in a subordinate position with regard to this question. The noble Lord was compelled to work under the right hon. Gentleman, he having got possession of the ground, by which the Jew was to be completely relieved from the disability under which he laboured. The noble Lord objected as strongly as any one to getting rid of those words in the oath which recognised the Protestant succession. The noble Lord introduced in Committee a portion of the oath of abjuration, omitting, however, the most important parts of it, as I am prepared to show, and inserting but a small modicum of the oath of abjuration. The question then is, whether we are content to abandon most important portions of the oath which have been taken by all Protestants and Christians without exception for 150 years, and be satisfied with the tame, meagre, lifeless phraseology which the noble Lord the Member for the City of London proposes to substitute.

Now, what is the nature of this oath of abjuration which we are called upon to abandon? A very great mistake appears to exist upon this subject. It has been supposed that the oath of abjuration is only an expansion of the oath of allegiance. Now, this is an entire misapprehension. The oath of allegiance is an oath which may be taken to the Sovereign by persons of all religious denominations; but the oath of abjuration stands upon much higher grounds. The oath of abjuration says:—

> "I do truly and sincerely acknowledge, profess, testify, and declare on my conscience before God and the world, that our Sovereign Lady Queen Victoria is the lawful and rightful Queen of this realm."

Is there nothing significant in this oath? Is there nothing in this portion of it which ought to be retained? The title of Her Majesty to the Throne of these realms depended upon the Protestant character of her ancestors and the Act of Settlement. If it depended simply upon a mere abstract hereditary right, we know that a certain Roman Catholic Sovereign would be at this moment, *de jure*, king of these realms. Now, this is not a mere idle phantom or claim which is assumed, like our claim to the sovereignty of France, and which was continued up to a recent period. It is a vital principle. It is a claim which I shall show you is admitted and acknowledged, and is only not enforced because the time has not as yet arrived when it would be convenient to enforce it. This subject has been introduced to the House before by my right hon. and learned Friend the Member for the University of Dublin (Mr. Napier), and it becomes peculiarly necessary to press it on the notice of the House in order to enforce the remarks I have made in respect to the existence of a *de jure* claim to the throne of England. In the year 1841, some years after the accession of our Gracious Sovereign, Archbishop Cullen, now the Pope's legate in Ireland, published a selection from the Papal bulls for the use of the College *De Propaganda Fide*, and he gave in a preface, which he addressed to Cardinal Fransoni, now I believe at the head of the College, the reasons why he published this selection from the bulls. He stated that it was—

> "That all things may be in readiness which may appertain to the right and expeditious management of affairs."

And he added at the end of the letter—

> "That the edition contains all those Apostolic letters which have been promulgated since the first edition down to our own times, and the necessity or opportunity for consulting which may occur in the management of the affairs of the Sacred Council."

Amongst those bulls which were selected for the use of the College, are two bulls which were published by Clement XIII., in 1759 and 1760. It is very significant that these two bulls are selected amongst eight in all, out of sixty-six other bulls. These bulls so extracted from the rest, and published for immediate use, were bulls as I have stated of Pope Clement

XIII., and addressed to King James, as he calls him, "To our most dear son in Christ Jesus, the illustrious King of Great Britain." In them the Pope informed King James, as he called him, that he had nominated to certain bishoprics in Ireland, and gave his reasons for not mentioning "the King's" name in the letter of appointment. He said—

> "That for reasons which his own prudence would suggest he had not mentioned His Majesty's name in the letter of appointment, but that he addressed the letters to him as a pledge that this omission of his name in these letters should not injure or derogate from his right of nomination, but that his right should remain uninjured."

Now, let me ask, why these particular bulls are selected in this extraordinary manner, published, as is stated, for immediate use of the Propaganda, and brought out from the Papal armoury and burnished up by Archbishop Cullen, if this is not intended to be a claim to be brought forward on a fitting occasion? But this is not all. In a book published in Ireland, *De Hiberniâ Dominicanâ*, the following most remarkable passage is to be found—the more suspicious from its having been erased from several copies:—

> "The heirs of Sophia of Hanover were placed on the British Throne as being the nearest of kin to the family of the Stuarts, who were Protestants. But," added the writer, "there are fifty and more Catholic princes of either sex who enjoy the right of nearer blood to the Stuarts which that most accurate genealogical tree of celebrated lineage which I hold in my hands distinctly exhibits."

I will venture to ask whether you do not believe that Bishop Cullen possesses that genealogical tree, and that the selection of these bulls is not some of the fruit of that genealogical tree? This being the case, we are now to consider whether we, as Protestants and Christians, can believe that those words proposed to be omitted from the oath are insignificant or unimportant?

> "I do truly and sincerely acknowledge, protest, testify, and declare, on my conscience, before God and the world, that our Sovereign Lady Queen Victoria is the lawful and rightful Queen of this realm."

Are you disposed to accept this lifeless phraseology proposed to be substituted for the strong and heartfelt assertions of the right and title of Her Majesty to the Throne of England. I believe that the noble Lord would have been as desirous as any one of retaining these words, if he could have done so consistently with the object which he has in view. We have heard from the noble Lord, on former occasions in this House, a noble declaration as to the sovereignty of Queen Victoria. But the noble Lord is in this situation—he is desirous of getting rid of the words, "On the true faith of a Christian," which constitutes the only impediment to the introduction of the Jew into Parliament; and if the noble Lord introduced all the other words of the oath which I propose, then the noble Lord would have no excuse whatever for not adding those words at the close of it; but, on examining the meagre and unsatisfactory *modicum* of the oath proposed by the noble Lord, the House will see that it is impossible to adapt those words to it. In like manner there are many hon. Members who, being anxious that the oath should be changed for the purpose of admitting the Jews to Parliament, are willing, for the purpose of accomplishing that end, to abandon all the remainder of the oath, which, nevertheless, they do not deem unimportant.

The hon. and learned Member for Sheffield (Mr. Roebuck), on a former occasion, taunted me with not bringing in a Bill absolutely to exclude the Jews from Parliament; and the noble Lord at the head of the Government said that I might bring that question before the House on the Motion for the third reading. Now, in answer to the hon. and learned Member for Sheffield, I have only to say that there is no necessity for the introduction of such a measure, inasmuch as the members of the Jewish persuasion are virtually excluded by the oath of abjuration as it stands. In respect to the observation of the noble Lord (Viscount Palmerston), I would remind him that it would be impossible for me to place distinctly before the House, for its consideration whether or not the Jew should be permitted to sit in Parliament, because that question would be entangled and embarrassed with those questions arising out of the important words of the oath proposed to be omitted. And that shows the wisdom of the course proposed by my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), who, as we all know, is as anxious as any one in this House for the admission of the Jews to Parliament. But my right hon. Friend not only suggested, put proposed, that the two questions should be separated from each other, and he proposed an Amendment, which would have brought the question of the admission of the Jews distinctly before the House, while, at the same time, he would have preserved in its substantial integrity this oath, which had always been taken, without any exception, for 150 years. It is, I maintain, quite impossible to mix up the question of the oaths to be taken by the Christian Members of this House, and that of the admission of the Jews to seats in Parliament. No Member of this House ought to try, by a mere change in the form of an oath to admit the Jews to seats in the Legislature, because the consequences would be, that the Jew would not merely be admitted to a seat in this House, but also to many other offices in the State, which it would be highly objectionable for a Jew to hold. On this particular point I will appeal to the noble Lord the Member for the City of London. In 1847, and also in 1853, the noble Lord sought to guard against danger from the introduction of Jews into that House by certain clauses which would have the effect of excepting certain offices from being held by Jews. These were offices connected with the United Church of England and Ireland—with the Ecclesiastical Courts—with the Universities, our colleges, and our schools. But, even as a Member of the Legislature, hon. Members have not looked sufficiently forward to provide for the duties which would devolve upon the Jew if he were ever admitted into this House. Suppose a Jew were appointed to sit on an Election Committee, which sat *de die en diem*, with the exception of Good Friday and Christmas Day, both of which days, of course, the Jews regard very lightly; but these Committees frequently sit on Saturdays, a day which the Jew venerates as his sabbath. Now, could the attendance of the Jew be exempted under such circumstances? I merely throw these things out as illustrations of the position in which matters would stand by merely acting upon the supposition that the difficulties of the question could be removed by simply adopting the changes proposed in the oath of abjuration, and without regarding all the circumstances which must be taken into consideration before the Jew, if admitted, could take his proper place in the Legislature. It is absolutely essential that there should be a distinction between the oath of a Jew and that of a Christian. When no objection is made so far as the Christians are concerned, why, I ask you, do you propose to remove all the important and significant parts of the oath which relate to Christians only, and from the obligation of taking which they do not desire to be relieved? Now, I feel that I have a right to expect that the support and the vote of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) will be given in favour of my views, because that right hon. Gentleman, in the course of one of the numerous debates on this subject, made the following statement—

> "He frankly owned that he was glad the noble Lord retained these words in respect to all Christian Members of the House, considering the solemn duties which we are called upon to perform. He thought the noble Lord had acted wisely in declining to reduce that high standard which we had fixed for ourselves."

What I ask the House to do is to retain the oaths with the objectionable parts weeded out, and to let the question of the admission of the Jews to Parliament be brought on as a distinct question.

Such is the position in which this question stands; but I am not unprepared to go further with it, if it should become necessary to do so. I am prepared, Sir, to insist on the retention of the words "on the true faith of a Christian," and to contend that there ought to be no thoroughfare into this House for any one but a Christian man. I am desirous of considering fairly the various arguments which have been brought forward in favour of the admission of the Jews into Parliament; but before I do so I would wish to clear the way by removing a misapprehension which appears to prevail in consequence of the expression which was used by the noble Lord (Lord J. Russell) in the course of the debates on this subject, when he called upon the House to complete the edifice of religious liberty by admitting the Jew to sit in Parliament. A general impression seems to prevail that Parliament for a great number of years was gradually widening its doors for the admission of persons of all religious denominations, and that the Jew is the only person now excluded. Many hon. Members will, however, be surprised to hear that there has been no instance in which Parliament has interfered directly to seat amongst them any person of any religious persuasion, with the exception of the case of the Roman Catholic Relief Act, by which our fellow Christians, the Roman Catholics, are admitted to seats in this House. But their admission had been decided rather upon political than theological grounds. It is not, therefore, correct to say that Parliament has been gradually enlarging its doors for the purpose of admitting persons of every religious denomination. The Dissenter has never been excluded. Even during the existence of the Test and Corporation Acts there were members of that body in this House. The Unitarian has never objected to take the oath with the words "On the true faith of a Christian;" and in respect to the Quaker certain Bills were passed in the reign of George II., and without reference to the admission of that body into Parliament, by which they were permitted to make affirmation in all cases in which the oath was required from other religious denominations. When the question arose in the case of Mr. Pease, those Acts of Parliament were considered by the Committee to whom that case was referred, and they reported that the language of those Acts was so comprehensive as to admit the Quaker to a seat in this House. This is the first measure brought into this House since that of 1829 in reference to the admission of Roman Catholics, by which an attempt is made deliberately and distinctly to introduce a person into Parliament who was not of the Protestant religion. There is an argument used which I confess it is irksome to me to advert to, and that is one which has been often made on these occasions, and which has been as often refuted, namely, that it is merely by an accident, by the insertion of certain words at the end of the oath, and which had been introduced with quite a different object, that the Jew had been excluded from a seat in this House. I really was astonished that the acute and original mind of my hon. Friend the Member for West Surrey (Mr. Drummond), should have revived this exploded fallacy. If it were not presumptuous to suppose a single combat between the noble Lord the Member for London and myself on this ground, I should say that we have mutually conceded to each other this point, and have brought it to a position in which no argument can arise from the circumstances under which this oath was framed, and that therefore the introduction of such an argument as that to which I have referred is no longer tenable. I have admitted again and again to the noble Lord, that at the time these important words were introduced into the oath, there was no intention by such language to exclude from Parliament members of the Jewish persuasion; inasmuch as at that time there were comparatively speaking no Jews at all in England; and the noble Lord has admitted on his part that no one at that time ever contemplated the possibility of the Jew being entitled to sit in the British Legislature. But unfortunately this argument was urged upon the very last occasion when this Bill was under consideration. With a view of closing this controversy I will trespass upon the patience of the House by reading the judgment of Mr. Baron Parke in the case of *Miller* v. *Salomons*, in reference to this point—

> "But it is a fallacy to argue that, because the immediate object of the Legislature was to give a more binding effect to a Christian oath, not to exclude the Jews and others than Christians, therefore they meant all such to be admitted, and consequently that the terms of the oath ought to be modified so as to carry that object into effect, and to permit all not of the Christian faith to take the oath in a form binding on their consciences. Nothing was further from the contemplation of the Legislature. The truth is, they never supposed that any but Christians would form a part of either House of Parliament. The possibility that persons of the Jewish persuasion should be peers, or be elected Members of Parliament, probably entered their contemplation as little as that of Mahomedans or Pagans being placed in either category. Both of these are, in effect, on precisely the same footing in this respect as the Jews, and the argument applies equally to them all. In enacting a provision aimed at a peculiar class only of Christians, the Legislature have, in the most positive terms, required an oath from every Member of the Legislature which none but a Christian can take; and this enactment must have the effect of closing both Houses of Parliament against every one but a Christian."

Now, an hon. Gentleman, in the course of the last discussion on this subject, adverted to the circumstance that between the first and the thirteenth William III. there was no oath containing the words, "on the true faith of a Christian," and he argued that during that period a Jew might have taken his seat in this House. I must, however, remind the hon. Gentleman that the Jews at that time were regarded by this country as aliens, and were charged with an alien duty.

I will now proceed to another class of arguments used by the advocates of this Bill. The first generally brought forward is this—that all the subjects of a free State are entitled to an equality of civil rights. Now, Sir, I am prepared to concede that point in the fullest possible manner. But, then, we must understand what is really meant by the term "civil rights," because if "civil rights" are intended to include political power and office, then I utterly deny the proposition that the subjects of a free State are equally entitled to the enjoyment of civil rights. Every subject of a free State is no doubt entitled to the full enjoyment of property, to the liberty of his person when he does not offend against the law, to civil and religious freedom within the limits of the constitution. He is equal in the sight of the law with all his fellow-subjects. But political power and office are not the natural right of all persons in a free State. They belong to those only to whom the State thinks proper to assign them. If this principle be not correct, all the qualifications for, or disqualifications to, office in this country are utterly unjustifiable. I think it will hardly be denied that it is competent to a Christian community to impose, as a restraint upon the exercise of a certain office, the profession of a certain religion, and that it is also competent to relax the obligation as to certain offices and to retain it as to others. And, therefore, I hardly think that anybody will venture to maintain that the claim of the Jew to a seat in the Legislature can be placed upon the abstract right of all persons in a free State being entitled to equal civil rights. But, then, it is said, "Oh, you have given judgment against yourselves, even admitting you are right in your decision. You have given political power and office to the Jew, and, therefore, you cannot, in justice, withhold from him a right to the higher office in the shape of a seat in the Legislature." Now it is no doubt true that by various Acts of Parliament we have empowered the Jew to fill the offices of Mayor, Sheriff, and Magistrate; but it is argued, and I think with success, that there is a most important distinction between admitting a person to a subordinate office, and making him, in some degree, supreme, by enabling him to sit in the Houses of Legislature, and assist in making our laws. In the subordinate office the magistrate has merely to administer the law that is made by a Christian Parliament. If such a person be guilty of any violation of duty, he is amenable to punishment. But a Member of the Legislature, in that character, is superior to the law. He has nothing to guide him but his moral conscience and responsibility, and how any one can assume, because by admitting the Jews to inferior offices, we are bound to admit them also to seats in this House, I am at a loss to conceive. And, Sir, I cannot help thinking that there may be circumstances which, even in the cases of those subordinate offices to which reference has been made, make the holding of these offices incompatible with the profession of the faith of a Jew. I am sorry to be compelled to advert to this particular subject; I would willingly pass it by; but I feel that I cannot. Sir, I find in the newspapers that on the Thanksgiving Day the Lord Mayor and the Corporation of London went in state to the Cathedral of St. Paul. That was the Lord's-Day, which was selected for the purpose of our "entering into His gates with thanksgiving and into His courts with praise," —thanksgiving and praise offered up in the only name by which our praise can be acceptable to God. There, seated on high, in the midst of that congregation, and in all the pomp of official dignity, sat one to whom those prayers must have been a profanation and a farce. How is it possible not to sympathise with the devout worshipers in that temple on that day? What must their feelings have been? How distressed must they have been; and how disturbed their devotions at such a sight? Sir, the Lord Mayor's presence there was essential to his office or it was not. If it were not necessary, then it was only a gratuitous profanation of his faith. If it were, then that is a striking instance in which the faith of a Jew is incompatible with the holding of even one of those subordinate offices. And give me leave to say—to remind the House that if we do not ourselves guard against the introduction of the Jew into such offices, we may, over and over again, if the Jew be elevated to the judicial bench, see a repetition of this profanation. That, I earnestly hope, the House will take into its serious consideration.

But, Sir, to pass from that to the consideration of those other arguments which I have heard used in debates on this question. One of them is of rather an extraordinary nature. It is said, "Well, but you have virtually admitted the Jew to the Legislature—at least you have admitted him to a share in the legislation of this country by giving him the elective franchise." Now, I know very well what would be said of me—how such an argument as that would have been characterised if I had used it. To argue that the possession of an infinitesimal share in the election of a representative to sit in this assembly and assist in making laws for the country can have the slightest analogy to the giving to the Jew a place in the legislature, and allowing him to take a part in making the laws for this nation, seems to me the most remarkable argument—a most extraordinary—the most subtle argument I ever heard. Theoretically—metaphysically, perhaps, there may be something like a shadow of reason in it; but practically, and to all intents and purposes, it amounts to an utter absurdity. "But then," it is said, "putting aside the question of the Jew being allowed to share in the election of a representative in Parliament, some electors of large constituencies like that of London have chosen to elect a Jew to represent them in Parliament; and their choice ought to be regarded and their wishes fulfilled." Now, this is an argument which has been used by the Archbishop of Dublin, (Archbishop Whately) who has most consistently and most honourably maintained the right of the Jew to sit in Parliament; and who has ultimately narrowed the question to this ground—that the choice of the electors is decisive. I ventured on a former occasion to quote the argument of the most rev. Prelate, and was rather roundly taken to task by my right. hon. Friend the Member for South Wiltshire (Mr. S. Herbert), who said that I had grossly, though no doubt unintentionally, misunderstood the argument of Archbishop Whately. Now, Sir, I have read as much as most men of the works of that admirable author; and certainly if there be one thing more than another characteristic of his style, it is the transparent clearness of his language. So that, however I may differ with him, it is quite impossible for me to mistake his language. Since then I have found a partial confirmation of what I said in the preface of a work recently published by the Archbishop—*The Remains of Bishop Coplestone*. In that preface, Archbishop Whately, in referring to different topics on which he agreed or disagreed with the Bishop, says—

> "I never could consent to join issue on the question, the only one usually discussed, whether a Jew, or any one else not professing Christianity, should sit in the House of Commons, because I regard that as a question which should be left in each particular case to the decision of the electors."

Now, if the most rev. author means to say that this matter should be left to the consideration of the electors by the Legislature introducing a law to that effect, undoubtedly he has not expressed himself with his usual felicity. But let that pass; and let us come to the argument. The electors of London say, "We are a powerful and numerous constituency; and we have over and over again deliberately elected a Jew as our representative. You ought to respect our feelings and our wishes, and to accept our choice; and it is highly improper that we should be interfered with by any law of yours which excludes a Jew from Parliament." With great deference to the electors of the City of London, I beg leave to say, that they have put their case on a most erroneous basis. They may be a very powerful constituency; but they are only a minute fraction in the general constituency of the country. They are not to choose for themselves; but for Parliament and for the nation. They have no right to elect any one who is incompetent to sit in Parliament. If they do so, they act precisely as if they did not exercise their right of election at all. If a claim like that made by the City of London were admitted, similar privileges may be claimed by other constituencies, some of whom may think a miner would be a convenient representative, others a tidewaiter or an alien. In that way the law may be broken in upon according to the wishes of the different constituencies, if we listen to the argument upon which the City asks us to seat Baron de Rothschild.

Now, Sir, I believe I have, as shortly as I could, gone over the various arguments which are usually brought forward when this question is discussed in this House; and the House will observe that up to the present time I have not referred to that which is really the important and the vital question in this case. Notwithstanding the various arguments put forward in considering this matter, it is perfectly clear that the strength of our case rests upon sacred ground. I confess that if it were not for the religious element in this question—if we were not to consider the matter in its religious aspect—I should be perfectly indifferent as to whether the Jew sat in Parliament or not. Our opponents have endeavoured to draw us off the high ground on which we base our case, to bring us down to combat with them on a lower theme; but I confess that I can never consent to abandon the vantage ground upon which we must stand as Christians in this case, or not stand at all. Unless the religious part of this case operates to exclude the Jews, it is immaterial to me whether they be unnational in their habits and customs. It is a matter of perfect indifference to me whether they be strangers or sojourners in the nation where their lot is cast, looking forward for an inheritance in another land. All that is to me wholly unimportant. In a civil view of the question I would not oppose the introduction of Jews to the Legislature on such grounds as these. It is not on such grounds, therefore, but upon much higher considerations, that I own I base my opposition to this measure. Now, Sir, it is admitted, I believe, pretty generally that our institutions —the institutions of this country—have Christianity for their foundation, and it has been over and over again emphatically said, that Christianity is a part of the law of the land. In whatever sense those words may be understood every one, I think, will be disposed to admit that it would be rather an anomaly in a Christian country, and where the institutions of the country were Christian, if any person who was not a Christian were permitted to take a part in the making or the altering of those laws which are themselves founded on Christianity. But the noble Lord (Lord J. Russell) on a former occasion made use of an argument which I observe is repeated in a leading article this morning in a journal that takes care to give a direction to our debates and tell us the arguments that are to be used. The noble Lord said, "You talk of unchristianising the Legislature. Why, if by admitting the Jew into Parliament you would unchristianise the Legislature, you have, then, by admitting him amongst your people unchristianised the country." With great deference to the noble Lord, I do believe that had such an argument been used against him, he, by his powers of sarcasm, would have instantly withered it into atoms. To suppose that there is the slightest similarity between the case of those people mingling with your people—or, I should rather say, amongst them, for though the Jews live amongst us they are not of us—not concerning themselves with the Christian religion, not interfering in the remotest degree with the religious observances of the country, but enjoying the benefit and the blessings of a Christian Government—I say, Sir, that to argue that there was the slightest resemblance between the case of a people so mixed up in any way with the people of this country, and that of the Jews placed here in the supreme station of Legislators to make laws respecting the religion of this country—to have the power to enact laws to govern a Christian community—does appear to me to be the most extraordinary argument that can possibly be adduced. Now, the noble Lord is obliged to be inconsistent with himself, when he argues as the advocate of the Jews. The noble Lord is deeply impressed with a sense of religion. I am satisfied that the noble Lord is a sincere believer in the Christian religion; but the noble Lord is unfortunately in a false position when, with religious feelings strong in his mind, he is compelled to come forward here as the advocate of the case of the Jew; for, says the noble Lord, in a speech to this House—

> "And I shall state more; when speaking of the Legislature which has to dispose of and to control the various interests, ecclesiastical and secular, of the country, religion ought to influence and control the decisions of its members."

May I venture to ask the noble Lord what religion? The answer is obvious. The Christian religion. That is the high standard to which all our laws ought to conform. That ought to be the guide, the controlling principle of all our legislation; but I can scarcely believe that the noble Lord is preserving that principle pure and simple, when he is endeavouring to infuse into it some little of the Mosaic.

Sir, I look with astonishment at the union of parties whom I see banded together for the one common object of carrying this measure. In the first place, I find the advocates of "civil and religious liberty." Now, I believe that those Gentlemen are most sincerely attached to the religion they profess, but those who enlist themselves under the banner upon which those words are inscribed, are usually Dissenters and opposed to the Church Establishment. We have in addition to those, certain Gentlemen who are of opinion it would be desirable to emancipate the Church from the State, and to revive Convocations in all their power. There could be nothing more calculated to advance their object than for Parliament once to pronounce that religion had nothing to do in our deliberations, and that the Jew might be admitted to a seat in this House. But, Sir, if once that proposition is maintained by Parliament, I cannot understand how it will be possible afterwards to defend the Church Establishment in connection with the State. Therefore, those two parties, the advocates of civil and religious liberty and those who desire to emancipate the Church from the State, are bound up together in this alliance, and by different means are pursuing the same end. Associating with those two parties are the Roman Catholics, who, of course, are no friends to the Established Church, and who are, of course, ready to aid in the furtherance of any measure that would promote the object they have in view—namely, the defeat or destruction of that establishment. These, Sir, are the parties to this combination, united together each to advance the particular object it has in view, and all hoping to obtain what they desire by seating the Jew in the Legislature. Now, Sir, I tremble for the consequences of the false step of erasing from the oath "on the true faith of a Christian." You cannot stop there; other demands will be made on you. The infidel—the man not influenced by any religious obligation at all, but who has what he calls a conscience, which is guided by what he calls his morality—he also will desire relief; he will ask to be relieved of the necessity of all oaths. If you take this step you must yield to him, because you cannot stop short on your downward progress; and ultimately, by its own act and its own admission, the Legislature will have been deprived of its Christian character. By the omission of these words, the Legislature will deprive itself of that great character; and at length it will be becoming avowedly irreligious, by requiring no test at all. Sir, I feel most deeply on this occasion. When I was admitted to this House, I solemnly took the oath at this table "on the true faith of a Christian." I took upon myself that part of the duty of a Legislator which required me to assume the badge of a Christian. I took it, not for the purpose of a crusade against the religions professed by other persons; but, Sir, I assumed that badge as a pledge that I would defend the sacred interests of Christianity which were entrusted to my care. Sir, I know perfectly well that I shall be charged with being actuated by a persecuting and intolerant spirit. I am not insensible to that charge. I regret most deeply, if my motive should be misunderstood. I have no personal hostility to any one or to any religion; I have no desire to persecute any one. I do not, by my endeavour to preserve the Christian character of this assembly, in any way show a persecuting spirit, because it is not for the purpose of persecuting the Jew—it is not for the purpose of compelling him to adopt another religion, that I appear here. It is in self-defence. It is in defence of the ark of Christianity before which I stand, and which I shall defend against Jew or any other party by whom I think it is in danger of being assailed. I trust, Sir, that this House will do the same. I hope we shall hold fast to our duty as Christians without wavering in the discharge of the solemn duty that is imposed upon us. I trust we shall not set an example to the people of this country of indifference to Christianity; but that we shall, as their representative, preserve in this House that respect which they outside manifest it for themselves, and which constitutes the glory and happiness of this country.

Amendment proposed, in page 2, to leave out from the beginning of line 8 to the end of line 14, in order to insert the words—

"I, A.B., do truly and sincerely acknowledge, profess, testify, and declare in my conscience before God and the world that our Sovereign Lady Queen Victoria is lawful and rightful Queen of this Realm, and of all other Her Majesty's dominions and countries thereunto belonging:

"And I do swear that I will bear faith and true allegiance to Her Majesty Queen Victoria, and Her will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against Her Person, Crown, or Dignity:

"And I will do my utmost endeavour to disclose and make known to Her Majesty and Her successors all treasons and traitorous conspiracies which I shall know to be against Her or any of them:

"And I do faithfully promise to the utmost of my power to maintain, support, and defend the Succession of the Crown against all persons whatsoever, which Succession, by an Act intituled 'An Act for the further limitation of the Crown and better securing the rights and liberties of the subject,' is and stands limited to the Princess Sophia, Electoress and Duchess Dowager of Hanover, and the Heirs of her body being Protestants:

"And all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever; and I do make this recognition, acknowledgment, and promise, heartily, willingly, and truly, upon the true faith of a Christain. So help me God," instead thereof.

Mr. BOWYER said, he must complain that the hon. and learned Gentleman who had moved the Amendment had, on a former occasion, thrown out imputations of disloyalty against a distinguished Prelate of the Roman Catholic Church, than whom there was no man in the British dominions less obnoxious to such charges. He had accused Archbishop Cullen of publishing a collection of bulls, one or two of which had been promulgated with the intention of asserting the right of the Pretender to the Crown of these realms; and from this act the hon. and learned Gentleman had endeavoured to deduce the inference that Archbishop Cullen, as loyal a man as himself, was disaffected! He (Mr. Bowyer) had been favoured with a letter from the most rev. Prelate, relative to this matter, and would read from it an extract which would place the question in its true light. The accusation, it should be premised, had been made on the authority of Mr. M'Gee:—

> "The work to which Mr. M'Gee and Sir Frederic Thesiger refer, is a collection of bulls and other documents connected with the Propaganda, or found in the archives of the Sacred Congregation. It consists of six volumes—I think in 4to. There are some briefs appointing bishops, at the recommendation of the Pretender, which were inserted merely as historical documents not previously published. It would be absurd to suppose they were published as having reference to our times, when the Stuart family does not exist. There are several similar documents in the *Bullarium Magnum.* I think Mr. M'Gee can make very little capital out of such publications."

Besides, it was a collection which would not have been complete without those documents. That statement of the most rev. Prelate would, he was sure, be accepted by the House as a complete refutation of the charge of disloyalty which had been raised by the hon. and learned Gentleman. The charge itself was one of those ridiculous mare's nests which the hon. and learned Gentleman and the two hon. Members for North Warwickshire were in the habit of discovering, and which were frequently left unnoticed by the Roman Catholic Members, from a conviction that their Protestant colleagues generally would, of themselves, through their own good sense, perceive the absurdity of such statements.

LORD JOHN RUSSELL: I am sorry, Sir, to have to trouble the House once more upon this matter, but, as the hon. and learned Gentleman opposite (Sir F. Thesiger) has made an elaborate vindication of his opinions upon this subject, I do not think it would be respectful to him or dignified in this House to proceed at once to a division without taking any notice of his arguments. Let me first observe, that upon this subject the advocates for the admission of the Jews into Parliament stand in a more advantageous position than they did before. The position is this—the hon. and learned Gentleman abandoning the old oath—giving up that which is usually taken by Members of this House—proposes a new oath and new securities, and also in the new oath proposes to insert specific words in order to exclude the Jews. Now, that, Sir, I consider is a great advantage for those who are arguing for their admission, because it is a concession that the oath as at present framed cannot be maintained. It is, I assert, perfectly absurd to renounce the Stuarts, of whom none exist, as claimants to the Throne. If we are to have a new oath, to be taken by Members of this House, I think that in that oath we should not go beyond that which is necessary, or at least presents an appearance of necessity, and we should not load the oath with superfluous words and superfluous engagements; but we should only ask, when men come to the table on a solemn occasion, to claim a right to sit in this House as Members of the Legislature, that they should enter into engagements which are proper for us to require and for them to undertake. Now, when I look at the oath proposed by the hon. and learned Gentleman, I find a great deal that is unnecessary. In the oath proposed by the hon. and learned Gentleman are these words—

> "I, A. B., do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, that our Sovereign Lady Queen Victoria is lawful and rightful Queen of this realm, and of all other Her Majesty's dominions and countries thereunto belonging."

Now, Sir, I hold that to be quite unnecessary. A person who has just taken the oath of allegiance to Her Majesty is called upon to repeat an assurance that Queen Victoria is the rightful Sovereign of these realms. I can well understand there was a time when Parliament thought it advisable—whether wisely or not I will not say—that, as there were persons who, admitting William III. as the Sovereign *de facto*, still regarded James II. as the Sovereign *de jure*, Members who came to be sworn should testify and declare that William III. was the lawful and rightful King. But, Sir, there is no occasion for such words now that the subject of the controversy has long since disappeared. Therefore, I do not think that we should call on the Members of this House to swear that which there is no occasion to swear. The hon. and learned Gentleman then goes on to say in the oath he proposes—

"And I will do my utmost to disclose and make known to Her Majesty and successors all treasons and traitorous conspiracies which I shall know against Her or any of them."

I do not see what especial propriety there is in a Member of this House taking that oath, any more than any other of Her Majesty's subjects. It is the duty of all persons who take the oath of allegiance—of all loyal subjects—to make known all traitorous conspiracies which shall come to their knowledge. The lowest and poorest of Her Majesty's subjects is equally bound to that duty as the Members of this House. There is no reason why Members of this House should be more likely to come to a knowledge of traitorous conspiracies than any other subject of the Queen, therefore, I do not see that that passage in the oath is necessary. Privy Councillors, and those filling the offices of Secretaries of State, may have means of learning the secrets of traitors, and it would be their duty immediately to take means to counteract the attempts of the traitors; but it is by no means the duty or the business of a Member of this House to make himself peculiarly acquainted with any danger likely to affect the safety of the Crown. But the hon. and learned Gentleman has laid, and properly laid, the greatest stress upon the maintenance in the oath of the words, "on the true faith of a Christian." He adverted—I hardly know for what purpose or to what intent—to the controversy as to whether those words were originally intended to exclude Jews from Parliament. I imagine, whatever the hon. and learned Gentleman may say, that there is no doubt they were not intended for any such purpose. Giving the hon. and learned Gentleman the benefit of the supposition that Jews would have been excluded—if the Jews in the time of James II. had attempted to obtain seats in this House—I think, on the other hand, it must be admitted that the words were not intended for that purpose, but were intended as a more solemn form by which certain Roman Catholics, who were believed not to be loyal to the Protestant Sovereign, would be bound without power of evasion. The words were meant to secure the fidelity of Christians, not to procure the exclusion of the Jews. That is a point of considerable importance, when you attempt to frame a new oath, of which the simple object is to exclude the Jews; but it appears to me the most simple plan is to do what was done under the Commonwealth, and as is now done in some of the States of the American Union—to compel the person seeking admission to the House to declare and testify that he professes the Christian faith. Under the British monarchy that has never been required; but it appears to me that, if it be intended to exclude Jews from Parliament, that is the plain and simple mode of doing it. No one will dispute with the hon. and learned Gentleman that there are certain qualifications which the Legislature has a right to impose, whether in regard to the holding of offices or sitting in Parliament. But, on the other hand, unless you have strong grounds of exclusion, it is the common right of every subject to enjoy such offices, to obtain such legislative power as the favour of the Crown or the election of his fellow-countrymen may bestow upon him. Any capricious exclusion may have the effect of excluding Englishmen from the just objects of English ambition, and that, as has been truly said, is one of the greatest hardships you can impose upon them. Therefore, you must not only say, "I choose to have qualifications and exclusions;" but you must show that such exclusions are founded on the strongest grounds of State policy, and even of State necessity. That necessity, as to the Jews, I maintain has utterly and completely failed of proof. I have often had before to say that I do not think mere ground of religious faith is a proper ground of exclusion; and I say, in the second place, with the greatest confidence, that, if it were a ground of exclusion, tests and oaths do not enable you to ascertain the religious opinions of any man. I know of nothing in the faith of the Jew, believing as he does in the Old Testament, which should prevent him from doing his duty as a Member of this Legislature, and, with respect to any political acts in which he may be called on to concur, performing that duty faithfully. The hon. and learned Gentleman has done me the honour to refer to an opinion which I gave—that I do think religious obligation is incumbent on this House in its legislation. He looks to that religious obligation in the form of an oath—in precise words. Well, Sir, I do look to it in the convictions and persuasions of this Christian community. I think that, unless the people of this country do feel that religious obligation, you never can create it by means of an oath. If it were necessary, there is no want of illustrations on this subject. At the present time religious obligation is generally felt, whether by members of the Established Church, by Protestant Dissenters, or by Roman Catholics having seats in this House; but if we look back to the time soon after this oath was imposed, what do we see? A man as distinguished for his talents as, perhaps, any Member of this House ever was—Lord Bolingbroke—sat here as leader of this House. I know not whether he had then adopted the opinions which he afterwards, in the most elaborate work, endeavoured to promote, but we know that, when he had adopted those opinions—when he had written that work, it was the ambition of his life to be a Member of the House of Peers, to be admitted to the table of the House of Peers, where he would have said—

> "I sincerely speak these words, without any equivocation, mental evasion, or secret reservation whatsoever, and I make this recognition of my promise, heartily, willingly, and truly, upon the true faith of a Christian."

Now, Sir, Lord Bolingbroke had no difficulty in declaring those words. Mr. Gibbon, who sat in this House, likewise had no difficulty in declaring those words. My hon. and learned Friend, I was happy to hear, acknowledged, on a former occasion, that with respect to men who do not feel this obligation—who do not feel it to be an immoral act to make such a declaration without being persuaded of it—you can have no security whatever. What, then, is the value of the religious test which the hon. and learned Gentleman is desirous to impose, and what is the justice, what the policy, of saying to a Member of this House, who has been duly elected, and comes to the table and says he does not see anything in the oath to which he objects; but, in fairness and honesty, he must tell the House that the words "on the true faith of a Christian" are not binding on his conscience—what are the justice and policy of telling him, "You are really a man who feel religious obligations—you are clearly a man who will not deceive us—you are acting according to your own belief and faith, and you are totally unfit to sit in this House; but if we can find a man who will dissemble in that respect, and whom we know by his own writings to be totally opposed to every Christian sentiment and every Christian belief, that is the man we will trust?" The argument is one which has certainly been well beaten, because it has been discussed not only upon this question but upon the Catholic question, when it was maintained, and at length triumphantly maintained, that religious faith ought not to be a ground of exclusion from this House. I am sorry the hon. and learned Gentleman feels it an imputation upon him, yet I cannot but say the exclusion savours as much of persecution—that is, it savours as much of the principle of punishing a man on account of his religious faith as any other persecution of a cruel description, which has been inflicted in past times. I am sorry to see that in the dominions of the King of Sardinia a man has been sent to prison for six months for reading, in the open market-place, certain passages of the New Testament, because the effect was said to be to bring the Christian religion into contempt. That is an act of persecution, and your exclusion of the Jew rests on precisely the same principle. I do not enter into a defence of the Lord Mayor—whether he was right or wrong in going to St. Paul's on the Thanksgiving-day. No doubt he meant to say, "As Lord Mayor of this great city I am ready to render homage to God, and to join in the celebration of peace so happily restored to the nation." I have always put this question on the general ground of religious principle. It is rather for the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), who, on the peculiar ground of the merit of the Jews, always advocates their cause, and always votes in their favour—it is for him, rather than for me, to show the merits of the Jews. I do not claim their admission to this House as a sort of indulgence, I claim it as a matter of right and justice; and I do trust the smallness of their numbers will not prevent their having that justice granted them which was granted to the Roman Catholics when their claims on the ground of religious liberty were too powerful to be longer resisted. Sir, I entirely oppose the Amendment.

Mr. WARREN: Sir, I should certainly have contented myself with recording my vote this evening, if I had not thought the question before us of such grave importance as to justify a brief statement of the grounds on which that vote will be given; but I feel heavily discouraged while venturing to follow the noble Lord the Member for London in the debate. Sir, the claims of the Jews to sit in our Legislature have, during the last quarter of a century, been repeatedly and earnestly urged, and as resolutely resisted, without reference to party considerations, by the most distinguished men of the age—by as enlightened statesmen and as devoted Christians as ever adorned either House of Parliament—and among the latter I would undoubtedly class the noble Lord the Member for the City of London, who has been so prominent an advocate of this measure, and than whom, I believe, no more sincere and earnest Christian sits in this House. The question, therefore, must be one of serious difficulty, and involve considerations of proportionate weight and magnitude. Having always felt a profound interest in that question, I have from time to time read, I believe, everything that has been said on it, in this and the other House, weighing every argument carefully and dispassionately, sincerely anxious to form a right judgment on the matter; for I avow that I cannot bear to see any class of my fellow subjects unjustly denied or deprived of a right, or a trust, (between which there is a fundamental distinction necessary to be borne in mind in these discussions) which they properly regard as one of transcendent importance and value. No true Englishman can look with indifference on persons so situated; and his sympathies will go forth towards them all the more eagerly, if he find the demand for justice preferred with persevering moderation and dignity. He will be disposed to look with a certain sternness upon the reasons relied on as justifying the exclusion of a British-born subject from the British Legislature; and will not yield to them, unless his reason and conscience recognize their overwhelming cogency. That, Sir, is the spirit in which I approach this question to-night. And as for the Jews, so far from entertaining prejudices against them, I regard them with feelings akin to awe, as I watch them—the most marvellous of the dwellers upon earth — intermingling inoffensively, but never identifying themselves, with other nations, and fulfilling, and yearning for the accomplishment of, their own grand and mysterious destiny. I cannot think or speak of them with levity—I would not willingly wrong them in act or word; for if I could, then, while they might be true Jews, I should be no true Christian.

But, Sir, in these few words, I conceive, is to be found the true point—the true pressure—of this great question. If he and I be true to our respective faiths, then I think there is a fatal incompatibility of principles, pretensions, and qualifications for being brother legislators—regard being had to the true nature and objects of legislation for a Christian state. Whatever he could prove to be, in the opinion of a liberal and enlightened people, a wrongful disability has been removed. He is now placed on a level with our best fellow-citizens in point of personal security and social position; he is clothed with rank—even hereditary rank—and dignity; he sits in the chair of magistracy, and at this very moment the highest chair of the magistracy of London is filled by a distinguished friend of mine of the Jewish faith, who discharges his duties in a way to command the respect and admiration of everybody; he wields, at will, a money power that gives him vast influence here, and controls some of the greatest operations of other States; and as for religious freedom, why, "he sits under his vine and under his fig-tree, and none dares to make him afraid."

Emboldened by these concessions, he now demands to become a law-giver for Christian England;—but there I pause, and tell him that "between him and me there is a great gulf fixed." I cannot help it. With "the true faith of a Christian" are bound up all my hopes of happiness here and hereafter; while that faith is to the Jew a stumbling-block, lying ever in his way, when he would act as a legislator for the Christian. What is heavenly truth to me, is gross falsehood and imposture to him; what inspires me, blights him; for he sees in it only impiety and blasphemy. How, then, can we act together, while our sanctions, our impulses, our objects, are different? And how can our Legislature be expected thus to become "a fountain sending forth, at the same place, sweet water and bitter"?

Sir, disguise and blink it though any one may, the Bill before us tends directly to obliterate and repudiate these vital differences—these vital principles—as sources of legislative inspiration and action; to place the Legislature of England on a footing which it has never occupied before. It seeks to effect an organic change in our political structure, involving its whole character and constitution—it would alter the distinguishing characteristic of our State, and of its sovereignty—by either eliminating from it an essential constituent, or introducing a foreign, incongruous, and destructive element. What is meant by the sovereignty of a State? Its supreme power or authority—in other words, its legislature; for sovereignty and legislation are convertible terms. Where the power of legislation resides, is the seat of sovereignty, and in legislation, you see sovereignty in action. And as a State is as much a moral being as any one of the individuals who constitute it—a moral being, whose voice is its laws; it is guided by certain motives and objects; it has a character, involved in, prescribing, and guaranteeing its course of conduct.

Now, what is the great and glorious characteristic distinguishing our State of England? Christian, essentially and professedly Christian, if there be any meaning in words, and any reality for words to represent. Founded and built up during a long succession of ages, by Christians exclusively, it derives its character from their principles, feelings, and convictions; the holy gospels illuminate every chamber of the building; the Christianity which they enshrine is the very key-stone of the arch of our laws and institutions, supplying vital sanctions; we legislate on its principles, and in its spirit; no one has ever entered the legislative chamber but under an express pledge, or absolutely necessary implication, of Christian belief; we are always summoned to consult concerning the welfare of the Church of Christ; we begin our daily deliberations with prayers offered to, and through, the mediation of the adorable Head of that Church; the prayers of this Christian country daily ascend on our behalf to Him, like incense, and England feels that those prayers have been answered; or how could this nation have become so great and glorious? Again, the Sovereign, on ascending the Throne of these realms, gives the most solemn pledge conceivable, of fidelity to Christianity; kneeling, placing her hands on, and kissing the holy gospels, Queen Victoria swore upon them, as all her ancestors have done, "to maintain, to the utmost of her power, the true profession of the gospel." What would be thought of some future Sovereign wishing that oath to be omitted, as he had no faith in the gospel, but, on the contrary, believed it false? Would he be a Christian King? or allowed to sit on this ancient and glorious Throne of England! Never! And would that be a Christian Legislature of which such an apostate was, in Lord Coke's language, *caput, principium, et finis?* Well, and how is it with the other two branches of the Legislature? For 150 years no one has ever sat in either House who had not avowed, on his solemn oath, his Christian belief, unless he has been relieved from doing so under circumstances demonstrative of his fidelity to Christianity. About the Roman Catholic there can, of course, be no question; and Quakers, Moravians, and Separatists, are relieved from taking any oath, absolutely for no other reason than their scrupulous and reverent obedience to a supposed command of their Divine Redeemer! In the case of the excellent Mr. Pease, he expressly declared before a Committee of this House, on oath, in 1850, "I agree in matters of faith with the Church of England, though not as regards her discipline and rites." And beyond the 150 years to which I have referred, our earliest records show that Members were sworn on either some symbol of the Christian faith, or the holy Gospels. Having regard to all this, how can I concur with the right hon. Gentleman the Member for the University of Oxford, who, in his powerful and elaborate speech in 1848, in this House, declared that—simply because we had latterly enlarged our borders, so as to include all classes of persons "calling and professing themselves Christians"—our Legislature is no longer exclusively Christian? Sir, with sincere respect for the right hon. Gentleman, I deny it altogether, and challenge proof of such an assertion. I affirm the contrary, and aver that every existing Member of either House is estopped from denying it, by the oath he has taken. It is true, a man may possibly stand at that table, and in his eagerness to obtain a so greatly coveted seat here, be frightfully guilty of repeating, as true, words which he disbelieves. If he do, I cannot help it; to his own master he standeth or falleth; to Him, his Almighty judge, he must answer in the last day. There is no oath that can be devised or administered which an impious man may not violate or take falsely. But, Sir, look closely into what we are required to do. When challenged to it, we must deliberately and solemnly discard that only visible safeguard of our Christianity, which now keeps out the Jew—and not only him, but the Mahomedan, the pagan, and, worse than all, the avowed apostate infidel—who plainly avows that ours is a false form of religion. Now, Sir, what are all the convulsive struggles of the Jew to get rid of these—to him—excruciating words, "on the true faith of a Christian," but really so many evidences of their inestimable value to us, and of the paramount necessity of retaining them? Surely, surely! if the defenders of a beleagured fortress saw the besiegers steadily concentrating their fire on a particular point, would not that show the immense importance they attached to effecting a breach there, and make the besieged instantly direct their utmost energies to protecting and strengthening the point so seriously menaced? And what would be their joy to discover suddenly that it was, in fact, their strongest point—that there was a secret, and, to themselves, unsuspected means of defence? And, Sir, thus I regard this famous expression, "on the true faith of a Christian," peremptory, stringent, and comprehensive as it is; though, undoubtedly, not originally used expressly for that purpose, it now constitutes a solid buttress, the strength of which has been tested, to the citadel of our Christianity. I thank God that the words are on our Statute-book; I am trying to keep them there; but, after all, they are simply declaratory of what was always there, significant of the essence and spirit of our constitution. It reminds me, in this respect, of Sir Edward Coke's fine observation on the oath of allegiance, which, he says, is but an external profession of what the finger of the law had already written in the heart of every subject.

As we, Sir, are a Christian State, if such a thing there can be, let us test the argument on which the present claim is founded, by putting the case of a Jewish State, consisting exclusively of sincere and zealous Jews. Let us imagine an equally sincere and zealous Christian demanding a seat in the Sanhedrim, and that, to enable him to take his seat, an oath pledging its members to "the true faith of a Jew" should be abrogated. What consternation in the Sanhedrim! Would it be done? or regarded as impiously presumptuous? How mightily would they reason out of their ancient scriptures to show that, were they to yield, they would be false to their faith, and abrogating the high and holy law under which, at an awful juncture, the high-priest rent his clothes, saying, "he hath spoken blasphemy!" and he was judged guilty of death. They would say, no; we cannot, we dare not do it; we should cease to be a Jewish State—our purity would be defiled—we should have introduced a new and corrupting element, and be recognising claims which the word of God commands us to hold in abhorrence. Is not this, Sir, an exact parallel to the case at this moment before us?

And, moreover, if it be, what becomes of the favourite argument derived from the small number of Jews who might be introduced? It is nothing—it is an impertinence. Is this, I beg to ask, the way to reason on principle? Admit a solitary Jew, of right, as such, and the exclusive distinguishing principle—the very bond of our being, as a Christian State—is gone; you have surrendered at discretion, and the Jew will proclaim his victory to the uttermost parts of the earth, where you are busied propagating the Christianity over which he has triumphed! And he will presently tell you that you must alter and surrender a good deal more to meet his views!—the prayers, for instance, with which we commence our daily deliberations, and which he will regard as offensive and insulting to his faith. "One of the unavoidable consequences of this measure," said the late Sir Robert Peel, in opposing the first Jew Bill in 1830, "will be, that every one of the forms and ceremonies which give us assurance of Christianity must be abolished." And let me ask with unspeakable anxiety, that you would consider what effect that would have on public opinion—that public opinion on which, as Mr. Hume truly tells us, all Governments of whatever form are founded. It would probably soon lead to lowering the influence of Christianity on that public opinion, and, once lowered there, how long will it continue as a vital principle in the State?

But, Sir, even this is not all. What a perilous precedent we are called upon to establish! Consider the principle you will be sanctioning: one loosening the very foundation of oaths, which have been in all ages, and under the express sanction of Scripture, used for the highest and most momentous purposes known among men. Why do you exact an oath from the Sovereign? Why from a legislator? Because, by the act of becoming such, he is incorporated with the sovereignty of the State, and contributes individually to determine its character and action. He is, while acting in that capacity, under only moral sanctions, amenable to the dictates of his conscience, and of God alone. And before investing him with such, comparatively speaking, irresponsible power, it is reasonable and right that we should require—for a guarantee of his character and acts as a legislator, and as evidence against him in case of treachery—that he should publicly and solemnly call God to witness that he holds such and such a belief, and will pursue such and such a course of action. Now, Sir, if a Jew is to be relieved from the Christian's oath, because he says, "I do not believe in him whom you call God," what—I implore you to consider—are you to answer by and by, when your approaches are defiled and darkened by a very different character, who says, holding this Bill in his hand, "Now admit me! and without any oath at all! For, as the Jew does not believe in the God of the Christian, I do not believe in the God of the Jew! I believe in no God at all!" Are you to admit the impious applicant? And yet claim to be deemed a godly—or will you become professedly, a godless Legislature?

Sir, I foresee disastrous consequences dependent on the course we are this night called upon to adopt. I content myself, however, with one, vouched by the right hon. Gentleman the Member for the University of Oxford, in 1848. After admitting that our having to legislate on matters of religion, and concerning the Church, constituted a real and practical difficulty in the way of admitting Jews to seats in this House, he stated that, undoubtedly, one direct result to which such a step would lead, would be the separation between the Church and the State! Now, Sir, is the House—is the country—prepared for such a result? one which I believe would be a sort of social suicide, and tend to the dissolution of the State itself!

Sir, for these reasons and many others which I could assign, but that I perceive the anxiety of the House to come to a division, I can never bring myself to sanction the admission of the Jewish element into the Christian Legislature. I entreat hon. Members, in conclusion, to consider carefully the consequences, immediate and remote, direct and indirect, of assenting to the Bill as it lies before us, and without the Amendments of my hon. and learned Friend (Sir F. Thesiger) a step which undoubtedly will open the doors of the Legislature of this Christian country to Mahomedans, and pagans, and even professed infidels, as well as Jews, and the effect of which will be, I fear, fatally to affect the national faith, and in so doing sap the foundations of the national greatness.

Mr. BYNG said, he should support the third reading of the Bill as he considered the effect of the existing oath was to exclude from the House Members of the Jewish persuasion who had been returned by large and important constituencies, and whose conscientious scruples prevented them from taking the oath in its present, although they were ready to take it in a modified, form; while it did not exclude persons who rejected the Scriptures as the revealed word of God, and who, disregarding the solemn obligation of oaths, were ready to subscribe to them.

Mr. T. DUNCOMBE said, it was admitted on all sides, that all parties were ashamed of the oath of abjuration, and there was no occasion to discuss that question any longer. It was therefore to be hoped that the country would no longer see 654 gentlemen professing to represent the intelligence of the people, and a large number of high and distinguished persons representing the hereditary wisdom of the nation, solemnly calling upon God that they abjured any allegiance to persons who they knew had long ceased to exist. It appeared, however, that Gentlemen opposite admitted that it was not the family of the Stuarts of whom they were apprehensive, but that they had an insurmountable objection to the house of Rothschild. But the hon. and learned Gentleman (Sir F. Thesiger) who had moved the Amendment had not told the House how he got over the difficulty of the citizens of London having returned a Jew to Parliament. The citizens of London did not participate in the prejudices of the hon. and learned Gentleman, and they had returned a Jew to represent them in Parliament during nine sessions and two Parliaments. It was degrading to the representative of the city, insulting to the citizens of London, and humiliating to the House of Commons that matters should remain as they were. Suppose that 100 Members of the Jewish persuasion were returned by the constituencies of this country, would the House allow matters to continue in their present state? The hon. and learned Gentleman had alluded to the fact that the Lord Mayor of London had attended at St. Paul's on Thanksgiving-day. He was afraid he should shock the hon. and learned Gentleman much more when he told him that Christian congregations in the city sometimes selected churchwardens of the Jewish persuasion to administer the affairs of a Christian Church. Mr. Keeling, a Gentleman of the Jewish persuasion, had been elected churchwarden for two parishes—St. George, Botolph Lane, and St. Magnus the Martyr—on two or three occasions. He wrote for information on the subject, and received a letter from Mr. Keeling, which he would take leave to read to the House:—

> "Dear Sir,—The parishes I have represented are St. George, Botolph Lane, and St. Magnus the Martyr, London Bridge; to the latter I was re-elected on Easter Tuesday last. The duty involves the safe guardianship of the church, and properties connected therewith; the proper observance of the service in conformity with existing laws; to levy rates for its support, and, if necessary, to enforce the payment of them; to report to the bishop of the diocese any neglect of duty on the part of the ministers; and the declaration made before the registrars of the bishop to carry out these regulations is framed in so liberal a spirit that it has been most conscientiously subscribed to by me, in company with my Christian colleague, without the least sacrifice of my religious scruples. I may say I have faithfully performed the duties of the office to the satisfaction of the rectors and the parishioners generally."

But that was not all. Two or three Sundays ago the Bishop of Lichfield preached a sermon in the church of St. Magnus the Martyr, on behalf of the education of the children of the parish. The Lord Mayor attended there also, and it was of course the duty of the Hebrew churchwarden to receive the bishop with all the honours of the Church. The Bishop left the church without being un-christianised, a subscription was made and Christian education was aided by the exertions of the Jewish churchwarden. He believed that the cause of religion would not suffer very materially if they allowed some few members of the Jewish persuasion to have seats within the walls of the House of Commons. He was glad upon this occasion to see the noble Lord the Member for the City of London come to the rescue. Last year the noble Lord seemed to despond, but he hoped there was now some reason for believing that this question would be settled during the present Session in the other House of Parliament. It must be remembered that an unreformed Parliament had repealed the Test and Corporation Acts, and had conceded Catholic emancipation. He hoped that a reformed Parliament would not perpetuate the last relic of bigotry and intolerance which prevented the admission of Jews into the British Legislature.

Qestion put "That the word proposed to be left out, stand part of the Bill."

The House *divided*:—Ayes 159; Noes 110: Majority 49.

Bill *passed.*

## CAMBRIDGE UNIVERSITY BILL.

Order for Committee read.

House in Committee.

Clause 27 (Colleges to have power to frame Statutes).

Mr. STAFFORD said, he wished to move, by way of Amendment, the omission from the clause of the words, "without prejudice to any existing interest of any member of such college." He trusted that the Government, notwithstanding those words were in the Oxford Bill, would enable the fellows and masters—in short, the governing body of the colleges at Cambridge, to set a better example (by the omission of those words) than that of occupying the invidious position of showing themselves willing to inflict on others that which they would be unwilling to bear themselves.

Mr. BOUVERIE said, that those words were in the Oxford University Act, and had been introduced into the Bill from a respect for the vested interests which the masters and fellows of colleges had in their offices and fellowships. He believed that in the long run the ultimate advantage of these institutions would be promoted by respecting those interests.

Amendment *negatived.*

Mr. HEYWOOD said, he thought that the Statutes hereafter to be framed by the governing bodies of the colleges ought to be in the English instead of the Latin language. He should therefore move the insertion of the words "in the English language" after the word "Statutes" in the same clause.

Mr. BOUVERIE said, he thought the matter might be safely left to the Cambridge authorities. If they liked to make their Statutes in the Latin language, it was to be hoped that Cambridge men, including his hon. Friend, would be able to read them. He thought it would be better that the Statutes should be made in English, but he did not think it desirable for Parliament to make a stringent rule on the subject.

Question put, "That those words be there inserted."

The Committee *divided;*—Ayes 58; Noes 74: Majority 16.

Mr. WIGRAM said, he would move the insertion after the word "following" of the words, "due regard being always had to the main designs of the founder or donor." His object was not to abridge the powers given to the governing bodies of colleges, but to prevent them from disregarding the intentions of the founders. As an instance of the abuse to which the powers granted in the Bill might give rise, he would refer to the 30th clause, which enabled the University to make new rules with regard to endowments, among which was specified the endowment of the offices of Christian preacher and Christian advocate. Now he should not be averse to new rules which were in keeping with the intentions of the original founders, but if the endowments he had just alluded to were to be applied to a professorship of chemistry or botany, or the like, such an application would be a gross and most unjust disregard of the views and intentions of the founder. He denied that Parliament had morally any right to interfere with these endowments without adhering to the conditions upon which the donors gave them. The words he proposed to insert in the clause were not exactly to be found in the Oxford University Act, yet in that measure there was a plain intention that regard should be had to the designs of the founders. The principle he asserted was, that if you accepted a gift of this kind, you were bound to abide by the conditions annexed. That principle ought to be equally observed, in his opinion, even in the case of what were called "local preferences." It was objected, that if you adhered to these local preferences you might be inflicting upon a college persons not qualified by their learning to become members of the college. That, however, was a fallacy, because it had been repeatedly held that, whatever conditions of this kind were annexed to a college benefaction, there was always also annexed to it the implied condition that a person should be *dignus*—that he should be a suitable person to introduce into the college—and unless, therefore, he were a person of that sort the college would not be compelled to award him any of those emoluments. Another objection urged to the principle he sought to maintain was, that it might throw you back upon obsolete schemes long since fallen into desuetude. Such an argument, it was his belief, had no foundation whatever. In all those cases the reason why the old practice had fallen into disuse was because, from the change of circumstances it had become unsuitable to the present time, and if it had become unsuitable and inapplicable to the present state of things, he was quite willing that it should be altered. To meet the objection he had alluded to, he was ready, if it were desired, to adopt an express provision that, in determining what were to be considered the main designs of the founders, any scheme or regulation which had fallen into disuse for a period of, say fifty years, should not be regarded. Nothing was further from his intention than to drive back those foundations to forgotten usages which would be unsuitable to the time and contrary to the interests of the University. The principle involved in his Amendment was a very grave one, and he trusted that it would have the favourable consideration of the Government. He proposed it with no desire to impair the efficacy of the Bill, or to diminish the fair powers which were to be given to the Colleges or the University, but merely for the purpose of maintaining those powers within a reasonable limit, and to prevent the establishment of a precedent which might be made use of in other cases to the prejudice and subversion of the just rights of property.

Mr. BOUVERIE said, he willingly admitted that this was an important question, and he thought that a great deal of the efficiency of the Bill would depend on the clause being retained without the addition of the proposed Amendment. The hon. and learned Member (Mr. Wigram) seemed to give up his whole case when he said that, with respect to many of the foundations, lapse of time had rendered them useless. Now there was one question he would ask the hon. and learned Gentleman: how could the main design of a founder, who existed 200 or 300 years ago, be ascertained? If expressed, it was either in accordance with the general objects of education or not. If the design was not in accordance with those objects, it ought not to be maintained; and where the design was not expressed it must be assumed to be for the promotion of education. The main design, as expressed, of the founder of Queen's College, was, that his soul and the soul of his Queen should be prayed for; and this showed the impropriety and absurdity of making it imperative to regard the designs of the founders. Was it not a monstrous case of abuse that King's College, with a magnificent income of £26,000 a year, should only turn out at the rate of three Bachelors of Arts per annum? The fellows and scholars there were obliged to swear that they would do their best to oppose the spread of the errors of John Wickliffe, and Reginald Peacock, Bishop of Chichester in the time of Henry VI.; but those errors as they were called, were now held by members of the Church of England. Therefore, one of the main designs of the founder was to oppose those very opinions which it was the present object of the University and Colleges to promote. That was the case with respect to those two Colleges, and also with respect to many others, and it was too late at the present day to insist on the observance of the main designs of the founders. It must happen that in the course of time the objects of the founders became useless or even mischievous, and therefore the funds ought to be devoted to other purposes. Consequently, the Committee in dealing with those trusts, must be influenced by no other motive but a desire for the public advantage and utility, and unless they were dealt with on that ground they had better not be dealt with at all. The practical result of the Amendment would be to restrict the freedom of the Colleges, as, at present, in many instances, the original designs of the founders were disregarded.

MR. WALPOLE said, that the right hon. Gentleman (Mr. Bouverie) appeared to think that the insertion of the words proposed by his (Mr. Walpole's) hon. and learned Friend (Mr. Wigram) would do away with the whole effect of the Bill, Now he thought that the experience of the Oxford University Act had entirely removed all ground for any such apprehension. The endowments of colleges were as much property as any which could be held by any Member of that House, and the rights of that description of property had always been held as sacred as those connected with the property of individuals, and to trench upon those rights would be to trench upon the rights of property itself. The right hon. Gentleman said that, if it were found that any of those donations were at present applied in a manner either useless or mischievous, it would be to the public advantage to take them away or alter them so as to make them useful. Now, who was to do that? Were the Colleges or the Commissioners to do it? He could conceive that the Colleges might be allowed, with the sanction of their visitors, and subject to such rules as Parliament might lay down, to alter the character of their own property; but he could not understand that the Commissioners should have such a power conferred upon them. Why, it would be a greater power than had ever been bestowed on any body before. The right hon. Gentleman had referred to donations for praying for the souls of the founders; but that was the exception, and not the rule; and, because alterations might be necessary in one or two cases, that was no reason for conferring such arbitrary powers on the Commissioners, powers which would enable them to alter the character of the trust upon which the property was originally given. If such a principle were recognised, the result would be to deter persons from dispensing their bounty as they did at present upon many most charitable and beneficial objects. It was said that there was no power of finding out the designs of the founders; but actual experience proved that the Court of Chancery was every day administering trusts according to the designs of the founders of them, and the effect of the introduction of the proposed words into the present clause would not be to prevent any absurd or useless provisions from being done away with, but it would show, to the Colleges first, and afterwards to the Commissioners, that they did not possess an absolute power of dealing with this property without any regard to the original trust. He, therefore, trusted that the right hon. Gentleman would not object to the Amendment, and he entreated the Committee to have a proper respect for the trusts, in which in fact they had an equal and an individual interest.

MR. HEYWOOD said, he objected strongly to the introduction of the words. With regard to the fear that had been expressed by hon. Gentlemen, that persons would be deterred from making any donation for benevolent purposes, he could only say that the Legislature would be well employed in discouraging persons from making foolish gifts, nominally for benevolent purposes, but in reality that they might see their names written in letters of gold, to the detriment of their families and friends. To take an example of the absurdity of the old institutions, Mr. Macaulay, before being admitted to a fellowship, had sworn to devote himself to the study of theology, or else after a certain period to relinquish his fellowship; but could any one believe that that distinguished man intended to devote himself to that study? The character of the property of the Universities had been frequently changed, and there was no reason why it should not be changed now if such a change would tend to the public advantage.

Mr. WHITESIDE said, that the scope of the hon. Gentleman's argument was this —that the study of theology, which had regard to our highest interests, was foolish, and ought to be discouraged. He considered those observations as more worthy of the worst days of the National Assembly of France than of the English House of Commons. He presumed that the study of "geology" was that study which the hon. Gentleman would wish to substitute. The drift of the hon. Gentleman's argument was evidently to discourage the study of theology among the youth of this empire. If a founder left a sum of money to a college for the teaching of the Christian religion that was a lawful purpose, and was one with which Parliament ought not to interfere. Those foundations had already produced the greatest lights of the Church, and it would be absurd to contrast any men of the present day with the distinguished divines of former days. He denied that endowments for the promotion of various branches of education were an encouragement to superstition; and he put it to the Committee to say whether, if a man were to endow a foundation for the study of the works of Roger Bacon, it could be viewed in that light? He would support any Amendment which had for its object the preservation of those time-honoured and valuable institutions. The worst argument he had ever heard against the words proposed was the argument of the hon. Member opposite (Mr. Heywood); and if he had had any doubt as to the necessity for the insertion of those words that doubt would have been removed by the argument of the hon. Member. Cambridge University possessed many valuable and useful endowments, and though the hon. Member had asserted that these were the fruits of the vanity of the founders, it ought to be kept in view that but for such persons this country would not have possessed the noble charities for which it was remarkable.

Mr. BOUVERIE said, he would point out that, of the 700 or 800 scholarships belonging to the University, 400 were restricted. Although those restrictions might be wise and salutary when they were first founded, they had become useless and prejudicial by the lapse of time, and Parliament, he considered, had now a perfect right to deal with them in the manner which it thought most likely to be beneficial to the promotion of education. As a test of the comparative value of open and restricted scholarships, he might mention that of holders of the open scolarships at Trinity one in every four got a fellowship, while, of the Westminster scholars at that college, only one in twenty-two got a fellowship. The Amendment of the hon. and learned Member had a much wider operation than the words in the Oxford University Act to which he had referred, for while those stated that the observance of the wishes of the founders should be one of the objects of the statute, those words would override the statute altogether.

Mr. J. G. PHILLIMORE said, he had listened with great pain to the speech of the right hon. Gentleman, a speech which would have been a great deal more in place on the other side of the Atlantic than in the English House of Commons. He had not, however, been in the least surprised at the observations of the hon. Member for North Lancashire (Mr. Heywood). That hon. Gentleman avowed that he wished to discourage charitable bequests, and he had certainly taken the surest mode of doing so. The hon. Gentleman reminded him of a saying of Montesquieu, who observed that a certain tribe of savages, when they wanted to gather fruit, cut down the tree. The right hon. Gentleman (Mr. Bouverie's) remarks with respect to the Westminster scholars was exceedingly unfair; because, as he had himself admitted, a great number of the Westminster boys went to Christchurch. Besides, he denied that the obtaining of fellowships was necessarily a test of eminence. Amongst the Westminster boys who did not become fellows was no less a man than John Dryden. He would remind the right hon. Gentleman, also, of the dictum of a great American jurist, and one who had certainly no superstitious fondness for English institutions—he meant Chancellor Kent. That great Judge said that these very collegiate institutions were "amongst the most interesting and meritorious trusts which could possibly be created and confided to men." When he (Mr. Phillimore) was taunted with the great commentators whom the German Universities had produced, he would point in reply to the debates in that House, to the great men who had adorned it, to the useful laws they had passed, and to the great constitutional principles they had established. It was in the Colleges of England that the minds of our statesmen were trained; and he believed that just as in the middle ages those institutions were the means by which alone persons of humble origin might raise themselves, and earn a great name for themselves and their country, so in those times they were still the great means by which those who were not born of opulent and splendid families, might qualify themselves for the service of their country, and win for themselves such distinctions as society could bestow.

Mr. T. CHAMBERS said, that for the last reason alleged by the hon. and learned Gentleman, he should oppose the Amendment. Besides, the words sought to be introduced were completely contradictory to the rest of the clause.

Viscount PALMERSTON said, that to judge from the arguments of hon. Gentlemen opposite who supported the proposal one would imagine that the Bill had for its object to suppress all these collegiate establishments—to apply their property to purposes altogether different from those to which it was now applied—and, in short, to deal with the University of Cambridge much in the same way that Henry VIII. dealt with religious houses. Now, certainly, nothing was further from the intention and object of the Bill than any such purpose. The Amendment of the hon. and learned Gentleman (Mr. Wigram) in his opinion, would really go to defeat the real purposes of the founders. The University of Cambridge had described itself as an institution for the promotion "of sound learning and religious education." Those were the objects for which those estates had been left, but they had been left at a time when peculiar notions existed as to the best mode of accomplishing those objects. Some of the founders thought that the best method was to insist that no person should be a fellow unless he belonged to a particular county. Other restrictions of various kinds were imposed, tending to defeat the purposes of promoting sound learning and religious education, and to render the college less available for the purpose for which it was endowed. Every member of the University was aware of what had passed with regard to St. John's College. Originally its fellowships were what were called close — that was, none but Lancashire, Cumberland, or Westmoreland men could obtain a fellowship. He recollected the time when that was changed. It appeared that there was a power in the visitor to alter the statute, which was defeating the main object of the founder. ["No, no!"] Well, it must be so construed according to the arguments they had just heard—namely, that however obsolete or absurd the conditions were which the founder attached to the grant they must for ever be observed. The spirit of the words proposed would go to rescind the opening of the fellowships of St. John's, and would re-establish the system which the college itself had held to be prejudicial to education. If they wished the University of Cambridge to be as useful as possible in the diffusion of sound learning, they ought to leave the colleges at liberty to sweep away all those small, ridiculous, obsolete restrictions which tended to defeat what they were bound to consider were the main objects of the founders, and which prevented the University being so useful as it might be in promoting sound learning and religious education.

Mr. WALPOLE said, that it was a little remarkable that, although the noble Lord (Lord Palmerston) advocated the omission of the words proposed, on the ground that the main object of the University was the promotion "of sound learning and religious education," the clause, as it stood, would delegate, first to the Colleges and then to the Commissioners, a power to act in entire disregard to that object. There were no words requiring the Commissioners to make alterations only so as to promote "sound learning and religious education." They might, if they pleased, direct the exercise of their power in a direction completely the reverse. With reference to what had fallen from the hon. and learned Member for Hertford (Mr. T. Chambers), he observed that the enacting part of the clause gave to the Colleges and Commissioners the power of making a great many alterations. The supporters of the Amendment did not wish to cripple that power in any way, but they wished to direct it, and the only mode by which they could direct it was to insert in the clause words indicating the direction which it ought to take.

Mr. ROBERT PHILLIMORE said, that the test applied by the right hon. Gentleman (Mr. Bouverie), of the small number of scholars from Westminster who obtained fellowships at Trinity, had no application to the present case. Lord Chief Justice Jervis and Mr. Justice Williams had been scholars at Westminster, but they had not obtained fellowships at Trinity. All that the words proposed to be inserted would do, would be merely to require that attention should be paid to the main objects of the founders. He should therefore vote against the clause.

Mr. HENLEY said, that the noble

Lord at the head of the Government had described the object of the University as being the promotion "of sound learning and religious education," and he (Mr. Henley) supported the insertion of the words proposed because they appeared to him to secure the main object. It was clear that those who were sitting behind the noble Lord wished to get rid of the object which the noble Lord wished to secure. There was nothing in the Bill as it stood which would prevent the Colleges or Commissioners appropriating the college funds, not for the promotion "of sound learning and religious education," but for any purpose that might be uppermost in their minds. He could not understand why the insertion of the words proposed should be objected to.

Mr. FORTESCUE said, he entertained an objection to the insertion of the words, on the ground that different meanings might be attached to them, according to the opinions or feelings of the persons who might have to carry out the provisions of the Bill, and would in all probability seriously affect the working of the measure.

Mr. WIGRAM said, that his sole object in moving the Amendment was, that Parliament should not in appearance do anything to subvert what was the main intention of the founders. Unless some such safeguard were provided, he was convinced that many charities founded solely for the poor would pass into the pockets of the rich. The chance of a poor man getting his son into the University depended almost wholly on those local privileges. He would propose to vary his Amendment as follows:—

> "Due regard being always had to the main designs of the founder or donor, so far as consistent with sound religion and learning."

Mr. BOUVERIE: That makes it still stronger.

Mr. WIGRAM said, his object was to ascertain whether the right hon. Gentleman had any words of his own to propose. If not, he should adhere to his Amendment as originally proposed.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 78; Noes 97: Majority 19.

Mr. HEYWOOD said, he would now move to insert, in line 32 of the same clause, after the word "such," the word "headships." The object was to enable the Commissioners to make alterations with regard to the headships, as well as the fellowships and other emoluments.

Mr. BOUVERIE said, he objected to the proposal. He thought that when a man got to the head he ought to remain there.

Mr. HEYWOOD said, that his proposal would only affect future heads of colleges. He had corresponded with several masters of arts who were favourable to the alteration.

Question put, "That the word "headships" be there inserted.

The Committee *divided*:—Ayes 41; Noes 145: Majority 104.

Mr. HEYWOOD said, he wished to propose the insertion in line 43 of the same clause, after the words "for the" the words "encouragement of studies in modern history, practical science, and modern languages, and for the". His object was to introduce modern studies into the University of Cambridge. When he was there he wished to attend the lectures on modern history, but was told by his tutor that it would do him no good in the examinations. He understood that the Oxford Commissioners had proposed that in one of the colleges there a fifth part of the fellowships should be set apart for physical science. He therefore hoped the same thing would be done at Cambridge. His Amendment he considered was of importance with regard to Parliament itself, for he did not think that senators were well educated unless they were acquainted with modern history, practical science, and modern languages.

Mr. BOUVERIE said, he fully admitted that it was very desirable that modern studies should be pursued at Cambridge, but the question was, how it could best be done. The Bill contained a general provision that colleges should have the power to introduce such studies as part of their course, and he thought that the object in view would be more effectually secured by a comprehensive provision of that kind than by the words proposed to be added to the clause by the hon. Gentleman.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 55; Noes 136: Majority 81.

Mr. HEYWOOD said, he would now beg to propose, as an Amendment, that the following words should be inserted in the clause after the word "fellows," as one of the objects for which Statutes should be made—namely, "for exempting students who may conscientiously object to attend the existing Liturgical Services in the College Chapel from compulsory attendance. His desire was, that those who did not belong to the Church of England should not be compelled to attend its services. That rule was followed in Trinity College, Dublin.

MR. BOUVERIE said, he objected to the introduction of the words, because the general clause empowering the governing body to form Statutes would enable them to make such an arrangement as the hon. Gentleman proposed if they chose to do so; and he believed that in some of the colleges there would be no indisposition to take that course.

MR. HEYWOOD said, he did not believe the authorities of the colleges, though they possessed the power, would make such a Statute as he proposed.

Question put, that those words be there inserted.

The Committee *divided;* when there were, Ayes 90; Noes 128: Majority 38.

Clause, as amended, *agreed to*, as was also Clause 28.

Clause 29 (When Colleges omit to make Statutes, Commissioners may frame them.)

MR. WIGRAM said, he wished to move an Amendment, putting the election to the mastership of Jesus College on the same footing as that of Magdalen, and that the interest of the Bishop of Ely in such election should cease.

MR. BOUVERIE said, he must explain that the interest of the Bishop of Ely in Jesus College was to cease after the death of the present Bishop.

MR. HENLEY said, he could not see how they were to separate the nomination of the living which was attached to Jesus College from that of the mastership.

MR. FORTESCUE said, he would now beg to move an Amendment taking away the power, now given to two-thirds of the governing body of any college, to negative the recommendation of the Commissioners. No body about to be reformed by the provisions of such a Bill as the present, was likely to carry the reform out with such a power of a veto given to them. It was holding out a temptation to the Colleges at Cambridge to thwart the objects of the Bill. When a similar clause was introduced into the Oxford University Bill it was not part of the original Bill, but adopted by the Government when they found that they could not help it—when they had great difficulties in carrying the measure, and were obliged to conciliate on all sides. It was a mere concession to the opposition, and assuredly no part of the views of the promoters of the Bill. The noble Lord even said that the proviso would impair the objects of the Bill, and oblige them to come in two or three years to that House for an amended Bill. It was well known in Oxford that the proviso had been a serious hindrance to the operation of the Bill. The governing body of new College had exercised their veto against a scheme of the Commissioners for throwing open the scholarship of the College, now confined to students from Winchester. St. John's College would most likely follow the example, in vetoing the scheme for throwing open the scholarships now almost entirely given to Merchant Tailors' School. Jesus College would most probably do the same thing. He therefore appealed to the Committee to remove so serious an embarrassment to the working of the Bill.

Amendment proposed in page 9, line 16, to leave out from the word "thereof" to the end of the clause.

MR. BOUVERIE said, he would admit that if he had framed the Bill without the precedent of the Oxford Act, he would hardly have introduced the proviso; but it must be remembered that the subject had been fully discussed during the progress of the Oxford University Bill and a very strong feeling existed in favour of the introduction of a proviso of this nature.

SIR WILLIAM HEATHCOTE said, it was true that in the case of the Oxford Act the Government endeavoured to conciliate the Opposition by abandoning minute legislation, but he was not aware that they ever disputed the necessity of affording some protection to the colleges against the otherwise irresponsible power of the Commissioners. With respect to the refusal, or rather intimation of dissent, from New College relative to Winchester School to the scheme of the Commissioners to deal with those institutions together, he was prepared to assert that such refusal or dissent was justified upon the ground of the scheme being injurious to a place of learning and education.

MR. GORDON said, that the Amendment, if carried, would not only deprive the colleges of all opportunity of objection, but would absolutely leave them in ignorance of the Statutes by which they were to be governed.

Question put—"That the words 'Provided always, That all such Statutes' stand part of the clause."

The Committee *divided*:—Ayes 165; Noes 93: Majority 72.

Clause *agreed to*.

Clause 30.

Mr. WALPOLE said, he wished to move the insertion of the words "sound learning and religious education."

Mr. HEYWOOD said, he should oppose the Amendment. He believed that, according to the interpretation of the University authorities, "sound learning" would be found to mean a Greek and Latin education; and a "religious education," the religious teaching of the Church of England. Now, he was in favour of modern studies being introduced into the University, and he was still more decidedly in favour of Dissenters being admitted to all its honours. He certainly, therefore, could not approve of the Amendment.

Mr. BOUVERIE said, it was his opinion that "sound learning" did not mean Latin and Greek exclusively, though he believed religious teaching would mean that of the Church of England.

Mr. T. CHAMBERS said, he would suggest that, for consistency's sake, "religious education" should be introduced into Clause 28.

Mr. J. G. PHILLIMORE said, he did not see why the words "sound learning" and "religious education" should be objected to.

Mr. BOUVERIE said, he would look at the clause, and also at the words proposed to be inserted in the 28th clause, and state what he thought should be done.

Clause *agreed to*.

Clause 31.

Mr. WALPOLE said, the clause, as drawn, would operate thus:—The University would have the power of making Statutes within two years, and if they did not do so the Commissioners would have power to make Statutes until 1860; after which the University would again have the power of making Statutes, and, consequently, might undo all that the Commissioners had done. Now that, he maintained, was not a very satisfactory state in which to leave the University with respect to the Commission. What he desired to propose was, that they should do one of two things,—either omit the clause altogether, or leave the Commissioners power to make alterations, if the University failed, provided two-thirds of the governing body of the University agreed to such alterations.

Mr. BOUVERIE said, he objected to omit the clause altogether. It was proposed to give the Commissioners power to deal with the Statutes—first with the Royal Statutes, and next with the Statutes connected with the endowments. He was ready to concede a power to the colleges to dissent from any Statutes proposed by the Commissioners with respect to endowments, but not with regard to the Royal Statutes.

Mr. WIGRAM said, he could not conceive how the proviso, giving the University power to object to the alteration of all Statutes, was open to objection. If ever there were a body which deserved confidence it was the University of Cambridge. There never had been a corporation which had shown more alacrity to adopt improvements.

Mr. HEYWOOD said, he would remind the Committee that the University of Oxford had recently determined that the Professor of Anatomy should sign the Thirty-nine Articles. He believed the Professor of Anatomy was about the last person to believe the Thirty-nine Articles; and that if we took the medical profession throughout the country, ninety-nine out of a hundred did not believe in those Articles. The Commissioners objected to the test of the Thirty-nine Articles; but if the Committee allowed two-thirds of the Council to object, they might have a similar case occurring at Cambridge. At present Dissenters were admitted there even without a revision of the Statutes.

Clause *agreed to*.

Clause 32, Right of preference belonging to schools not to be abolished in certain cases if two-thirds of the governing body of the schools dissent therefrom.

Mr. FORTESCUE said, he should move the omission of the clause. The clause gave power to schools as well as colleges to defeat the whole object of the Bill, by enabling two-thirds of the schools to put a veto on any clauses for reform proposed by the Commissioners. It did not follow logically that because the Committee had rejected his Amendment on the former clause they should object to his Motion now, to omit the clause from the Bill.

Mr. ROUNDELL PALMER said, that having proposed and carried a similar clause in the Oxford Bill to that which the hon. Gentleman now proposed to omit, he hoped the Committee would not take a course so grossly inconsistent as to refuse to the schools connected with Cambridge the same privilege which they had given to the schools and colleges connected with the sister University. It appeared to be a gross oversight to forget the interests of the schools and minor places of education dispersed over the kingdom, and to fix attention exclusively on the Universities. Education was of general interest, promoted as much by schools as by Universities; and it appeared to him to be a short-sighted jealousy which would lead to the sacrifice of schools, even to promote some degree of advantage to the University. But the schools would certainly be sacrificed if they took away all the exhibitions and scholarships which had been established by the founders or masters of the schools or endowments, for the purpose of facilitating the passage into the Universities of youths educated in the schools. It would, in fact, amount to confiscation. The adoption of a clause of this kind in the Oxford Act had not resulted in any mischievous consequences, and he trusted the Committee would not stultify itself by agreeing to the Amendment.

MR. FORTESCUE said, that, as the Bill was at present framed, if the scheme proposed by the Commissioners was rejected, they had no other resource than to report the fact to the Secretary of State. He would therefore submit that a power of appeal should be given to them.

MR. WALPOLE said, he wished to know upon what ground should a right of appeal be given to the Commissioners? A power of appeal was only given to persons interested and affected by the matter in question; but the Commissioners were simply delegated to see that the powers of the University were properly put in motion.

MR. FORTESCUE said, he regarded the Commissioners as the representatives of the House of Commons, and that they had therefore quite as good a right to be heard before the Privy Council as any other party.

Clause *agreed to;* as were also Clauses 33 to 37, both inclusive.

Clause 38.

MR. ROBERT PHILLIMORE said, he wished to move the omission of certain words for the purpose of giving an appeal against any new Statutes to the Judicial Committee of the Privy Council, instead of five Members of the Privy Council, including two members of the Judicial Committee, a provision which had, he said, given rise to great difficulty in the case of the Oxford University.

SIR GEORGE GREY said, he was not aware that any inconvenience had resulted from the provision in the Oxford Act. One petition only had been presented, which had been referred to five Members of the Privy Council, including two Members of the Judicial Committee, and by them disposed of satisfactorily.

Amendment *negatived.*

Clause *agreed to.*

Clause 39. (The Statutes to be laid before Parliament, and unless an Address is within forty days presented by one or other House praying Her Majesty to withhold Her consent, it shall be lawful for Her Majesty, by Order in Council, to declare Her approbation of such Statutes.)

MR. HEYWOOD said, he wished to extend the time from forty days to four months, which would allow of a longer period for the consideration of the Statutes in Parliament, and would give to independent Members a better chance of obtaining a day on which to move an Address.

MR. BOUVERIE said, he would not object to sixty days being substituted for forty.

MR. GLADSTONE said, he hoped the right hon. Gentleman would reconsider the point. By this provision in the Bill it was not intended to reserve to Parliament the principal function of considering the Statutes in their particulars. The House of Commons was not at all fit for such an office; they provided a Commission to review the operations of the colleges in the way of legislation, or, if necessary, to assume to themselves the power of legislation; and the appeal to that House was only provided in the improbable case of some gross violation of the trust confided to them on the part of both the Commissioners or the University. He looked upon the period of forty days as ample for the object in view; a longer term would be very inconvenient to the colleges, as well as wholly unnecessary.

MR. COLLIER said, he should support the Amendment, which would afford a reasonable time to independent Members to move an Address, instead of leaving them at the mercy of the Government.

SIR GEORGE GREY said, he thought it advisable that the practice should be the same both with regard to the Oxford and the Cambridge Statutes. There would always be ample opportunities during the period mentioned in the clause for independent Members to bring forward any Motion they might wish to submit to the House.

Mr. WALPOLE said, that the object of making the House of Commons a Court of Appeal was to provide against the contingency of the Commissioners flying in the face of the Act. It was not intended as a general rule that the House of Commons should review the acts of the Commissioners.

Clause *agreed to.*

Clause 40.

Mr. WIGRAM said, he objected to the power given to the Commissioners of sweeping away all the Statutes. There were many portions of the Elizabethan Statutes which he thought it might be desirable to retain. For instance, it was provided that no undergraduate should be expelled without the approbation of the majority of the heads of colleges. It was also provided that there should be a uniform system with regard to the taking of degrees. He could not see the necessity of arming the Commissioners with such a power in express terms.

Mr. BOUVERIE said, he thought it better that the Commissioners should be enabled to deal with the code in a comprehensive manner.

Mr. WALPOLE said, the clause was merely an intimation as to the nature of the Commissioners' functions.

Clause *agreed to.*

Remaining Clauses *agreed to.*

House resumed.

Bill *reported.*

## DUBLIN METROPOLITAN POLICE BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. VANCE said, he objected to the Bill on a point of form, as it proposed to give certain compensation charged on the Consolidated Fund, and therefore should have been introduced in a Committee of the whole House.

Mr. SPEAKER said, that the hon. Member had raised the same objection a few nights before. He had examined the question, and found that the 17 & 18 *Vict.* c. 94, had removed those charges from the Consolidated Fund to the annual Estimates; and the Bill was therefore correct in point of form.

Mr. Serjeant O'BRIEN said, he would ask the Government whether, at that hour —just one o'clock—it was decent to take a Bill with 185 clauses, objected to as it was by all parties in Dublin?

Mr. HORSMAN said, he hoped the Bill would be allowed to pass a second reading. He believed it was not objected to on principle. It was only a consolidation Bill.

Mr. GROGAN said, that he was surprised to hear such a statement. The Bill was vehemently objected to by the people of Dublin, and it was very different from a consolidation Bill. It extended the provisions of the Act it professed to consolidate; for example, as to enabling the Lord Lieutenant to include parishes in the police districts of the city within ten miles round it. The whole county might as well at once be included. Then, again, there was an extraordinary provision as to the police magistrates and police "Commissioners," as they were called in this Bill. To all intents the magistrates had hitherto been deemed as superior authorities; but this clause made them subordinate. It was so important, however, that a consolidation Bill, or some good Bill for the regulation of the police in Dublin should be adopted, that he was quite ready to make a compromise with the right hon. Gentleman the Secretary for Ireland, which was this—that the Bill should be read a second time now and referred to a Select Committee, with power to examine witnesses, and decide on the course to be afterwards pursued. Let the right hon. Gentleman adopt that course, and he (Mr. Grogan) would agree to the second reading now. If not, he should feel it to be his duty to move, as an Amendment, that the Bill be read a second time that day six months. By taking that course he believed no injury would accrue either to the city of Dublin, or to the parties whom it was proposed to benefit by the Bill; whilst an opportunity would be given for making the measure satisfactory to all classes concerned. On the other hand, if the right hon. Gentleman proceeded with the Bill he was afraid that, in accordance with the wishes of the corporation and inhabitants of Dublin, he should have to give it all the opposition in his power. He begged to move, therefore, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. HORSMAN said, if he were to accede to the proposal of the hon. Member for Dublin they would be unable to pass the Bill during the present Session. The objections that the hon. Gentleman made were rather objections of detail, which could be more properly discussed in Committee. It was, he maintained, only a consolidation Bill which had been drawn without any intention to alter the existing law, and if any alteration had been made, he was ready to remedy that in Committee.

MR. P. O'BRIEN said, that the citizens of Dublin entertained a general objection to the whole system of the police of that city, which they were anxious should not be sanctioned by the passing of any such Bill as that before the House. He particularly objected to the 149th clause, by which a constable was empowered to arrest a person without a warrant for, among other things, the use of obscene language. The other day, a number of persons were taken before the magistrates, of course by the direction of the Police Commissioners, charged with using such language, and, when questioned as to what that language was, a policeman replied that they had said, "Damn the police!"

MR. VANCE said, he thought there was a strong *primâ facie* case against the Bill, inasmuch as it went directly in the face of the constituted authorities of Dublin.

MR. J. D. FITZGERALD said, that the objections to details which had been urged were the best reasons for going on with the Bill. They were all objections to the existing law, which if the Bill were not proceeded with, must remain unaltered; but which might, if they went into Committee, be amended. The Bill was substantially a consolidation Bill, reducing into one that which was now scattered over thirteen confused Acts of Parliament. At the same time it reduced the number of magistrates from nine to five, and thus tended to lessen the public burdens.

MR. WHITESIDE said, he was of opinion that the Bill should be referred to a Select Committee. He knew nothing more unmerciful, on the part of the Attorney General for Ireland, than to inflict this Bill, containing 185 clauses, on a Committee of the House. No doubt it would be a rich intellectual treat; but he thought, with so many details, the matter should be referred to a Select Committee.

COLONEL TAYLOR moved the adjournment of the debate.

VISCOUNT PALMERSTON said, he hoped the House would read the Bill a second time now, and leave the question of referring it to a Select Committee for future consideration. Of course the Government were open to receive, and ready to entertain, suggestions on the subject of the proposed change in the law.

MR. GROGAN said, he must complain that neither the corporation nor the magistracy of Dublin had yet had an opportunity of considering the Bill.

MR. P. O'BRIEN said, that the Bill was conceived in the same spirit as the Counties and Boroughs Police Bill, which English Members had so much opposed. For the sake, then, of consistency, he had a right to call upon English Members to oppose the precipitate second reading of the measure, which was just as much a blow against the principle of local self-government as the objectionable English Bill.

SIR GEORGE GREY said, it was of importance that the Bill should be got through in the course of the present Session; but that certainly could not be done if it were referred to a Select Committee, except under the assistance and forbearance of the House. No doubt the best tribunal for discussing the details of the Bill would be a Select Committee; but then, if that course were adopted, it must be understood that the House would accept the Bill as it came down from the Committee. However, the Government would rather that the Bill should be read a second time at once, and the question of referring it to a Select Committee reserved for future consideration.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 52; Noes 65; Majority 13.

Question again proposed, "That the word 'now' stand part of the Question."

Whereupon Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 46; Noes 69: Majority 23.

Question again proposed, "That the word 'now' stand part of the Question."

Debate arising; Debate *adjourned* till *Thursday.*

The House adjourned at a quarter after Two o'clock.

## HOUSE OF LORDS,

*Tuesday, June* 10, 1856.

MINUTES.] PUBLIC BILLS.—1ª Oath of Abjuration; Small Debts Imprisonment Act Amendment (Scotland); Excise.
3ª Juvenile Convict Prison (Ireland); Public Health Supplemental; Hay and Straw Trade.

### NON-CONSECRATION OF BLANDFORD BURIAL GROUND—EXPLANATION.

**LORD PORTMAN** begged permission to claim their Lordships' attention for a few minutes, on personal grounds, while he referred to a subject of which he had given the right rev. Prelate (the Bishop of Oxford) notice, and which related to certain statements made by himself and by the right rev. Prelate in the discussion which had arisen on Thursday last, on the refusal of another right rev. Prelate (the Bishop of Salisbury) to consecrate the Blandford burial-ground. He felt confident that the right rev. Prelate would be obliged to him for affording him the opportunity of correcting anything that might have fallen from him in the heat of debate, or owing to inaccuracy of memory. The right rev. Prelate, on the occasion alluded to, said he would put no confidence in certain "hear-say" statements which he (Lord Portman) had made. He (Lord Portman) now begged to state that the "hear-say" statements made by him on Thursday last had since been fully confirmed. He had made no pretence to making a statement to their Lordships, beyond that he himself believed it to be true; and he believed it on the character of the party who gave him the information. He (Lord Portman) stated that there was no communion table in the chapel of the cemetery at Woolwich, on the occasion when the right rev. Prelate opposite consecrated that ground. The right rev. Prelate, however, stated as an eye-witness that there was a communion table.—[The Bishop of OXFORD intimated dissent.]—The right rev. Prelate had certainly been very cautious in the way in which he alluded to the chapel at Woolwich,—at all events, he said there was "a table;" and as their Lordships were talking about communion tables, it might well be presumed that the right rev. Prelate meant that there was a "communion table." The right rev. Prelate, however, said that he did not precisely recollect whether there was a communion table or not in the chapel at Woolwich, since, whether the ceremony of consecration was according to his views or not, taking place as it did in the diocese of another Prelate — London, — he should not have thought it a point of conscience. Now, he (Lord Portman) submitted that the right rev. Prelate ought not to have proceeded in a ceremony not according to his own views, if he deemed his views to be essential and matter of necessity. He might quote great writers upon such a point, if he thought necessary, but he would not trouble their Lordships: he would only say that in his own opinion no man was warranted in doing what he thought to be wrong merely because he was acting as the deputy of another. In matters of total indifference—matters signifying nothing one way or the other —a man was at liberty to act as he pleased; but in matters of conscience and essence, the case was far otherwise. If, then, the right rev. Prelate thought that a communion table—and the celebration of the holy communion were essential to the consecration of the chapel and burial-ground at Woolwich—he could not understand how the right rev. Prelate could waive his own opinion in deference to that of the Bishop of London. The gentleman on whose authority he (Lord Portman) had made the statement had informed him that there was no communion service and no communion table on the occasion of the consecration of Woolwich burial-ground. But with the view of being perfectly accurate, he (Lord Portman) had written to the Clerk of the Burial-board, at Woolwich, requesting information as to the real state of the facts, and from the reply of that person he was sure the right rev. Prelate would admit that he had been mistaken. The reply of the Clerk of the Burial-board was in these words:—

> "In reply to your note of the 7th, I beg to inform you that there is not a communion table in the chapel of the cemetery at Woolwich, and that the Holy Communion was not celebrated at the consecration of the burial-ground."

He (Lord Portman) found in a paper delivered this day, that the Chancellor of the Bishop of London receives a fee of five guineas for advising the Bishop whether the proceedings of every consecration were strictly legal, so that it was clear the Bishop of London was advised carefully that all is legally done, and he (Lord Portman) preferred to trust such advice rather than the caprice of the Bishop of Oxford. He wished to mention, also, that he had received a letter from a gentleman named Gray of Newbury, who was unknown to him, though he believed he was known to some of their Lordships, stating that he had paid much attention to the debate on Thursday last, and that he had been much struck by the remark of the Bishop of Oxford, in reference to what he had done at Woolwich as the deputy of the Bishop of London. Mr. Gray stated that some years ago the Bishop of Oxford had himself, in his own diocese—at Newbury—consecrated a burial-ground, in which not only was there no communion table, but not even a chapel. After hearing this he was sure the right rev. Prelate would be glad of the opportunity of putting himself right with their Lordships, especially as he had attributed to him a further inaccuracy in alleging that there was a difference of practice between the right. rev. Prelate and the Bishop of Salisbury; with regard to whom he might be allowed to say, in passing, that he disclaimed every degree of ill-feeling, and the differences in whose diocese, arising out of the matter referred to on Thursday evening, were not unlikely to be adjusted by the kindly intervention of the Bishop of St. Asaph. Whatever rules the right rev. Prelate might say he made, no one could fail to observe that his practice was not uniform; those who watched him, and saw that he did not adhere to any rule, had a right to say that he did not insist on a communion table in a cemetery chapel, and had a right to believe that it was quite a matter of indifference, as no one would wish to attribute to him that he would yield to any temporary purpose what was really essential. He (Lord Portman) would now appeal to their Lordships whether he had been wrong in relying upon hear-say evidence in these matters, and whether his statements had not been confirmed by the testimony of others? He felt exceedingly sorry that he should have been held up to their Lordships as having furnished them with erroneous information; and he trusted they would excuse him for having given the right rev. Prelate an opportunity of putting himself right with the House on these subjects.

THE BISHOP OF OXFORD said, the noble Lord charged him with two inaccuracies; first, with having stated that there was a communion table in the chapel at Woolwich, when there was none; and, secondly, with having told the House that the usage in his diocese was the same as in Salisbury, when such was not the fact. Besides this, the noble Lord charged him with having violated his conscience (if his conscience were rightly informed) in adopting in the diocese of London the usage of that diocese when he was acting in behalf of the Bishop of London. As to the first of those charges, the facts were simply these:—When he went to the cemetery chapel at Woolwich, the form used in the diocese of London was put into his hand as the official document for his guidance. The rubric prefixed to that document provided that the Bishop, with his chaplain, should be received at the door of the church or chapel by the chancellor, registrar, minister, churchwarden, or others, and having proceeded in his robes to "the communion table," the service of the day was then to be read by the officiating minister. Now, he had been duly received in the form here prescribed, had been conducted in his robes to a chair placed beside a table covered with a decent red cloth, and situated under the east window; his chaplain took his seat on the south side of the table; and the officiating minister then proceeded to read the service. He (the Bishop of Oxford) took it for granted that the table before his eyes was what the rubric called a communion table, and he appealed to their Lordships whether this was not a natural supposition, and whether it could be described by any other name? By to-day's post, however, he had received from the rector of Woolwich a letter, stating that the noble Lord had submitted to him a string of interrogatories as to whether the table in question was not a common dining table? whether it was not covered by a green baize cloth?—and the like; in answer to which their Lordships had heard that it was a decent table, covered with a red cloth, such as these tables were commonly covered with. It certainly appeared now that this table was not intended to be left there; and in the letter to which he had referred the rector of Woolwich said,

> "I have evidently led you into a mistake by the arrangement I made. As it was necessary that a table should be placed somewhere for your convenience, and the place under the east window was the most appropriate position for it, that part of the chapel was selected for the purpose. It certainly had all the appearance of a communion table."

As to the second alleged misrepresentation, he (the Bishop of Oxford) had said, that the rule adopted in the diocese of Salisbury with regard to these consecrations was the same as that of his own diocese. This statement was strictly correct. It was true that many years ago, before he had considered the subject, he had consecrated the chapel at Newbury without a communion table. The service of his diocese had not been drawn up, and when speaking last Thursday, he certainly did not think it necessary to state that, when young in office and before he had considered the question, he had on one occasion not adhered to that rule. He did not think there was any material misrepresentation in this. As to the third charge, that he had violated his conscience, because in an essential matter a man had no right to do for another what he would not do for himself, this point all turned on the meaning of the word "essential." He held that by the canon law and by the law which the Church of England had established there was no complete consecration of a cemetery chapel or church without the celebration of the Holy Communion. The question was supposing the Bishop of London only consecrated the cemetery, and did not consecrate the cemetery chapel, was there any violation of principle in his saying that he would adopt the form used in the diocese of London, which left that chapel unconsecrated? In his own diocese he had consecrated cemeteries without any chapel in them, in cases where there was a difficulty on the part of the parishioners in building a chapel, and of course there was no Communion there. He certainly thought it a mistake that in any diocese a cemetery chapel should not be legally consecrated, so that it remained an unconsecrated building in a consecrated cemetery, but he thought he should be straining at a gnat if he refused his assistance to one of his right rev. brethren in performing a ceremony of this sort, because that right rev. Prelate thought proper to permit the existence of an unconsecrated chapel. The consecration service in the diocese of London did not set apart the cemetery chapel for the service of God; it simply dealt with the burial-ground about the chapel. He trusted that the noble Lord having stated that all his anger to his right rev. Friend had passed away, would, after the explanation which he had just offered, extend his amnesty to him. It was very painful to him to think that any noble Lord should entertain anything like a grudge towards him, and he could assure their Lordships that, although he had spoken strongly in defence of one of his right rev. Brethren, he had no intention of misrepresenting the noble Lord. For his own part, he felt strongly upon the subject. He had for ten years had the experience of the episcopal work in a large agricultural diocese, and he had found that the opening and consecration of churches and chapels was the only opportunity afforded to the Bishop to partake, in conjunction with his clergy and the leading members of the laity, of the holy sacrament. That practice had in his own diocese been attended with most beneficial results by giving rise to feelings of kindliness, by removing fancied impressions of slights experienced, and by establishing a oneness in the Church of Christ, and he should therefore deeply regret anything which might tend to the discontinuance of the practice.

THE EARL OF MALMESBURY said, that although this was an irregular conversation, he believed their Lordships would consider it of importance. Without entering into the controversy which had occupied the attention of their Lordships, he was anxious to inform the right rev. bench of Bishops of certain circumstances which had come to his knowledge, and which had been the cause of great inconvenience and of some ill-feeling, which he should be sorry to see exaggerated or continued. He alluded to the great uncertainty which prevailed in the public mind as to what was the feeling and opinion of the bench of Bishops generally on the subject of consecration. There was evidently a great difference of opinion among them as to the ceremonies to be observed on consecration. He himself lived in a large parish in which the churchyard had been closed, and at present they were without any cemetery; for it was considered desirable to have three cemeteries instead of one: but then the Act of Parliament required that they should build six chapels, and that they could not afford. The Act of Parliament with regard to consecration was different as applied to the country and to London, the words being obligatory as regarded the country. He was able to give ground for the formation of a cemetery, but not to build a chapel. His diocesan, who was held in universal esteem, was informed of this offer, but he declined to consecrate, on the ground that there was no chapel. Unless he had misunderstood the right rev. Prelate (the Bishop of Oxford), he had stated that he had in his time consecrated without a chapel or church. [The Bishop of OXFORD: Yes.] Then there appeared to be a difference between that right rev. Prelate and the Bishop of Winchester, although he did not pretend to decide who was right; but he thought that as every county in the kingdom was now occupying itself with the making of new cemeteries, this question of consecration ought to be set at rest. He, therefore, wished to ask the right rev. Prelate (the Bishop of Oxford) whether, as he had done so before, he would be prepared, under certain circumstances, to consecrate a cemetery in which there might not be a chapel? and also whether he would object to consecrate a private cemetery?

THE BISHOP OF OXFORD thought there was great inconvenience in being called upon to answer a question of that kind offhand. In the single case in which he consecrated a cemetery without a chapel the circumstances were rather peculiar, because the ground was sufficiently near to the parish church to make it possible for parties to have that portion of the service which was usually read indoors performed there. It was at High Wycombe. The parishioners had recently built schools at a considerable expense; and then an order came from the Secretary of State for the formation of a cemetery; it was represented to him that the parishioners were hard pressed for money, and under these circumstances he consented to the use of the parish church, thinking it right, in the exercise of his discretion, to meet, as far as possible, the wishes of the ratepayers—taking from them a promise that they would erect a chapel in the cemetery at some future period. In the case of the Bishop of Winchester, to which the noble Earl had referred, the reason of the right rev. Prelate's refusal was, that the cemetery in question was situated at such a distance from the parish church as that it would be impossible for the poor, for whom it was principally intended, to have the burial service performed in the church. The noble Earl asked, would he consecrate a private cemetery? He could only say, it was a matter in which he would exercise his judgment, and his decision would depend entirely on the circumstances of the case. There might be cases in which he would think it advisable to exercise the discretion vested in him by law.

THE BISHOP OF CASHEL said, that the difference of opinion on this subject was even greater than had been stated. If the right rev. Prelate was right in saying that the consecration of a church or chapel was ineffectual without the administration of the sacrament, he (the Bishop of Cashel) could only say that the greater number of chapels and churches which he had undertaken to consecrate were not consecrated, for he was never in the habit of administering the sacrament at the time of consecration, although he always gave directions that it should be celebrated the next Sunday. The Archbishop of the province in which his diocese was situated declared that a religious ceremony was not at all essential to consecration. The only real essential was the civil act by which the building was handed over for the purposes of divine service. He knew of cases in which the Archbishop of Dublin (who he might remind them was an Englishman, not a disorderly Irishman), the Prelate to whom he had referred, had walked into the church, signed the act of consecration, and then walked out again; and when asked why he had not read any prayers, replied, "Do you think that anything I could read would give to the building a holier character than it will derive from the fact of its being given up to the service of God?" He (the Bishop of Cashel) did not follow the example of the most rev. Prelate, but he must say there was no form of consecration in the Church service. Different prelates used different forms; he adopted that used in the diocese of London, but even it contained no command to administer the sacrament, and he believed the majority of the Prelates did not administer it at the time.

VISCOUNT DUNGANNON thought it was high time that some distinct understanding should be come to on this important matter. It was a very fearful and formidable thing to find this difference of opinion existing on one of the most solemn rites of the Church. He had heard with regret the observations which had fallen from the right rev. Prelate who had last spoken. That right rev. Prelate had alluded to a case of irregular and, he might even say, unhallowed consecration performed by the Archbishop of Dublin. Though he could not be insensible to the high attainments and the personal merits of that right rev. Prelate, still it must be admitted that there had existed, in his mind, strong peculiarities and opinions. When he filled a distinguished position in the University of Oxford these peculiarities manifested themselves, and he could not, therefore, attach much faith to his views on this question. However, this was a matter calling for decision, since it must necessarily give rise to doubts and feelings anything but pleasing or satisfactory if it remained in its present state.

Lord CAMPBELL respectfully suggested that, as there was no likelihood of the present conversation tending to edification, it had better be dropped.

House adjourned to Thursday next.

## HOUSE OF COMMONS,

*Tuesday, June* 10, 1856.

Minutes.] New Writ.—For Leicester Borough, *v.* Richard Gardner, esq. deceased.
Public Bill.—1° Annuities Redemption.

### CHELSEA BRIDGE.

Sir BENJAMIN HALL said, he had been asked a question on a former evening by the right hon. Member for Oxfordshire (Mr. Henley) respecting Chelsea bridge, and had promised to obtain further information. He found that a sum of £5,500 was advanced in 1853 towards the expenses of the bridge; and, on reference to an Act of Parliament passed in 1846, he further found the Treasury was authorised to advance £65,000, to be repaid from tolls to be levied upon the bridge. Therefore there would be tolls upon that bridge, and the proceeds, after repayment of the £65,000, would be devoted to the purposes of metropolitan improvements.

### REFORM OF THE ECCLESIASTICAL COURTS—QUESTION.

Mr. HADFIELD said, he would beg to ask the hon. and learned Gentleman the Solicitor General what course he intended to adopt respecting the Wills and Administrations Bills, when he intended to proceed with the same; and whether he considered that it would be prosecuted to an issue during the present Session?

The SOLICITOR-GENERAL said, his noble friend at the head of the Government had promised him that Monday, the 23rd of that month, should be devoted to the second reading of the Ecclesiastical Courts Bill. It would be the first Order of the Day, and he hoped the second reading would then take place. He had agreed with the hon. and learned Member for East Suffolk (Sir F. Kelly) to make some modifications in the Government Bill, particularly with reference to facilitating the proof of wills by persons dying in the country, which he thought would render the prosecution of the hon. and learned Gentleman's Bill wholly unnecessary, and the hon. and learned Member for Plymouth (Mr. Collier) had said that if he were assured it was the intention of the Government to prosecute their Bill, he did not intend to proceed with his Bill. The Government never entertained any other intention than that of diligently prosecuting the Bill they had laid on the table; and, if it should be the pleasure of the House to read it a second time on the 23rd instant, he hoped it would be pressed through Committee, so as to go up to the House of Lords within the first seven days of July.

### MEMORIAL FROM THE GUARDS—QUESTION.

Major SIBTHORP said, he would beg to inquire of the hon. Under Secretary for the War Department whether any reply to the Memorial of the Guards had been drawn up at the War Office; and, if so, whether there would be any objection to lay it upon the table of the House?

Mr. FREDERICK PEEL said, that a reply had been sent by the War Office, stating the grounds on which that department considered that the Memorial was without foundation. No further correspondence had taken place, and the position of the Guards remained as it had been before the Memorial was presented. Under those circumstances he did not see that any public advantage would be gained by laying the reply of the War Department on the table.

### ST. PANCRAS WORKHOUSE—QUESTION.

Sir JOHN PAKINGTON said, he would beg to ask the right hon. Gentleman the President of the Poor Law Board whether any progress had yet been made in the correction of the great evils which had arisen from the crowded state and defective accommodation of St. Pancras Workhouse; and, if not, whether he intended to take any steps to require and enforce the necessary improvements?

Mr. BOUVERIE said, he would state for the information of the right hon. Gentleman and the House, what had taken place since the right hon. Gentleman had last asked the question. The report of Dr. Jones, on the subject of St. Pancras

Workhouse, was forwarded to the directors of the poor under the local Act for the Government of St. Pancras in the month of February. On the 29th of the same month the Poor Law Board received a letter from the directors acknowledging the receipt of the communication, and stating that certain measures for improvements were contemplated being put in operation for putting an end to the state of things to which the right hon. Baronet had referred. On the 4th of March the Poor Law Board wrote, expressing their satisfaction at hearing measures of improvement were contemplated, and hoping no time would be lost. A month after that letter was written he thought it right to instruct the inspector of the metropolitan district again to visit the workhouse, and report what progress had been made. On the 22nd of April the inspector's report was received, stating that no material improvement whatever had been effected upon the state of things reported on by Dr. Jones. The Poor Law Board then addressed a further letter to the directors of the poor, expressing regret at finding no improvement made, and intimating that, unless very material changes were effected in the condition of the workhouse, within two months the Poor Law Board would issue a peremptory order for reducing the number of persons in the workhouse. The two months would expire at the end of July. But he should, in justice to the directors of the poor, who, he believed, were really anxious to carry into effect material measures of improvement—in justice to them, he should read a letter from the senior churchwarden and chairman of the directors. It was as follows:—

> "I beg to inform you that, although the present guardians have been in office only two months, vast improvements have been effected. The relieving-office has been enlarged and ventilated and adapted to a new system of out-door relief, to prevent crowding and waiting. Many improvements in the arrangement and management of the workhouse have also been effected, and the schools will be removed in a short time. It is only right that I should state—it would be unfair to the new directors not to do so—that they are doing all they can to alter the wretched state of affairs which they found on coming into power."

He believed the directors were anxious for improvement, although they had difficulties to encounter, not being absolute directors, but having to refer to and fro to their vestry; but he hoped with the creditable disposition of those Gentlemen, that material and effective changes would soon be made.

SIR JOHN PAKINGTON said, he hoped it would be known that, if improvements were not made within two months, the Government had the power to compel the directors to effect them.

MR. BOUVERIE said, they had certain power over the officers of the workhouses, but no direct power over the directors of the poor.

## CLERKS OF NISI PRIUS IN DUBLIN—QUESTION.

MR. KENNEDY said, he would beg to ask the right hon. and learned Gentleman the Attorney General for Ireland whether it was the intention of Her Majesty's Government to take any steps for providing an increase of salary for the clerks of Nisi Prius in Dublin, in consequence of the increased duties and expenses imposed on them—1, by the establishment of the Consolidated Nisi Prius Court in Dublin; and 2, by the Act called "The Common Law Procedure Act?"

MR. J. D. FITZGERALD said, in the first place he must inform the hon. and learned Gentleman that to make any alteration legislation would be necessary, and, having regard to the position of Irish business and the facilities given, he did not think it wise to add another to the string of Bills upon the paper for the present Session. The matter was under consideration with regard to these and other officers, with a view to place them on a permanent and more satisfactory footing.

## STEAM COMMUNICATION WITH AUSTRALIA—QUESTION.

MR. MACARTNEY said, he begged to ask the hon. Secretary to the Treasury what provision would be made for the conveyance of the Australian mails between England and Suez, in case parties tendered for carrying the mails to Sydney from Suez, *viâ* Point de Galle? Also, under what head of expenditure, in the Appropriation Acts of 1854 and 1855, will be the sums of £125,000 and £5,600, expended by the Board of Ordnance in purchasing lands at Aldershot and the adjoining parishes, for the purpose of forming a permanent camp there?

MR. WILSON said, that hon. Members were aware that at the present time a contract existed with the Peninsular and Oriental Company for the conveyance of mails to Suez. It would, therefore, be obviously inconsistent to propose a new contract for the same route, as in that case the payment for the carriage of mails as far as Suez would be made twice over. Any new company, therefore, must be willing to conform to such conditions as the Government may think proper, while the contract with the Peninsular and Oriental Company lasted. He could not answer the hon. Gentleman's second question then, but he would do so at a future time.

### PUNISHMENT OF DEATH.

MR. W. EWART:* I could have wished, Sir, that this question had come forward at a time more favourable to calm consideration and deliberate debate, not at the conclusion of a trial of deep and absorbing interest. But the machinery of Parliament moves on undisturbed by external events. I feared that a brief delay might become an indefinite postponement of the question, and I hope that the present solemn occasion may even invite public attention to the serious subject which is now before us. That subject appears to me to be one of increased and increasing interest. Since I last addressed you concerning it, the public aversion to capital punishment has become deepened and extended. Our juries have become more reluctant to convict. Our Judges have become more reluctant to pass sentence. Of one species of murder it may be said that it has ceased to be capital. I mean infanticide by mothers. Yet whom should the laws more vigilantly protect than those who are themselves unprotected? Of one class of murderers it may be remarked, that they are beginning to escape capital punishment altogether. I mean women. Yet it has been truly observed, that "crime is of no sex." If you cease to execute women, can you long continue to execute men? Your executions only amounted to five in the last year of the criminal returns. It is not easy to conceive that the safety of society depends on the execution of five individuals. On the other hand, the repeal of capital punishment has extended itself in foreign countries. It has there been followed, not by danger, but by general benefit. Under these circumstances, I ask you again to consider the question, not to precipitate your conclusion by a sudden abrogation of the present law, but to investigate (before a Committee) the facts which we offer to lay before you: in a word—to pause and to inquire.

I am aware that there are those who entertain a preliminary objection to the consideration of this subject. Their objection is founded on religious (or what I should rather venture to call theological) grounds. For an objection so founded, I can only feel the highest respect. But it appears to me that the House of Commons never enters on the path of theology without deserting the more open and safer road of common sense. I think, moreover, that questions of a religious character should not be contaminated by exposure to the heated and feverish atmosphere of a political assembly. On such subjects let every man form his separate and sincere opinion. But in this House let him only express, not argue on, that opinion. For my own part I have been long convinced that the repeal of the punishment of death is in strict conformity with the precepts and the spirit of the Gospel; and I rejoice to think that such was the conviction of those early Christians, on whom the first dawn of Revelation still continued to shed its lingering light.

The question then resolves itself into one of a practical and purely deliberative character. Does the punishment of death contain the elements of a sound and valid punishment? What are the elements of such a punishment? This is the question now before us.

It appears to me that a punishment, to be a valid punishment, should, as far as possible, be an effective punishment; effective on the mind and soul of the criminal, and effective for the repression of the crime; that it should, as far as possible, be an equal punishment; not unduly weighing down and overwhelming one individual, while it produces little or no effect upon another; that it should especially be a certain punishment; I mean certain in its infliction, since certainty is the essence of punishment, as publicity has been said to be the soul of justice; and lastly (since all mankind are liable to err), that it should be a reversible, remediable, or revocable punishment. Does the punishment of death contain within itself these qualities? It appears to me that it is more than other punishments wanting in all of them.

Is it, in the first place, an effective punishment? The frequency of murders in our time does not seem to prove that it is so. It has often been stated, and never, that I am aware, contradicted, that out of a large number of executions, attested by a former Ordinary of Newgate, the great majority were undergone by those who had witnessed executions. But let us descend from general statements to individual facts. It is no agreeable task to undertake what may be called the morbid anatomy of crime. The mind naturally shrinks from such an undertaking. But it has been my duty to investigate such cases, and I now lay the following extracts from them before the House. Not many years since (in 1846) a criminal, Wicks, was executed at Newgate. He had lately seen an execution. He stated that he was "induced to commit the crime that he might signalise himself as a hero on the scaffold." In 1845 another criminal, Connor, committed murder. He had seen an execution on the very morning of the day on which he committed that murder. A criminal, Mobbs, was executed in 1853. Another criminal was brought before the police office, on the day of Mobbs' execution, for trying to imitate his crime, and (according to his own avowal) "to be executed for it." In 1854, Cumming (a man supposed by many to have been innocent) was executed at Edinburgh. After his execution, another man, Wallace, was taken into custody for perpetrating the same species of crime. A Scottish paper, *The Scotsman*, states that a number of similar crimes followed the execution of Cumming. But we witnessed, not long since, a remarkable case in Ireland, in which the criminals not only patiently endured, but gloried in, their punishment. Three men, it will be remembered, were executed at Monaghan, for the atrocious murder of Mr. Bateson. They were utterly indifferent to the punishment of death. They eat and smoked just before their execution. One of them stated that, if a reprieve came, he would not accept it. They said that the executioner was doing "the best deed that had ever been done for them." When one of them was asked on the scaffold whether he would say anything, he answered, "No! our Saviour said nothing when he was executed." It may be said that this was the effect of fanatical excitement, under the influence of the Catholic religion. But similar instances have occurred in the case of Protestants. In 1852, Elizabeth Pinckard was executed at Northampton:—

> "On the fatal morning," (says the *Northampton Mercury*) "she attended prayers in the chapel; when the hymn was being sung her voice was heard above the rest. She went with perfect indifference to execution."

On the other hand, criminals possessed of no religious feeling whatsoever, have exhibited the same indifference. Such appears to have been the case with Sarah Chesham, who committed fourteen murders by poisoning, and who never showed any symptoms of repentance or of fear. So likewise, lately, Bartélemi, an avowed unbeliever, died entirely unconcerned; he went to execution not only with indifference, but with a sort of fanatical curiosity. It would be easy to accumulate more instances; but I think that those I have adduced will tend at least to show that the punishment of death is not an effective punishment. Is it an equal puishment? I do not mean to argue that any punishment can be equal in its operation on all men, any more than I mean to argue that any punishment can be equally effective on all. But I say that there are other punishments more equal than this and more effective. Instances of stoical indifference we have already seen. Here are instances of a contrary effect. It is not long since a woman, Martha Browning was executed at Newgate; she fell down insensible; in that state she was executed. At Chester, a woman, Mary Gallop, could not go to her execution; she was carried to the scaffold in a chair, and executed in a state of insensibility. A very painful case of suffering was lately recorded in Jersey, by M. Victor Hugo; on which occasion he addressed a memorable letter to the Secretary of State for the Home Department. In 1851, Thomas Drory was executed at Chelmsford; he was obliged to be supported as he went to execution. We have fresh in our memory the recent case of Bousfield. We remember the prostration of the prisoner; the faltering of the executioner; the miserable struggle between them at the last; and the indignation and execrations of the public. I come now to a very important, perhaps the most important, element in the constitution of a punishment. I mean its certainty of infliction. It is well know that Beccaria, at the opening of one of the chapters of his celebrated work, lays it down as a doctrine that "one of the greatest of all checks on crime consists not in the cruelty, but in the certainty, of its punishment." If the doctrine be true as to crimes in general, it appears to me to be much more applicable to the graver class of crimes, and most applicable to the gravest of all crimes, murder. But, if I may trust to the records of our punishments for a series of years, punishment is much less certain in this single case which remains capital, than in those which are no longer so.

Statistics, however, are the constant subject of dispute; they are the debateable land, the border-ground of controversy. I prefer to appeal to facts. I will first exhibit the operation of the maintenance of capital punishment on our juries; scondly, its operation on our Judges; lastly, on what may be called our tribunal of ultimate appeal, the Home Department. First, with repect to the uncertainty of the verdicts of our juries. In 1847, a woman (already referred to), Sarah Chesham, was tried at Chelmsford for poisoning. The case, a most atrocious one, was clearly proved; but the jury, led by their foreman, an enemy to capital punishment, acquitted the prisoner. The acquittal enabled her to resume her career of poisoning; she practised it with augmented skill, acquired from the evidence of a medical witness at the trial. The victims were her own children. In 1848 she was again tried, and again acquitted. In 1851 she was executed for poisoning her husband. Now, had there been another punishment (such as imprisonment for life) attached to the crime of murder, there is no doubt that she would have been found guilty on the first indictment. All her subsequent crimes would have been checked. All her subsequent victims would have been saved; nor would her example have misled others. For, in 1849, a woman, named May, was also executed at Chelmsford for poisoning; she attributed to the example of the first-named criminal, the crime for which she suffered. Two criminals, Battersby and Wilkinson, were tried in 1851 at York. The proof of murder was, to all common apprehension, clear. The Judge told the jury that it was difficult to believe that the death was caused by manslaughter. Yet the jury returned a verdict of manslaughter. In January, 1852, Thomas Bare was proved, by the strongest evidence, to have murdered his own wife. He even acknowledged that he deserved to be executed. Yet he was acquitted by the jury. *The Times* of that date thus concludes a leading article: "If there be such a crime as murder, this is murder; and murder of no common atrocity." It adds that (in cases involving capital punishment) "the Judge, Jury, Home Secretary, and public, contend to mitigate the crime of murder." In the case of the Matfen murder, tried on the 27th March last, at Durham, the guilt of one prisoner appeared certain. A juryman, however, told a person, who can be produced, that they all "agreed on a verdict of acquittal rather than the man should hang." In the case of Westron, tried at the Central Criminal Court, in February, 1856, the jury said—

> "We find the prisoner guilty of Wilful Murder. We do not think he ought to be acquitted on the ground of insanity; but we recommend him to mercy, because we find there was a predisposition to insanity."

The law of the country could justify no such recommendation. *The Times* newspaper, of February 8, 1856, calls the verdict "an anomaly in criminal proceedings, and one of most evil precedent." Last year (1855), at Maidstone, during the spring assizes, Elizabeth Avis Lawes was tried for murder. Her guilt was clear. She afterwards confessed it. Yet she was acquitted. *The South Eastern Gazette*, of that date, says this is "a memorable example of the impunity awarded to murderers." I can produce (if I am allowed to bring evidence before a Committee) instances of jurors having stated that they would have found prisoners guilty, as they were bound to do; but when they learnt from the Judge that the penalty would be death, they resolved on an acquittal. So far for the effect on our juries.

But let us turn to the feelings and opinions of our Judges. Do they not indicate a change with regard to this question, corresponding with the change observable in public feeling and opinion? And first, as to the feelings of our Judges on pronouncing sentence of death. Among other instances, I find the following facts recorded in the journals of the day. At a late trial for murder at Bodmin—

> "The learned Judge, on pronouncing sentence, expressed himself with much emotion: in the last sentence his utterance was almost choked; after completing it, his Lordship burst into tears, and continued weeping for some time."

So, in the case of a trial at Aylesbury—

> "During the delivery of the sentence, his Lordship appeared almost choked with emotion."

Again, in a case tried at Exeter—

> "The Judge at last came to the sentence; but his sobs, which could be heard all over the court, prevented him from proceeding. He rested his head on his hand, and wept most bitterly. He then, in broken words, and with a voice almost stifled by emotion, pronounced the sentence."

I mention these facts (to which it would be easy for me to add more) as highly honourable to our Judges. But they indicate a state of feeling with respect to capital punishment which did not exist in former times. How different from those times in which Pope could say—

> "Hard words and hanging if your Judge be
> Page."

Can the expression of such feelings by the Judges fail to produce sympathetic feelings on the part of juries and of the public? What effect has it on the mind of the prisoner, and on the minds of criminals in general? Does it not, so far as it extends, add to the uncertainty of the execution of the law by showing the disinclination of our Judges to inflict the punishment of death?

Such, then, are the feelings of the Judges. But what are their recorded opinions? Nine years ago (in the year 1847), a Committee of the House of Lords investigated the subject of criminal punishment. The written opinions of the Judges were taken in evidence. Among the questions proposed to them was this: "Do you think any punishment would be a sufficient substitute for death?" Out of all the Judges of England, Scotland, and Ireland, four delivered their opinions in favour of substituting another punishment. Several declined to give an opinion, or declared themselves doubtful. First, let us take the Lord Chief Justice (Denman). He declines to give an opinion. Next, Mr. Justice Wightman. His answer is as follows:—

> "There can be little doubt that a secondary punishment may be made so severe as to be a sufficient substitute for the punishment of death."

Mr. Justice Maule: he gives no answer. Mr. Justice Coltman: he answers:—

> "I am disposed to think that imprisonment for life, without any remission of the sentence, might be substituted for capital punishment. Many guilty persons now escape who would then be convicted. I do not think the apprehension of death operates much on the mind of a man meditating a great crime."

The answer of Lord Chief Justice Wilde is as follows:—

> "The question involves considerations much too grave to warrant a hasty opinion, however great may be the objections to the punishment of death; and, in my opinion, they are very great."

From the Irish Bench, Mr. Justice Perrin thus answers the question, "Do you think any punishment, by transportation or imprisonment, would be a sufficient substitute for death?"

> "I do. I am convinced that juries acquit or disagree from an apprehension of taking away life."

Chief Baron Richards also answers:—

> "I am inclined to think that transportation attended with stringent regulations might be substituted for the punishment of death. But I cannot say that I have formed a very decided opinion."

Now, if nine years ago many of the Judges were doubtful as to the expediency of inflicting the punishment of death, or opposed to it, is it likely that they would be less doubtful or less unfavourable now? Is it not rather more probable that the Judges who have been since appointed, and the Judges who are being appointed from time to time may be still more disinclined to such a punishment; just as the Judges of the year 1847 were more disinclined to it than the Judges of the year 1827? Here, again, is another and an increasing element of uncertainty. Let us now turn to the final tribunal of appeal, the Home Office. Are there no elements of uncertainty here? Do not Members know that if a sentence of death is impending in any of the towns they represent they are frequently called on to interpose? Do not deputations hurry up to London? Are there not those who, resident in London, on almost every occasion, exert themselves to intercept the execution of the law? The hon. Member for East Surrey (Mr. Drummond) has signified his intention of endeavouring to relieve the Home Secretary from this assiduity of intervention. But, with great respect for the hon. Gentleman, I think he is undertaking nothing less than the task of the Danaids. For my own part, I feel bound to testify, on behalf of those who make these applications, their sense of the ready attention of the right hon. Secretary to every fact which may tend to mitigate the sentence. Nevertheless, the public do not understand on what principle some criminals are executed, after appeal to the Home Office, while others, apparently of equal guilt, escape. We all remember, a few years ago, the case of Annette Meyer. There appeared to be, in her case, full premeditation of the murder. Yet she escaped the punishment of death. Not long since, the case of Corrigan, whose sentence was remitted, called forth the animadversions of the press and of the public. Still more, the recent case of Celestina Somner. She coolly and cruelly premeditated and prepared for the murder of her child. Few instances of more unrelenting cruelty have been recorded. Yet she, too, escaped. After this and similar cases, I doubt very much whether you can long continue to execute women. You may try to bring us back to the ancient rigour of the law. It will be in vain. The evil lies not in the administration of the law, but to the nature of the punishment awarded by the law. Here, in my opinion, is the source and origin of the evil. The power of the executive at the Home Office is enfeebled by the awful responsibility involved in the punishment. This is in itself an element of uncertainty. But there are others. Different Secretaries may be of different minds. The present Secretary may be of a lenient, his successor may be of a severer character. A crime which would escape the punishment of death under the one would incur such punishment under the other. Again, the Secretaries of State generally refer the case back for reconsideration to the Judge who tried it. Judges differ in their characters as Secretaries do. A sentence which one Judge might mitigate, another Judge might be determined to maintain. Here, again, arises another cause to be added to the various causes I have already cited of the uncertainty of capital punishment.

I have said that an essential ingredient in the character of a punishment should be its reversibility; its revocable or remedial nature. It is not likely that, in these times, the execution of an innocent person can occur. Nevertheless, though not likely, it is not impossible. For felonies inferior to murder, but of an aggravated character, it is easy to cite instances of innocent persons having been punished. They have been brought back from transportation, and their sentences have been revoked. I have myself brought such cases under the consideration of this House. The case of Eliza Fenning, executed many years ago for the alleged crime of attempting to poison the family of her master, a crime of which she was afterwards shown to be innocent, is familiar to most of us. But, more recently, in the case of Mr. Bateson's murder, two men, the Kellys, were twice or three times put upon their trial for life for that murder, under the sanction of the most eminent of the Solicitors and Attorneys General for Ireland. The two Kellys were seen to run across a field after the shot was fired; they were entirely innocent, yet they might have been convicted—and of one of them, it is stated in an Irish paper, that he has since died of a broken heart in consequence of the prosecution. Three other men were afterwards proved to have committed the murder. A very short time ago a man named Cummings was executed at Edinburgh. He is now generally believed to have been innocent. Such are the dangers which attend an irremediable punishment.

These, then, as I have classed them, are the principal impediments to the execution of capital punishment. The question naturally suggests itself—whence in all their stages arise these impediments to the law? How comes there to be this consentaneous restriction by juries, by Judges, by the Home Office, and the public, to the infliction of the sentence of the law? I believe that these impediments arise from two causes. No punishment has been found to be an approved or lasting punishment which contains in it the principle of retaliatory revenge. We know that in the time of Queen Elizabeth the punishment of branding was adopted—it could not be maintained. In the same way the punishment of the pillory and other ignominious punishments have speedily or gradually vanished. In more remote times we find the principle of retaliatory vengeance carried to its greatest excess. Yet in those times, crimes abounded. Capital punishment is nearly the last trace which we retain of the principle of retaliatory revenge; and the more we advance in civilisation, the more deep our religious feelings become, the greater will be our repugnance to the punishment of death. Another, and an inconquerable objection, arises from the irremediable nature of the punishment. Never, while human nature exists, never will you induce mankind to view a punishment which cannot be remitted or recalled in the same light in which they view a remissible or revocable punishment. This objection, too, will infallibly increase as society advances.

Such appears to me to be the real causes of the non-execution of the law.

But what remedies have been proposed? A distinguished and right rev. Prelate (the Bishop of Oxford) has lately suggested the consideration of a new mode of conducting executions. They are no longer to be witnessed by the public, but by a sort of deputation on behalf of the public. This system would, no doubt, exclude the evils arising from a vast congregation of the people, their vindictiveness, or their indifference, their profaneness, their revelry, and their crimes. Nor can it be doubted that these evils are aggravated by the facilities of intercourse in modern times. Even now, I am told, special trains are announced in the newspapers as about to run to and from Stafford to enable the public to witness the last moments of an expected victim. All these, the mere external evils of publicity, will be removed by the change proposed. But publicity, in modern times, does not consist so much in seeing, as in reading an account of what occurs. A few thousands witness an execution, many millions read of it. You may exclude the public, but you cannot exclude the press. The interest taken in an execution will continue to exist. It will even be aggravated and stimulated by concealment. Public curiosity will rush the more eagerly *per vetitum nefas.* The most minute details will have to be recorded; more minute, if possible, than those which are recorded now. By adopting this change you will have only veiled, not removed, the evil. Another system proposed is very nearly the one prevailing now; that of occasional executions. In the first place, this system abandons the principle of a fixed punishment for murder. It substitutes a possibility of execution for a certainty of execution. It encourages a species of gambling in crime. When you have arrived at occasional punishment, you have abandoned one fixed punishment, and you have not arrived at another fixed punishment. This is a most vague and fluctuating, and consequently a most impolitic and unjust, state of the criminal law. Now, what remedy do we venture to propose?

We suggest the substitution of a lesser punishment attended with comparative certainty of execution, for a severer punishment attended with uncertainty. And we rest our cause on those words of the illustrious Beccariâ:

> "The certainty of a more moderate punishment will always produce a greater impression than the fear of a more terrible punishment, accompanied with the hope of impunity."

This is our principle. We, not you, are the real friends of effective punishment for crime. You call us false philosophers, theorists, and speculative reformers: while we in fact pursue a clear, practical, and decided course. It is you who, by lingering in a system no longer maintainable, enfeeble the arm of justice and promote impunity for crime.

We have not proved theorists as to the other numerous cases (of forgery, of house-breaking, of stealing in dwelling-houses, of cattle-stealing) for which we have induced you tardily and unwillingly to abolish the punishment of death. In not one of those cases can an advocate be found for the restoration of capital punishment. But we also appeal to the example of foreign countries. If foreign nations can successfully abolish capital punishment, why should not we? The case of Tuscany, under Leopold II., has often been referred to. The successful repeal of the punishment of death in Tuscany (dated November 30, 1786) has never, that I am aware, been denied. And, though in the first excesses of the French Revolution capital punishment was revived, it appears since that time to have been gradually dying out in Tuscany. In 1838 the unanimous consent of the Judges was required for its infliction. This enactment amounted almost to abolition. In 1847, the Grand Duke abolished it in the Duchy of Lucca, and in 1849 he sanctioned the Decree of the Provisional Government which had suppressed capital punishment in Tuscany. It appears from the writings of the Rev. Mr. Townshend, that in Bavaria, reformatory discipline and imprisonment are successfully substituted for the punishment of death. In Switzerland, capital punishment has been abolished in the cantons of Freiburg and Neufchâtel. In Freiburg, the abolition took place eight years ago. My informant, a member of the Legislation of Neufchâtel, assures me that crime has not increased there; while, in the canton of Berne, where executions are frequent, great crimes are frequent also. In Neufchâtel, the repeal of capital punishment is more recent. So far, I understand, it has given general satisfaction. Let us now turn to America. From a speech of Mr. Andrews, delivered before a Committee of the Legislature of Massachussets, March 22, 1855, I learn that, "Alabama abolished capital punishment many years ago." He adds "the experiment may be considered to work well in Alabama." The State of Michigan led the way in the career of total abolition. The Secretary of State (as quoted by Mr. Andrews) says, in 1846,

> "It has produced a greater certainty of conviction, consequently of relief to the community, lessening the number of aggravated offences. There is no probability of a return to the old law."

This is the result of an experiment of nine years in Michigan. Of Rhode Island (where capital punishment appears to have been repealed in 1851) the Hon. P. R. Hazard, of that State, observes,

> "I believe there were pending before the Court of Providence County, no less than six indictments for murder. Since the passing" (that is the repeal of the punishment of death), "I do not remember that there has been more than one indictment for murder in the first degree."

The Act for abolishing capital punishment was passed in the Senate by only a majority of 4. When it was attempted to restore capital punishment, there was a majority of 30 to 7 against its restoration.

> "In the State of Maine" (says Professor Upham) "it is now twenty years since capital punishment was inflicted. It is understood to be practically abolished. I have heard no wish in any quarter to restore it."

On all these facts, and more, we offer evidence, if you will consent to grant a Select Committee of Inquiry.

We propose then to establish, both by reasoning and facts, that the change we suggest, would lessen impunity to crime by annexing greater certainty to punishment. We offer more than this. We say that in a free State, the effect with which a punishment acts, is combined of two forces; the direct force of the punishment itself, and the additional force of public opinion. If both coincide, if they strike with united power, you inflict the whole accumulated force of punishment. If you separate them, the weight of the punishment is broken and intercepted. It is met and defeated by the counteracting influence of public opinion. It falls a *tetum imbelle sine ictu:* a large portion of your power of punishment is gone. We offer to restore to its natural authority this combination of the law and of public opinion. We offer you more than this. What is it but the punishment of death which gives a sort of false pre-eminence to crime? You are wont to call us sentimentalists. It is you who, by continuing this excess of punishment, give a factitious interest to crime. You invest it with somewhat of the dignity of death. We ask you to expose it in its native deformity. Reason and morality proclaim the criminal a villain. The punishment you inflict converts him into a kind of felonious hero.

What has been the result of abolishing capital punishment for other crimes? There was a time when even the highwayman's fate was invested with a kind of mock-heroic dignity. He was then capitally punishable. Since he is no longer so, this false feeling has vanished. There was a time (many of us can remember it) when the forger was raised to this bad eminence. Such was the case of Dr. Dodd; such, more recently, was the case of Fauntleroy. But since forgery is no longer capitally punishable, the forger has sunk into unmitigated disgrace. Why is this? It is because in these cases you have ceased to create a counteracting public feeling, by ceasing to inflict the punishment of death. Both the criminal and the crime are visited by the undivided weight of legal punishment, and of public indignation.

Again, what is the effect of this penalty on the criminal? Does it not avert his mind from the sanguinary crime he has committed, and lead him to dwell on the sanguinary punishment he is about to undergo? Instead of concentrating his conscience and his thoughts on the past and on the future, you confine his mental vision to the horrors of the present. You drive him to the dread alternative of seeking, like the fallen spirits of Milton,

> "What re-inforcement he may gain from hope,
> If not, what resolution from despair."

We ask you, in the case of the criminal, as in the case of the public, to concentrate their undivided attention on the magnitude of the crime. We ask you no longer to pass an irrevocable doom, but one which, if erroneous, may yet be recalled. You banish, by the present system, or you greatly tend to banish, the solemn, yet consolatory spirit of repentance. We ask you to revive it in the holy ministrations of religion, and in the solitude and silence of the cell. Finally, we adjure you to remove from your Courts of Law (if I may borrow a phrase from Cowley) this "scare-crow deity" which has so long dishonoured and deformed them; to replace it by the unstained effigy of justice; to substitute for the last vestiges of a barbarous code, the precepts of a milder wisdom; and to breathe into the laws of your country, the pure and peaceful spirit of the Gospel.

Mr. HADFIELD, in seconding the Motion said, he thought that the feeling of the country was in favour of the Motion. The object of the hon. Member was not to do away with punishment, but to make it effective, and bring criminals more effectually under the power of the law. Was it not appalling to hear of executions attended by thousands and tens of thousands of people? Nothing could be more repulsive to any one wishing well to the administration of justice. He had seen in his own county at least thirty persons brought up to receive a sentence of death that was never intended to be carried out. Subsequently the ceremony of sentencing to death in such cases as those to which he alluded was dispensed with, and the sentence merely recorded in the books of the Court. There had been no execution in the country, except for wilful murder, saving in one case, since 1841. That exceptional case had been alluded to by his hon. Friend. He (Mr. Hadfield) rejoiced that he was not the man with whom the responsibility of Palmer's death rested. At the same time he admitted that the power to reprieve could not be placed in better hands than those of the right hon. Baronet who at present filled the office of Secretary of State for the Home Department. To assent to the Motion of the hon. Gentleman (Mr. W. Ewart) would be to follow the course which was commenced by those great men, Sir Samuel Romilly, Sir James Macintosh, and Sir Robert Peel, with whom he would now associate the hon. Member for Dumfries. The passing of sentence of death frequently gave rise to the most painful scenes in court. There were instances of mere children having been tried and convicted to capital punishment. In one of those cases Mr. Justice Talfourd covered his face with his hands and sank back upon his seat with grief. It was desirable the Committee should be granted to ascertain whether the punishment of death had been instrumental in procuring that which its advocates supposed to be accomplished by this severe punishment, or whether it had not a contrary effect, and a tendency to brutalise society at large. He therefore trusted the House would grant the Committee.

MR. DRUMMOND said, he would venture to occupy the time of the House for a few minutes—not certainly with the presumptuous idea of interfering to convert public opinion, because he had not the presumption to imagine that, in the year 1856, for the first time since the creation of the world, men were about to learn how they should punish for crime. Men having, through all ages and at all times continued the punishment of death, it appeared to him to be monstrous presumption to pass so sweeping a censure upon all that had been done in former times. The hon. Mover had stated that as it was impossible to prevent the course of justice being occasionally impeded and the judgments of tribunals defeated, therefore capital punishment should be abolished. A Select Committee was asked for to inquire into the operation of the law imposing the punishment of death. Why, what could be the operation of that law, if carried out, but simply death? That would be its operation if it were allowed to operate, but if persons chose to intervene then it would not act at all. The hon. Gentleman had objected to the introduction of religion upon this matter, but nevertheless had the hardihood to declare that the punishment of death was contrary to the spirit and practice of the Gospel. But surely there could not be a sentence expressed in plainer words than that which said, "Whoso sheddeth man's blood by man shall his blood be shed." It was absurd to hold forth the Bible as the religion of Protestants if they were to set aside plain words which could not be controverted, and upon which their law should be founded. It was argued, however, that the words applied to a Jewish people and not to Christians; but he (Mr. Drummond) had heard of a bishop, somewhat famous in Christian history, who, when a man told him a lie, immediately struck him dead, and so far from repenting of the act soon after administered the same punishment to that man's wife for a similar offence. What would Exeter Hall say if a bishop were now to strike a man dead for a lie? The hon. Gentleman (Mr. W. Ewart) said that the evil of punishment of death was its uncertainty. Why, what could be so certain? The hon. Gentleman meant, perhaps, it was not with certainty carried into effect. Was that what he meant? And he proposed to substitute for this punishment of death perpetual imprisonment. Had the hon. Gentleman any argument to show that that punishment of perpetual imprisonment would be with certainty carried into effect? The same argument on the ground of uncertainty would apply against any other species of punishment as well as against that of capital punishment. The hon. Gentleman had appealed to the opinion of jurors. The hon. Gentleman and those who acted with him had told juries to prepare themselves. That was the effect of their glorious teaching; that was the effect of their poisoning the public mind. The hon. Gentleman promised them increased civilisation and increased intelligence if they put an end to punishment by death. He said that the science of poison had made such rapid strides it was now impossible to detect the presence of poison. Was that a reason for giving increased facilities to poisoners? The hon. Gentleman the Member for Sheffield (Mr. Hadfield) had told them that Judges sometimes wept while pronouncing sentence of death, and both that hon. Gentleman and the hon. Member for Dumfries called on the House not to subject Judges to so disagreeable a task. However, both those hon. Members had been supporters of the late war. Where were their horrors at the duty which the generals engaged in that war had to carry out? Were they desirous of putting an end to war? Did they think that their generals and colonels had no feeling when giving orders that doomed men to destruction? Pictures more horrible than anything that could be drawn at public executions might be painted of scenes in every way. He had thought it right, in answer to the Motion of the hon. Member for Dumfries, to put on the paper a notice of his intention to suggest that some means should be taken to relieve the Secretary of State from the importunities to which he was subjected from persons who sought to get reprieves for criminals sentenced to capital punishment. He (Mr. Drummond) had been acquainted with the late Sir Fowell Buxton, and he had never met him but he found he was engaged in some scheme to get off some scoundrel under sentence of death. On the first occasion of his meeting his late Friend, he was on an expedition of that sort to the then Secretary of State for the Home Department, Sir Robert Peel. He (Mr. Drummond) asked him was there any doubt of the prisoner's guilt? His friend replied there was not. He (Mr. Drummond) then asked him why he interfered? The hon. Gentleman replied that he felt it his duty to interfere. The next time he met him he was visiting the prisons of Rome, and he went to the Pope to beg some of the prisoners off. Now, he had no doubt that the Pope told him to mind his own affairs. The last time he met his friend, the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) was Secretary of State for the Home Department, and the gentleman in question was, with others, about to wait on him on behalf of a criminal who had committed an atrocious murder at Bath. In that case the Judge had expressed his approval of the verdict of the jury; and he (Mr. Drummond) refused to accompany his friend and others to the Secretary of State, for which refusal his right hon. Friend (Mr. Walpole) thanked him for not countenancing the deputation. The House might judge of the importunities to which a Gentleman in the position at present occupied by his right hon. Friend (Sir G. Grey) was subjected. There was at present a petition, to which signatures were being obtained, and which was to be presented to his right hon. Friend. In that petition the fellows who signed it stated that they were not satisfied with a certain trial. How could they be? They had not been the jurors; they had not been the Judges—how could they know anything about the matter? Then came Mr. Herapath. He (Mr. Drummond) would not say what Mr. Herapath's opinion was about, for it was not worth much, unless he (Mr. Drummond) was greatly misinformed. A right hon. Gentleman was present who could contradict him if he was wrong in stating that on a particular occasion, when the right hon. Gentleman was Secretary of State, Mr. Herapath importuned him to stay an execution, because he was sure that a certain drug had not been used. Well, it turned out that at the very moment when Mr. Herapath was so importuning the Secretary of State, the criminal was confessing to having committed the crime. Was it not heartrending that the Secretary of State should be put in such a position and subjected to such a pressure? Originally a person tried in the country was left in the custody of the sheriffs, with a mark opposite his name if he were to be executed, and the sheriffs saw that the sentence was carried into effect. In London the sentence was reported to the Recorder, who reported it to the Sovereign. However, that system had since been altered. Now, what he (Mr. Drummond) proposed was, that when a respite was sought for, reference should be made to a Commission to which the Crown could refer cases in which reconsideration might be deemed necessary. That body might comprise the President of the Council, the Judge who tried the case, the Lord Chief Justices of the Queen's Bench and the Common Pleas, and the Lord Chancellor; and, if it should appear to them that fresh evidence had been discovered, then they could advise the Crown to interpose. He (Mr. Drummond) did not seek to interfere with the prerogative of the Crown. The Sovereign might make the whole regiment of Horse Guards dukes if she pleased; she might pardon whom she pleased; but he did say the matter should not be left as it was at present. There should be some better organised machinery that should have a complete surveillance of sentences, and, if no sufficient reason for staying the execution of the sentence should be shown, then that the sentence should be carried into effect.

Mr. BOOKER-BLAKEMORE said, that some years ago he happened to fill the office of sheriff in the Principality of Wales, and it was his duty to sit side by side with a learned Judge upon the trial of two individuals for murder. A more humane Judge could not have existed, and a more painstaking jury could not have been empanelled. He watched the case with the deepest interest, and arrived at the deliberate conviction that both men were perfectly innocent. To his horror the jury pronounced them guilty, and the Judge condemned them to death. By great exertions and the assistance of friends he obtained the release of one prisoner, but he regretted to say that the other had ever since been undergoing an undeserved sentence in a penal colony. He drew from that experience the conclusion that there was wide room for the inquiry which the hon. Gentleman (Mr. W. Ewart) invited the House to undertake. He thought there was good reason for preventing importunities of the Secretary of State by an amended system, and he should, therefore, support the Motion of the hon. Member for Dumfries.

Sir GEORGE GREY: Sir, as I have had occasion three or four times previously, when I held the office which I now have the honour to hold, to state the views of Her Majesty's Government upon this subject, I am afraid I can offer nothing new in argument against the Motion of the hon. Gentleman the Member for Dumfries. The House has on all former occasions concurred with me in rejecting these Motions, and I must express my earnest hope that, for the sake of the protection which the law and the execution of the law throw around society against the destruction of human life, they will reject this Motion of the hon. Member. The hon. Gentleman's Motion is slightly varied in terms from those which he formerly submitted to the House. He has on former occasions submitted a Resolution as to the expediency of abolishing capital punishment, or he has asked to be allowed to lay a Bill on the table for that purpose. On the present occasion the notice originally given was framed in similar terms, being for the entire abolition of capital punishment. But within the last few days, influenced, perhaps, by circumstances which have occurred, inducing him to think that a Motion pledging the House to the abolition of capital punishment was little likely to meet with acceptance, he has changed the form of his Motion, and now asks for a Committee to inquire into the operation of the law which imposes the punishment of death for offences still capital. Now, Sir, I confess I can see little substantial difference between the Motion now submitted and the Motions which have been submitted by the hon. Gentleman on former occasions. By his speech the hon. Gentleman asked the House to consent to the abolition of the punishment of death, and the substitution of what he terms a less cruel punishment; and, if the House were to agree to the Motion now proposed, I must say that, coupling it with the speech of the hon. Member, it would be understood by the country to be the opinion of the House of Commons that it was expedient the punishment of death should not be continued, and that the House was prepared to agree to a measure for its abolition after this Committee should have made its Report. I think, Sir, that would be a very dangerous course for this House to adopt. In one point I am in perfect agreement with the hon. Member who made this Motion. He said, let us discard the theological grounds, and consider the question simply as one of expediency A preliminary objection to entertaining the question of abolishing capital punishment has been sometimes founded on theological grounds by those who say that under the Divine law it is imperative, and that the text quoted by the hon. Member for West Surrey (Mr. Drummond) makes it obligatory on the State that where murder is committed the punishment of death shall follow, Now, Sir, I do not go with those who hold that doctrine. Neither do I go with those who hold that the punishment of death, established by any civil Government or State for that purpose which alone justifies it, is contrary to the law of God. If, then, we are to discard theological grounds, the hon. Gentleman (Mr. W. Ewart) must reject altogether the aid which he summoned from the petition which was read at the table, and which stated that the Gospel of Christ recognises the inviolability of the life of man, and the petitioners therefore express their opinion that it is contrary to the Gospel to inflict capital punishment for any crime. The hon. Member has two alternatives—either to admit the theological grounds, and encounter those who object, on alleged scriptural grounds, even to consider the question of abolishing capital punishment for murder, or to reject the theological grounds, and give up the support of those who petition for its abolition as objectionable and unlawful, because in their view it is opposed to the spirit of the Gospel. One other preliminary observation as to these petitions—a good many have been presented for the total abolition of the punishment of death, and none have been presented against such abolition. Now, I will admit that if it were a case of an ordinary kind, a strong inference might be drawn that public opinion ran strongly in one direction, and that it was the general desire of the country that capital punishment should be abolished. That inference cannot, however, be legitimately drawn in this instance. There are numbers of persons who, actuated no doubt by feelings of humanity, devote their time and their best exertions to procure the abolition of the punishment of death. They get up petitions upon the subject. Many of the petitions bear so great a similarity to one another that, in fact, they are almost stereotyped in the same terms. They express, no doubt, the opinions of those who sign them. But a feeling of humanity in men's minds deters them from asking that capital punishment shall be enforced, and thus it is that in particular cases importunity is always one-sided. As long as a man is suspected of being guilty of an atrocious murder the feeling of the people is against the criminal and with the law. They are anxious that no means shall be omitted which can insure the conviction of the prisoner, if he be guilty of the crime of which he is charged. But the moment he is convicted and sentenced to punishment, be it death or transportation, a certain number immediately sympathise with the criminal, look upon him as an object of pity, and exert themselves to obtain a commutation or remission of his sentence; while, on the other hand, no one petitions that the person on whom sentence is passed shall not be recommended to mercy. Public feeling is not expressed accurately. The opinion against remission is, in many cases, strongly but silently entertained. Do not let us, therefore, suppose that the real feeling of the people is expressed by petitions on this subject. One other preliminary observation. When the hon. Member for Sheffield (Mr. Hadfield) enumerated the names of great men who assisted benevolent persons like the hon. Member for Dumfries in their exertions to mitigate the severity of the criminal law, he mentioned those of Sir Samuel Romilly and Sir Robert Peel; but history and Parliamentary records prove that, although they were favourable to removing capital punishment from a great many crimes, the hon. Gentleman is in error in supposing they were among those who ask that in the case of a person guilty of the atrocious crime of murder he shall not suffer death as the punishment of that offence. My hon. Friend the Member for Dumfries placed this question on the ground of expediency, and asked, is it desirable to retain the punishment of death for murder? He has defined what he conceives punishment ought always to comprise. He said, first, that it should be effective for the repression of crime; secondly, that it should be equal; thirdly, that it should be certain; and, fourthly, that it should be revocable. Following those points, relying chiefly on the first—namely, the efficiency of the punishment, I must express my opinion—an opinion which I strongly entertain, which is confirmed more and more by reference to statistical records, and which rests on the inward conviction of every man's mind, that is not capable of being refuted—that the punishment of death is looked to with greater dread than any other punishment, and is more effectual than any other in repressing crime. I observe that, at the meeting held in the City yesterday, from which a petition has to-night been presented, it was stated as evidence of its inefficiency, that whereas all those crimes with regard to which the punishment of death was repealed had diminished, the crime of murder, for which it was retained, had increased. Now without going into statistics, I may state at once that the contrary is the fact. My hon. Friend must give me leave to state to him, that he is mistaken in supposing that his statistics warrant the conclusion that the abolition of capital punishment has caused a diminution in the number of those offences to which the penalty of death was at one time attached. Not only is that not true, but the very reverse is the fact. Robberies, burglaries, and other felonies of the secondary class have increased in number, and progressively so, since the punishment of death has been abrogated. The crime of murder, on the contrary, has remained about stationary, but stationary, be it remembered, in relation to a population which is rapidly increasing. The number of persons, committed not convicted, on charges of murder in the year 1845, was sixty-five; in 1854 it was sixty-two. The difference is scarcely appreciable, yet the population had increased in the interim by nearly 2,000,000. Some of the intermediate years show a trifling excess, but it is so very small as scarcely to admit of its being taken into calculation, and upon the whole we are justified in estimating that the crime of murder is rather upon the decrease than the increase. This shows that, let theorists say what they will, the fear of an ignominious death as the punishment of murder does deter some persons from the perpetration of that awful crime. Nor let it be supposed that there is any intention to exempt women from that punishment. During the last ten years fourteen women have been executed for murder, and of these I grieve to say that ten forfeited their lives during the period that I have held the office of Home Secretary. In the year 1849 no fewer than five women were brought to the scaffold. This being the state of the case, I hope that no erroneous opinion will get abroad that women may commit murder with impunity. The next point on which my hon. Friend insisted was, that punishment should be equal, and in this respect he deems the penalty of death defective. He told us that some criminals go to the scaffold without appearing to feel their dreadful position—that they are obdurate, hardened, impenitent, and were anxious to be regarded as heroes; whereas others are so overcome with shame and terror that at last they lose motion and consciousness, and have almost to be dragged to the gallows. But can my hon. Friend suggest any punishment, whether transportation, imprisonment, or penal servitude, which will not be liable to this objection of inequality? If you sentence to transportation a man surrounded by all the luxuries of life, having a wife, children, and friends, to all of whom he is tenderly attached, the punishment will certainly fall upon him with crushing severity; but it will not have the same effect on a man in humble life, who, unmarried and childless, has no friends and relations for whom he cares. This objection of inequality, therefore, is one which applies with equal cogency to all kinds of punishment as well as that of death; therefore, the idea of an absolute equality of punishment is altogether Utopian. But then my hon. Friend urges the argument of "certainty," and contends that the particular punishment annexed to an offence ought in every case to be inflicted. Now, Sir, that is a doctrine which would be found very difficult of application. The law of itself affords a very liberal discretion to Judges as to the period of imprisonment or penal servitude that may be awarded for a stated offence. That which is in the eye of the law the very same crime may be visited with punishment of very different degrees according to the varying circumstances of each particular case. And so with regard to murder; it is impossible to overlook the vast difference in the degrees of guilt that two cases may present. We may imagine a case of the most deliberate and cold-blooded assassination, and we may picture to ourselves another case where, though the jury found the prisoner guilty of murder, his offence was, in point of fact, scarcely distinguishable from manslaughter. If by "certainty," then, you mean that, without reference to the distinctive circumstances, the same punishment shall in each case be inflicted, you will lay down a rule which will be productive of great injustice. It is no uncommon occurrence that, even after the trial has terminated, circumstances not known at the time come unexpectedly to light, which justify an exercise of the Royal clemency on behalf of the condemned person. If this be an evil, will it be remedied by substituting imprisonment or transportation for capital punishment? Assuredly not, for the Royal prerogative will remain untouched. My hon. Friend advocates the infliction of such a punishment as imprisonment for life in the case of murder, making it irrevocable and irremediable, and yet—strange inconsistency!—he objects to capital punishment for the very same reason. The theory is, that a sentence of imprisonment has this advantage over one of capital punishment, that it may be revoked in the event of its being discovered that the verdict was unjust; yet my hon. Friend, from the tenor of his arguments, would destroy that theory and doom to imprisonment without hope of emancipation. With regard to juries it appears to me that my hon. Friend has very much over-stated his case. He would have us believe that one of the consequences of annexing capital punishment to the crime of murder is that juries frequently refuse to convict, even on the clearest evidence. There may have been a few such cases—

though for my own part I know of none—but I am sure that it is true as a general rule that, where the evidence is clear and conclusive, and when it has been laid before the jury with that lucidity, happily so characteristic of the charges of English Judges, juries return a conscientious verdict, and do not disregard the solemn obligation of their oath through a disinclination to pronounce a verdict the consequence of which may be death to the prisoner. No doubt the knowledge that such may be the result of the verdict may make juries and even Judges more willing to present a case to their own mind in the point of view most favourable to the accused, so that they may avoid a mistake that can never be remedied. There have been many cases in which the line between murder and manslaughter—being a very nice one—a verdict of manslaughter, although the evidence might have justified a verdict of murder, has been returned; but it cannot be said that the ends of justice have been defeated by such a result. In that event, the punishment inflicted is what my hon. Friend would award in every instance—that of penal servitude, or transportation, and generally for life. The emotion manifested by Judges in sentencing prisoners to death has really nothing to do with the question. It must be distressing to a Judge to doom a fellow-creature to an ignominious death on the scaffold; but my hon. Friend has failed to mention any occason on which a Judge has shrunk from the performance of that duty, however painful it may be. With respect to the office of Home Secretary, which I have the honour to hold, I admit with the hon. Member for West Surrey (Mr. Drummond) that there can be no duty more painful than that of receiving the importunate applications made for mercy between the time of passing sentence and that of carrying it into effect; and assuredly there is no duty which requires to be more firmly performed than that which involves the careful examination of the grounds on which such applications are urged. In cases of this nature the Home Secretary, assisted by that legal advice which is always available, puts himself in communication with the Judge who presided at the trial. In the great majority of cases there are no difficulties. If the evidence at the trial was incontrovertible, and if the application does not rest upon matters which have subsequently come to light, but simply upon the general objections which certain well-meaning persons entertain towards capital punishment in any form and under any circumstances, the course to be taken by the Home Secretary is clear and does not admit of doubt. Other cases there are, in which the Judge represents to the Government that there are circumstances which render it advisable that the extreme penalty should not be inflicted, and in such cases the Secretary of State is in a great measure relieved from responsibility. But no doubt the duty and responsibility of the Secretary of State have been much increased by a humane alteration of the law made in the last year of the reign of William IV., when a Bill was passed repealing the law by which it was provided that in cases of murder the sentence should be carried into effect on the next day but one after conviction. At that time there were not the same facilities of locomotion as at present, and in many instances the law precluded the possibility of an appeal to the Home Office; the sentence having been carried into effect before it could be known to the Secretary of State to have been passed. There is now a considerable interval between the sentence and execution, during which strong representations and statements of facts, or alleged facts, are sometimes laid before the Secretary of State, even within a few days of the execution, and which, if true, may have an important bearing on the guilt or innocence of the prisoner. Such memorials are referred to the Judge who presided at the trial, with a request that he will send his report on the subject. An instance of this occurred within my own official experience. Great difficulty presented itself in dealing with the statements founded upon affidavit made to the Home Office, and the convict was respited for a week, an intimation being given at the same time to the prison authorities, to be communicated to the convict, that this step did not justify any expectation that the sentence would be remitted, but was only intended to enable the truth of the representations made in favour of the convict to be properly investigated. In some cases of that kind it has turned out that the affidavits were good for nothing, their allegations breaking down as soon as they came to be investigated before the magistrates on the spot, and the sentence was therefore executed. In some instances, however, statements of the previous history of the criminal, of the peculiar circumstances under which the crime was committed, and other considerations which cannot be very easily explained, have been brought under the attention of the Government, and received that weight to which they were entitled. Some deference must also be paid to public opinion, which cannot be wholly disregarded without enlisting the sympathy of the people on behalf of the criminal and against the law; and the rule, therefore, to be observed is so to administer the law that public opinion shall go along with its enforcement, and that where a prisoner has suffered the extreme penalty it may be generally felt that nothing that told in his favour was overlooked, and that his execution was fully justified. At the same time, if the hon. Member for West Surrey can suggest a mode by which the responsibility of the Secretary of State shall be lessened, he will confer a very great boon on the occupant of an onerous office. Yet I know not how that responsibility can be transferred to other hands, and therefore, while I hold my present situation, I can only say that I shall continue to exercise the power intrusted to me impartially, firmly, and to the best of my ability, with an earnest desire to render the law efficacious for the repression of crime. My hon. Friend (Mr. W. Ewart) says that as the science of chemistry advances the difficulty of detecting murder by poisoning will increase. That is a most dangerous doctrine; but, happily, it has no solid foundation. The crime of poisoning by arsenic used to be very common, but it has been checked, because the progress of chemical research enables it to be discovered with certainty. Such, I believe, will be the case with other poisons, and I maintain that the chances of detection are infinitely augmented, not diminished, by the improvements of science. I need not touch on public executions, since they do not enter into the question whether or not the punishment of death ought to be retained. The objection that executions are vindictive, retaliatory, and revengeful, if it has any force, applies equally to every other mode of punishment. How is there more of a retaliatory spirit evinced in putting to death a man who has taken away the life of a fellow-creature than in immuring him in a prison for life? My hon. Friend himself says the latter is the severer punishment of the two. If that be so, according to his own argument his substitute for the punishment of death must be more revengeful. My hon. Friend has, in my opinion, adduced nothing from the example of other countries that should prevail upon us to depart from our established law. I believe that death is the punishment which men most dread, and that it is the right and the bounden duty of the State to inflict it for wilful and deliberate murder. On these grounds I hope the House will not accede to this Motion.

Mr. LIDDELL said, that the hon. Member for Dumfries had urged as a strong reason, in favour of his Motion for a Committee, the difficulty of bringing public opinion to bear upon the question—that was to say, unanimously; but where was the country in which free discussion existed to such an extent, and where could public opinion be brought to bear upon any question by means of an unshackled press, more powerfully than here? The hon. Member seemed to have confounded public opinion with private judgment, and not to have allowed the weight to which they were entitled to the opinions of our lawgivers, and to the customs and usages of the country in reference to this question. Now, Judge Blackstone, a great authority upon this subject, said, that when the question arose whether death might be lawfully inflicted, the wisdom of the law had to decide it, and that to this public judgment or decision all private judgment must submit, or else there was an end to the first principles of all society and government. The *onus probandi* rested on the assailants of the existing law, who were bound to show that some other mode of punishment than death would operate as a greater preventive of murder. Those who were in favour of the abolition of capital punishment did so upon the ground that statistics proved that it did not act as a preventive of crime. But the House should consider, in regard to these statistics, how many things acted upon the sources and causes of crime. The circumstances of a county, its state in any particular year, the want of occupation for its inhabitants—all these things tended materially to affect the calendar of crime. Consequently, such statistics were not very safe or reliable guides for legislation upon the subject. After some further observations, which the continuous calls for a division rendered altogether inaudible, the hon. Gentleman concluded by stating that he should vote against the Motion.

Mr. BROTHERTON said, he could not allow the debate to close without offering his tribute of thanks to his hon. Friend the Member for Dumfries for bringing this subject again under the consideration of the House. The question was a most important one, and although it might not be popular in that House, he had no hesitation in avowing it as his conscientious opinion that capital punishments were contrary alike to the law of God, the spirit of the Christian religion, and to sound policy. The object of punishment must be either to reform the criminal, make reparation to society for the injury done, or to deter others from the commission of crime, by the example afforded. It could easily be shown that capital punishment did not produce any such results. It was recorded as a fact that out of 167 persons who had been sentenced to death, 164 had witnessed executions. Formerly, men were hanged for forgery and many other minor offences. The improvement in public opinion on this subject might be illustrated by a case that occurred in the year 1814, when a man was executed at Chelmsford, in Essex, for cutting down a cherry-tree. It was reported that the Judge on that trial observed, that a man who would cut down a tree maliciously, would not hesitate to kill a man. No Judge at this day would utter such a sentiment. He trusted that public opinion would improve still further, until the punishment of death was finally abolished. In his opinion it was of the greatest importance that the laws and institutions of a country should cherish in the minds of the people a feeling of the sacredness of human life, and he believed that in proportion as capital punishments had been abolished public feeling had been improved. The hon. Gentleman the Member for West Surrey made no allowance for the improved spirit of the age, and according to his doctrine, burning, hanging, and gibbeting alive were to be sanctioned because they had been practised in former times. The hon. Member says, the scriptural command, "Whoso sheddeth man's blood by man shall his blood be shed," is in his opinion as plain as words can make it. He (Mr. Brotherton) had the best authority for declaring that that text was not a command but simply a declaration of the principle of retributive justice. That it was no more to be taken as a justification of the punishment of death than the words of our Saviour, when he said, "He that takes the sword will perish by the sword," or "With what measure ye mete to others it will be measured to you again." If the text were to be taken in the sense in which it was commonly understood, one murder would lead directly to another, and in that case where was blood-shedding to end? He believed that if he had the opportunity he could show that the text of the Old Testament, on which the advocates of capital punishment relied, might be very differently interpreted. The same God gave the laws of the Old Testament that gave the laws of the New; and he would not contradict himself, he would not say, "Thou shalt not kill," and afterwards ordain that the disobedient child, the Sabbath-breaker, or, if an ox killed a man the owner should be put to death. "Putting to death" could not mean in Scripture the taking of the natural life; in many cases it meant excommunication. The crimes which were formerly punished by death, and which are no longer so punished have not increased, but decreased, since that punishment was abolished, and he believed that there was a growing public opinion, that crime diminished in proportion to the mildness of the laws. The State had power over the civil, but it had no right to take the natural life. Man had not the right to destroy his own life, and he had no right to delegate that power to the State. Believing that many important facts might be brought before a Select Committee proving that public executions were demoralising by their example, and did not deter from crime, he should cordially support the Motion of his hon. Friend the Member for Dumfries.

Mr. WARNER said, he must complain that the right hon. Baronet, the Home Secretary, had misrepresented the Motion of his hon. Friend (Mr. W. Ewart). He treated it as if it had been for the total and immediate abolition of capital punishment. If this had been its object, he for one could never have given it his support. He did not believe that the punishment of death could be abolished in the present state of society in this country. He hoped the time might come when it would be still more seldom resorted to, or perhaps even abolished altogether. In the meantime it was most desirable to consider of the means which were in our power to provide a substitute in secondary punishments. At present there was no certainty in our secondary punishments. We must find means to overcome the difficulties connected with transportation. We must be prepared to provide a system of severe imprisonment. We might not find it necessary to adopt imprisonment for life, with periodical corporal punishment, though he believed that had been tried with success in some countries. But we must, at least, introduce solitary confinement for life, without any hope of pardon. These were important questions for a Committee to consider. Perhaps they might also devise some improvement in the manner of capital punishments, as long as we were compelled to continue them. He did not speak of private execution. No one, he believed, had ever recommended private execution. What had been often proposed here, and had been tried in some States of America, was executions within the walls of the prison, taking place, not privately, but before a numerous jury of witnesses. For these reasons he would support the Motion. He was sorry that the theological question had been introduced into the debate. There was little force in the arguments from it on either side. He maintained, that those who possessed the Sovereign power in every country, be they kings or people, had the power of life and death delegated to them by Providence. They were bound to make such laws as they believed would best secure the great interests of the State, and they were responsible only to God and to their own consciences. As a member of the Legislature of this country, he would never consent to abdicate the right and the responsibility which belonged to it. If they did this, they would deserve to lose their place among the nations, and the high character they held for the justice of the laws, and the uprightness of their administration. But there was room for inquiry, how far these laws could be improved, and with that view he should give his vote for the Motion of his hon. Friend.

Motion made and Question put, "That a Select Committee be appointed to inquire into the operation of the Law imposing the Punishment of Death."

The House *divided:* for the Motion :— Ayes 64; Noes 158: Majority 94.

*List of the* Ayes.

Adair, H. E.
Alcock, T.
Barnes, T.
Bell, J.
Biggs, W.
Bignold, Sir S.
Blakemore, T. W. B.
Brotherton, J.
Brown, W.
Chambers, T.
Clifford, H. M.
Cogan, W. H. F.
Cowan, C.
Crossley, F.
Currie, R.
De Vere, S. E.
Duncan, G.
Ewart, J. C.
Fagan, W.
Ferguson, J.
FitzGerald, Sir J.
Forster, C.
Fox, W. J.
Gibson, rt. hon. T. M.
Greene, J.
Headlam, T. E.
Heywood, J.
Hindley, C.
Holland, E.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Kelly, Sir F.
Kennedy, T.
Kershaw, J.
Langton, H. G.
Laslett, W.
Lee, W.
M'Mahon, P.
Maguire, J. F.
Meagher, T.
Miall, E.
Milligan, R.
Michell, W.
Mowatt, F.
Muntz, G. F.
Pechell, Sir G. B.
Pellatt, A.
Phillimore, J. G.
Pilkington, J.
Raynham, Visct.
Richardson, J. J.
Robartes, T. J. A.
Scholefield, W.
Scobell, Capt.
Smith, J. B.
Thompson, G.
Thornely, T.
Tite, W.
Walmsley, Sir J.
Warner, E.
Whitbread, S.
Williams, W.

TELLERS.
Ewart, W.
Hadfield, G.

*List of the* Noes.

Acland, Sir T. D.
Agnew, Sir A.
Bailey, Sir J.
Baillie, H. J.
Baines, rt. hon. M. T.
Ball, E.
Baring, rt. hn. Sir F. T.
Baring, T.
Barrow, W. H.
Baxter, W. E.
Beaumont, W. B.
Beckett, W. F.
Bellew, T. A.
Berkeley, hon. H. F.
Berkeley, F. W. F.
Black, A.
Blackburn, P.
Blandford, Marq. of
Bond, J. W. M'G.
Bouverie, rt. hon. E. P.
Bramley-Moore, J.
Bramston, T. W.
Brand, hon. H.
Bruce, Major C.
Buckley, Gen.
Burrell, Sir C. M.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Cockburn, Sir A. J. E.
Collier, R. P.
Conolly, T.
Coote, Sir C. H.
Corbally, M. E.
Cowper, rt. hon. W. F.
Davie, Sir H. R. F.
Davies, J. L.
Deedes, W.
Dering, Sir E.
Dillwyn, L. L.
Drummond, H.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Dungarvan, Visct.
Dunlop, A. M.
Egerton, W. T.
Egerton, E. C.
Esmonde, J.
Evelyn, W. J.
Farrer, J.
Fergus, J.
Ferguson, Sir R.
Ferguson, Sir J.
FitzGerald, J. D.
Fitzgerald, W. R. S.
Floyer, J.
Fortescue, C. S.
Freestun, Col.
Gallwey, Sir W. P.
Gladstone, rt. hon. W.
Gladstone, Capt.
Glyn, G. C.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, T.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Gwyn, H.
Hamilton, Lord C.
Hamilton, G. A.
Hankey, T.
Harcourt, Col.
Hastie, Archibald
Heneage, G. H.
Herbert, H. A.
Hotham, Lord
Howard, hon. C. W. G.
Hughes, H. G.
Johnstone, J.
Johnstone, Sir J.
Kendall, N.
Kinnaird, hon. A. F.
Labouchere, rt. hon. H.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lovaine, Lord
Lowe, rt. hon. R.
Mackie, J.
Mackinnon, W. A.
MacGregor, James
M'Taggart, Sir J.
Malins, R.
Martin, J.
Martin, P. W.
Monck, Visct.
Monsell, rt. hon. W.
Moore, G. H.
Morgan, O.
Morris, D.
Mowbray, J. R.
Murrough, J. P.
Napier, Sir C.
Newdegate, C. N.
Nisbet, R. P.
Northcote, Sir S. H.
O'Brien, P.

O'Brien, Sir T.
O'Brien, J.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palmerston, Visct.
Patten, Col. W.
Peel, Gen.
Pennant, hon. Col.
Percy, hon. J. W.
Perry, Sir T. E.
Ponsonby, hon. A. G. J.
Pritchard, J.
Pugh, D.
Repton, G. W. J.
Ridley, G.
Robertson, P. F.
Rushout, G.
Russell, F. C. H.
Rust, J.
Sandon, Visct.
Seymour, H. D.
Shirley, E. P.
Smith, rt. hon. R. V.
Smith, A.
Smollett, A.
Spooner, R.
Stracey, Sir H. J.
Strutt, rt. hon. E.
Swift, R.
Tollemache, J.
Tottenham, C.
Tyler, Sir G.
Vance, J.
Vane, Lord H.
Vernon, G. E. H.
Vivian, H. H.
Waddington, H. S.
Walcott, Adm.
Walter, J.
Whitmore, H.
Wilkinson, W. A.
Wilson, J.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wyndham, Gen.
Wynn, Lieut. Col.
Wynne, W. W. E.
Wynne, rt. hon. J.

TELLERS.
Hayter, rt. hon. W. G.
Mulgrave, Earl of

## ADVANCEMENT OF SCIENCE.

MR. HEYWOOD said, he would beg to move for a Select Committee to inquire what public measures could be adopted to advance science, and improve the position of its cultivators. London was remarkable as a great centre of science, and was distinguished by many scientific societies. It was with great pleasure he was able to say that Government had given considerable attention to the subject. In the department of geology it had instituted a school, and it had formed a department of science and art, which was placed under the control of the President of the Council. Science was thus brought into connection with the general education of the country. There were schools already established, of which the most important was the School of Mines, in Jermyn Street, which was especially intended to instruct persons who had the control of mining operations. Many persons, he understood, had derived considerable benefit from an attendance at that excellent institution. The British Government had imitated, in this respect, the conduct of other Governments; for instance, that of Saxony, in which country great progress had been made in consequence of the establishment of a school of that nature at Freiberg. He considered that we were much indebted to the gentlemen who had been placed at the head of those departments, and, in particular, he might allude to the late Sir Henry De la Beche, and to Sir Roderick Murchison. Amongst other institutions of this kind he might mention the Sailors' School at Poplar, in which instruction of a really practical kind was given to a number of industrious persons. Notwithstanding all this, however, there was in this country a great want of scientific instruction. He believed that at Magdalen College, Oxford, it had been recommended by the Oxford Commissioners, that a considerable portion of the college revenues should be set apart for the reward of science in scholarships and fellowships. He trusted that the same thing would be done at Cambridge. It was observed by Professor Liebig, when in this country, that England was remarkable for paying no attention to anything that had not a practical tendency, and that they neglected abstract science, while in Germany the contrary was the case. He considered that they had a most important duty to perform in endeavouring to promote science as much as possible. There was a scientific department which Government had established, in connection with the Board of Trade, under Captain Fitzroy, which was likely to prove exceedingly beneficial, and this was done in imitation of the American Government, who had a similar department under Captain Maury. It was to be wished that the various scientific societies of London should be collected in one spot, and Government had purchased Burlington House, which was to be devoted to that object. It was found that the British Museum, at the present time, was overflowing in various departments, and especially in natural history. They had recently placed Professor Owen over that department, and had given directions that he should give lectures. There was no lecture-room at the Museum, and he would have to give them in Jermyn Street; so that the specimens would have to be carried backwards and forwards. He believed that the British Museum was so overflowing that it would be to the public advantage that there should be a division of its stores, and he thought the natural history department might be removed to the west end of the town. He was exceedingly anxious that scientific men should have a better standing in the country. He did not think that their merits were appreciated by the Government or the public. He did not wish to depreciate others; he thought that, in case of war, Generals, and Admirals, and others who distinguished themselves ought to be honoured, but scientific men were not recognised in any way. He was very much in favour of some

Order of Merit being established for persons in civil departments. With a view to the advancement of science, he would also strongly urge the expediency of some alteration in the system of fees for taking out patents. At present a payment of £25 was required from any person taking out a new invention, and many individuals were not in a position to command that sum, and it appeared that the Attorney and Solicitor Generals received from that source a very large proportion of their salaries. The salaries of those officers ought to be paid out of the Consolidated Fund, and patentees ought to be charged a lower sum. He thought it very important that a Committee should be appointed to inquire into these points, and especially on the subject of education; and without further detaining the House, he would move for the appointment of a Committee on the subject of science.

MR. TITE seconded the Motion.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire what public measures can be adopted to advance Science, and improve the position of its cultivators."

MR. MACKINNON said, he was as much inclined to give every possible encouragement to science as the hon. Gentleman who had brought forward this question, but he would ask the House to consider, before going to a division, what would be the result of assenting to it. According to an old and trite saying—*Poeta nascitur non fit*, and certainly the men who most distinguished themselves in any particular branch of scientific inquiry were not those upon whose education the largest sums had been expended. To be a scientific man there must be a talent for science. A large amount of property was devoted in this country to the encouragement of the science of mathematics. In the University of Cambridge especially, great mathematical attainments led to fellowships and to livings; but, although the University had produced Professor Airy, and two or three other individuals who were an honour to it from their scientific attainments, how few of its members had arrived at any eminence in mathematics, notwithstanding the advantages they would derive from proficiency in that science. If men of eminence in mathematics could be produced by bestowing wealth upon those who studied mathematics, the members of the University of Cambridge ought to be the first mathematicians of the world. But was that the case? No. The majority of them had very little mathematical knowledge, and the science of mathematics was cultivated to a much greater extent in France than in this country. The conclusion he drew from these facts was, that science was not advanced by having a large amount of property devoted to its encouragement. The two greatest men of science whom this country had lately produced were neither of them members of the University. Neither Herschel, the discoverer of the *Georgium Sidus*, nor Brunel, the constructor of the Thames tunnel, belonged to the University of Cambridge, or to any great public seminary. They both attained eminence by their individual genius alone. Look at the two discoveries that had been lately made, and which had raised this nation to the highest position among the nations of the world—he meant the application of steam to railways, and the application of electricity to communication. To whom were those discoveries owing? To men of talent, to civil engineers, several of whom were Members of that House, but none of whom had been educated at public seminaries; but whose ability and genius had placed them in the distinguished station in which they now were. An application of the public funds for the purpose of the cultivation of science appeared to him to be perfectly useless. Give the public a general education, and those persons of genius who especially cultivated it rose at once to notoriety. Having been a member for twenty-five years of the Royal Society, he certainly did not think that, as a public body, it did much good either in promoting men of literature or of science. It appeared to him that the society consisted rather of men who had already become eminent in science or other attainments, and who had since become its members, than of men whose knowledge had been enlarged or whose discoveries in science had been stimulated by their becoming members of that society. There was nothing definite in the Motion, and it would require a great deal of discussion in Committee. There would be no harm in that, to be sure, but still, he objected to a proposed Vote to take money out of the public purse for the promotion of science.

THE CHANCELLOR OF THE EXCHEQUER: Sir, in the object of the Motion of the hon. Gentleman, which is to advance science and to improve the cultivation of it in this country, I feel certain that there is no Member of this House who does not cordially sympathise. But that is not precisely the form in which it presents itself to our acceptance. The hon. Gentleman does not propose any specific measure for that object, but he asks us to assent to a Motion for a Select Committee to inquire what public measures can be adopted to advance science and to improve the position of its cultivators. Now, Sir, without explaining what is the nature of the measure he would recommend for the promotion of that object, he asks us to appoint a Committee, not to consider a plan which he is already prepared to submit, but to investigate generally the means that might be adopted to accomplish the object he has in view. In the course of his speech the hon. Gentleman went through a long list of institutions which have been established for the promotion of art and science. He, at the same time, showed that many of them were for the promotion of certain scientific purposes and for the facility of various national scientific objects. The hon. Gentleman might most truly have added that large sums of the public money had at different times been expended on scientific voyages and travels, and that in that manner the pursuits of science had been largely assisted. But the question really resolves itself into this—whether it would be possible for the Government, by a judicious application of the public money, to give assistance to the cultivation of science. It is true that science does not in general afford any remuneration to those who cultivate it. It is not, like many branches of literature and of art, a remunerative pursuit. But those who cultivate it do so for the love they have for science, and not for the sake of any pecuniary gain, as making that their chief and direct object. But I am not aware that it is possible by any application of the public money to increase the resources of science beyond what are already afforded by the patronage of the Royal Society and the numerous other public institutions that exist—such as the collections in all the various departments of zoology, mineralogy, and natural history, which are under the superintendence of Professor Owen, whose original researches and application in those departments, together with his development of the science of comparative anatomy, are known throughout the whole civilized world; the Botanic Gardens at Kew, where there is a collection of the rarest plants for the study of those who feel an interest in the science of botany; in short, I am not aware that there is any want of the materials of science in any department, whether as regards the collections of specimens of scientific objects, or of works of scientific pursuits. If it can be shown that there are other things required for promoting the cultivation of science, then, as I understand the object of the hon. Member is not merely the diffusion of a knowledge of science, but the cultivation and improvement of it, I doubt, Sir, very much whether any practical benefit would arise from the appointment of a Committee without some more definite subject of inquiry than that which my hon. Friend proposes for its investigation. If he would come forward and say, "Here is a certain plan or certain suggestions for the advancement of science and the improvement of the position of its cultivators, which I submit to the House and wish to be made the subject of examination before a Select Committee"—that would be matter, no doubt, which might reasonably demand our assent; but when he merely proposes that a Committee should be appointed to consider whether something cannot be found for the promotion of an object which every one admits to be laudable and useful, I confess I entertain great doubts whether any advantage would arise from acceding to his Motion. I confess I rather agree in the speech of the hon. Member for Rye (Mr. Mackinnon) who spoke second in the debate, and which speech appeared to be delivered for the purpose of showing the impropriety of the Motion. Under these circumstances, I trust that my hon. Friend (Mr. Heywood) will not think it necessary to press this Motion to a division, until he is able to propose something definite to the House, but that he will consider his object sufficiently attained by the discussion that has taken place.

MR. TITE said, he wished the House should thoroughly understand the object of the Motion. It originated with the British Association for the Advancement of Science, who, when they met at Glasgow, expressed a strong desire that the question should be considered, and they had twice referred the subject to a Committee in the very terms of the Motion now before the House. On the part of the British Association he distinctly protested against the impression that money was the thing wanted; what was wanted was some means of advancing science. On this subject Professor Liebig observes, in a letter to Professor Faraday, dated February, 1845, and cited in *Lyell's Travels in North America*—

> "What struck me most in England was the perception that only those works that have a practical tendency awake attention and command respect; while the purely scientific, which possess far greater merit, are almost unknown. And yet the latter are the proper and true source from which the others flow. Practice alone can never lead to the discovery of a truth or a principle. In Germany it is quite the contrary. Here, in the eyes of scientific men, no value, or at least but a trifling one, is placed on the practical results. The enrichment of science is alone considered worthy of attention. I do not mean to say that this is better, for both nations the golden medium would certainly be a real good fortune."

The right hon. Gentleman the Chancellor of the Exchequer asked that some distinct plan should be suggested. Well, in the pamphlet which he held in his hand, which was the Report of the Parliamentary Committee of the British Association, the plan was distinctly shown. It required that a Board should be constituted, which Board should consist of all the leading men of science in this country, and before whom all plans should be brought that might be proposed for its advancement. This Report also stated that the Royal Society might not be in itself sufficient to answer the questions that constantly arose in connection with science, though it was well known that hitherto the Royal Society had met all the matters submitted to them to the satisfaction of the Government and the public; but still a larger body in the nature of a Council of Science was required to meet the increasing wants of science, and the main object of this Motion was to promote the establishment of such a body. Questions were continually occurring where such a body would be eminently useful. It could be established without any unreasonable expense; probably it would only require the mere expenses attached to keeping up the office of a paid secretary; and when so established, it should be the quarter to which every scientific question should be addressed, and to which the Government should have access at all moments. Mr. Tite, in conclusion, deprecated the idea that men of science were anxious for merely decorative distinctions. On this subject he entirely agreed with Dr. Faraday, who, after speaking of the distinctions, both national and foreign, which may even now be earned, writes—

> "I cannot say that I have not valued such distinctions; on the contrary, I esteem them very highly, but I do not think I have ever worked for or sought after them."

LORD STANLEY said, as it appeared to him that the House was not inclined to enter fully into the subject at present, his observations should be very brief. He believed that there was a great deal of force in the objection of the right hon. Baronet the Chancellor of the Exchequer, that the hon. Member who introduced this subject had no specific measure to propose. As far as his (Lord Stanley's) experience went, he did not believe that an inquiry could be well conducted by a Committee, unless there was some distinct proposition submitted for approval or rejection. If the House appointed a Committee merely on the principle of asking all the scientific men who could be collected together to give generally their opinions as to what was best to be done for science, a risk would be run of having a very vague and indefinite inquiry. There was also another objection to the appointment of a Committee now. The middle of June was at hand, and the Session was far advanced, but an inquiry, of the nature proposed by the hon. Member for North Lancashire, to be productive of any useful result, ought to be conducted, not in haste, but in a manner so that the whole country might have ample notice of it. Such being the case, he rather hoped that the hon. Member would not press his Motion at present, but take the opportunity of the coming recess, which doubtless was not far distant, to consult with the most eminent scientific men as to the exact nature of the measures which they might think desirable to be adopted, and submit them in a substantive Motion to the House. That was all he should have said but for one or two remarks which had been thrown out in the course of the debate, and which appeared to him to rest on misconception. He quite allowed that, in the case of the University of Cambridge, there could not be a better mathematical education, up to a certain point, than was there given. He agreed also in the remark, that in point of the practical application of science to mechanics and such matters this country equalled, and probably exceeded, other nations. But between these two points there lay a wide intermediate space, which was not touched. The mathematics of the University as taught were, generally speaking, pure science, and not applied science. Then it was said that a mathematical genius or an inventive genius could not be made by any amount of patronage. That certainly was true; but he thought that there was some confusion as to the distinction between original invention and the diffusion and application of knowledge already existing. As regarded original invention, he allowed that they could not hope by the application of Government funds very greatly to increase the amount, though even in that respect there was probably a number of men qualified for scientific pursuits who were prevented from following them, principally in consequence of the want of means for obtaining that early education which was necessary. But invention was one thing, and the diffusion and application of knowledge already attained another.

VISCOUNT PALMERSTON: I am sure, Sir, the House will believe that any Government must be anxious to promote the diffusion and advancement of science, because that is an object so eminently connected with the best interests of a country—its intellectual progress, its material prosperity, and its commercial advancement—that no man who had found his way to high office in the State could be insensible to the advantages derived from the furtherance of such an object. The difficulty, however, lies in determining how that advancement of science is to be promoted, and I confess I do not think that the appointment of such a Committee as is now proposed by my hon. Friend (Mr. Heywood), particularly, as was suggested by the noble Lord opposite (Lord Stanley), at this late period of the Session, would be likely to lead to any such result. Two modes of accomplishing the desired end have been indicated in the course of this discussion. One, which was immediately disclaimed, is by a grant of money from the Government. It has been said that money is not wanted. But money is wanted in a certain way; that is to say, there are men of science zealously pursuing their investigations, but who have not the means of providing instruments or books from their own funds, and of properly following these researches. To men of that sort there is no doubt that any aid afforded through the Royal Society or other channels must prove of great service, and that the interests of science are thereby advanced. Then it has been suggested that a Board of scientific men should be established, to which questions connected with doubtful points of science might be referred. Now, I confess, Sir, that I have great doubts in my own mind of the advantage of corporate bodies with reference to intellectual improvements. If there is one department of intellect in which a corporate body might perhaps be more expedient than another, it would be in that of painting, because such a body might collect models, encourage the study of those models, provide lectures, and afford great advantage to those who practise the art. At the same time it is well known that there exists a diversity of opinion even upon that point, and I have great doubts whether the establishment of a Board of scientific persons would be productive of any great advantage in the promotion of science. A remark made by Professor Liebig has been quoted, to the effect that there is a great difference between England and Germany in this respect—namely, that while here we look to the practical application of science, in Germany they look more to the theoretical advancement of the principles of science. Well, but it seems to me, Sir, that this is a contrast more striking in words than in things, because, how are you to carry forward to any great extent, and to any successful results, the practical application of science if you do not make advances in the theory upon which that practice is to be founded? Practice without theory is only, in other words, theory without the grounds upon which theory should be founded; and, therefore, I think Professor Liebig's observations have not the force which my hon. Friends behind me would attribute to them. We are certainly an eminently practical nation, and we study the theory of science not with a view simply to abstract reasoning, but with a view to its application to the purposes of life and to the material interests of the country. I can only say that the Government will be at all times most thankful to any persons who can suggest to them anything within the competence of Government to propose or within the scope of Parliament to entertain, which can tend really to the advancement of science; but I think, as my hon. Friend has drawn the attention of Parliament to the subject by his speech, and has elicited the opinions which have been expressed in the course of this debate, he will, perhaps, think he has done enough, at all events in the present Session, and that it would not be advisable to press his Motion to a division, the result of which would be to involve the appearance of a difference of opinion where there really exists no difference at all.

MR. HEYWOOD, in reply, said, he did

not wish to divide the House upon the subject. He would have brought the question earlier before the House if an opportunity had offered itself. With regard, however, to the fees paid for obtaining patents, he must point out that the present system was a gross injustice to those individuals who followed scientific pursuits. That was a great impediment in the way of science. The great proportion of the fees paid went into the pockets of the Attorney and Solicitor Generals, and that might in some degree be the reason of the repeated attempts that had been made to count out the House that evening. He therefore hoped the salaries of those officers of the Crown would be put upon a better footing. He would now beg leave to withdraw his Motion, and would endeavour to bring it forward at an earlier period in the next Session.

Motion, by leave, *withdrawn.*

### RIGHTS OF MARRIED WOMEN.

Sir ERSKINE PERRY said, he rose pursuant to notice, to call the attention of the House to the present state of the law with regard to the rights of married women. The subject was one which had excited considerable interest out of doors, and during the Session no less than seventy petitions had been presented complaining of the law as it affected the property of married women. Some of those petitions bore the signatures of the most thoughtful portion of society; the most marked one of the whole, perhaps, was the one which he presented before Easter, which was signed by 3,000 women, amongst whom were ladies who had made the present epoch remarkable in the annals of literature. It was only by accident that these ladies had entrusted him with the charge of presenting their views to the House. At the annual meeting of the Law Amendment Society, he spoke a few words on the subject of the rights of married women, and those observations coming to the notice of the memorialists, they determined to entrust their petition to his hands. Neither was it upon any sudden impulse, or without due meditation, that he had ventured to bring this question forward; for in the judicial situation which he had had the honour to hold, the question had often forced itself upon his mind. Having, then, had every opportunity for considering the question, and having most carefully looked into it, he could unhesitatingly pronounce his solemn conviction that the law of England, as it affected the property of married women, was not only discreditable to the age, but that it demanded immediate alteration. By the old English law there could be no doubt that a wife succeeded on equal terms, with women of other nations, to the common property of her husband; she was entitled to one-third of the land, and one-third of the personal property. The decrees of the legal tribunals of the country, however, had abrogated this old English law, and deprived married women of their rights, while the husband had acquired the right from the same source, of dealing with the property of his wife just as he thought fit. The law had not been changed by any act of the Legislature, but solely by the decisions of the Judges. According to the dictum of the common law, a married woman had no right to personal property, but the Equity Courts recognised and acted upon the very opposite principle. Equity dealt with the personal property of a wife as though she were a single woman, but the common law held that it belonged to the husband. These diametrically opposite views of the law had arisen out of the decisions of different Judges, and the object of his bringing the question now before the House was to elicit an opinion as to which of the two principles was the sound one, as applicable to the case of married women. The rule which enabled families to settle property upon females before marriage was a correct one—it was founded in justice, and useful to society; but while the Legislature admitted the expediency of that law, it was equally incumbent upon them to reconcile the conflicting principles of law and equity which now prevailed with regard to the rights of married women. Now, to what did this conflict between the two classes of Courts tend? Why, to this, that those who are rich, and are able to apply to the Courts of Equity, have the means of defeating the stringent injustice of the common law. It tended, also, to show that for the rich there was one law, and for the poor another; but then that description was not strictly applicable. It was accurate to divide society into two classes of rich and poor. There were a great mass, perhaps the bulk, of the community who were happily removed above poverty, but who were not yet rich enough to go into the Courts of Equity, and this class had a strong claim upon the Legislature to be put in the same position with respect to the rights of property as the more wealthy. It was not necessary to describe the existing state of common law with respect to the property of women, as the facts were familiar and of every-day occurrence. It was incumbent upon him, however, to prove that he was not insisting upon a theoretical grievance. He had been met by the objection that though the rule might present a hardship, yet practically it did neither mischief nor wrong, for where there was property, settlements beforehand might be made; where no property, settlements were unnecessary. It was, however, a serious practical grievance that he complained of; but the proofs of it would occupy too much time for him to go fully into them on the present occasion. Suffice it that there was one sort of case which had been reported to him in dozens ever since he had given notice of his intention to bring forward this subject; such, for instance, as that of a man who, leaving his wife, went to live in adultery, or, at all events, to lead a life of viciousness, and yet came in to claim her property. Instances innumerable had come to his knowledge where the wife, so abused and neglected, had been enabled by her industry to set up in business, and yet the brute of a man could, and did, come down upon her, after a few months' absence, and seize the proceeds of her labour under the sanction of the law. Now, he would ask hon. Members if it was fitting or just that they should any longer give the sanction of law to such iniquities? It certainly would not be difficult to frame a simple remedy. All that would be necessary would be to abolish the artificial rule of common law which had grown up, and to apply exactly the same principle to the property of the wife as was applied to the property of the husband. If no antenuptial contract was entered into, let the property of the wife remain in her own hands, and be disposed of at her death in the manner she might choose to direct. No doubt some further rules would have to be laid down with regard to the wife's obligation to the support of her children, and to contribute to the charges of the joint household. Some alteration, however, should be made with regard to the absurd laws relating to debts contracted by the wife before marriage—for absurd they undoubtedly were. A husband, after marriage, was not bound to pay any debt his wife might contract unless they were for such things as were suitable for her station in life; and yet he was responsible for any debts whatever that she might have contracted before marriage, although he might never have so much as dreamt of their existence. The difference of the two rules was itself enough to demonstrate that one of them was absurd, and, necessarily, that one of them ought to be altered. In conclusion, he ventured to appeal to his hon. and learned Friend the Attorney General, whom he knew to be a sound law reformer, to apply his mind to this subject, and to satisfy himself whether the conflict between common law and equity ought not to cease? If there must be any difference between the rights of husband and wife, the woman ought to be the favoured party, for she was the weaker, and assuredly stood more in need of the protection of the law. Let it not be supposed that he entertained any novel or theoretical notions on the position which women ought to occupy in society. The Resolutions he wished to propose were practical ones, and were intended to meet a real and practical grievance. No one could recognise more clearly than he the principle that the fitting place for woman was not to be engaged in a struggle with man for her bread. In nine cases out of ten the stronger sex must bear off the prize. He wished rather to see her enshrined in her own home, relieved from the carking cares of life, and enabled to make her home, however humble, a place of light and joy to her husband. But he could not overlook the fact, that in the existing state of society there were hundreds and thousands of women to whom no such description could apply. The laws of property pressed most grievously upon the interests of such, for those laws were the product of a rude age, and applied to a state of civilisation wholly different from our own, and ought to be altered or modified, now that so many women were found in the manufacturing districts and elsewhere earning the means of subsistence by their own labour. He might refer to the example of a nation in many respects resembling ourselves, and in jurisprudence immeasurably our superiors. Originally the Roman law treated women as mere chattels; but at a very early period that was altered, and where, in all antiquity, could they find women equal in every civil virtue to the matrons of the Roman Commonwealth? The Minister who, in the present day, would bring forward a comprehensive measure to extirpate the evils of which he complained would not only effect a great social improvement, but would show himself fit to hold the helm of this country at the present critical period.

Lord STANLEY seconded the Motion.

Motion made, and Question proposed—

"That the rules of common law which give all the personal property of a woman in marriage, and all subsequently acquired property and earnings, to the husband, are unjust in principle and injurious in their operation."

The ATTORNEY GENERAL said, he cordially concurred in the Resolution of his hon. and learned Friend (Sir E. Perry). He quite agreed with him that the rules of the common law were injurious and unjust, that they were no longer applicable to the present state of society, that the rules acted upon by the Courts of Equity were much more consistent with the requirements of the age, and that the conflicting rules and principles of the two systems ought to be brought into unison. On the other hand, he would urge his hon. and learned Friend not to press the House to adopt his Resolution, for, if it were proposed to amend the law in a matter of this kind, it would be much better to proceed by introducing a Bill for that purpose than by calling on the House to discuss an abstract Resolution, which was, in fact, making it neither more nor less than a debating society. He had communicated with his noble Friend the Lord Chancellor upon the subject, and that noble Lord fully concurred with him in thinking that the time had come when the common law and equity ought, upon this point at all events, to be reconciled. The best attention of the legal authorities connected with the Government would, during the recess, be given to the subject, and he hoped that in the next Session of Parliament they should be able to introduce a more comprehensive and more satisfactory measure upon the subject. He might take that opportunity of saying that he should look upon such a measure, if it were passed, as only a part of a far greater one, for which the time had fully arrived, namely, the removal of the inconsistencies existing between common law and equity, by making the more rigid and stubborn maxims of the common law consistent with equity—that was, with reason, justice, and common sense. He hoped that his hon. and learned Friend would be satisfied with the assurance which he had given him, and would not press his Resolution.

Mr. MALINS said, he must deny that the existing law placed any distinction between rich and poor, as the hon. and learned Member for Devonport (Sir E. Perry) seemed to suppose. The rule of Equity was a very simple one. Before marriage any woman might herself, and after marriage her friends might for her, take steps to secure her property to her separate use. The simplest instrument that could be devised would be quite sufficient for that purpose. If all that was desired by the hon. and learned Member was to assimilate the rules of Law and Equity, the proposal of the hon. and learned Gentleman should receive his cordial support; and for that purpose a very simple enactment, he apprehended, would suffice. If, however, the hon. and learned Gentleman wished to go further than that —if he wished to set up a separate establishment in every house—then he must resist it to the utmost extent of his power. If it was meant that henceforth the husband should have his establishment and the wife hers, he must regard the proposal as contrary not only to the law of England, but to the law of God. The law of England with regard to matrimony, as it at present stood, was founded upon the soundest principle — upon the principle, namely, that when a man and woman married they became one, and that their property ought not, therefore, to be separated. If a woman had not full confidence in a man let her refrain from marrying him; but still, as the law stood, she might, if she thought fit, protect herself. If during coverture property devolved upon her, it would no doubt become the property of her husband, and his receipt for it would be perfectly good. That was equally the rule of the Courts of Common Law as well as of Equity. But there was this difference between the two. If a woman had not complete confidence in her husband, and if he were a bankrupt, she might go to the Court of Equity and press it to assign her a settlement. The usual rule in such cases was to give her one half, but she might get three-fourths, or even the whole. Could anything be more reasonable than that? But it was said a married woman might set up in business for herself, and her husband would have a right to seize the fruits of her industry. If the husband was an assenting party, she might contract with him that *quoad* the business she should be as if she were still a *femme sole.* Of course, except under what was called an equitable settlement, no contract between a husband and a wife during her coverture would be good as against his creditors. But did the hon. and learned Gentleman propose to give a wife power to set up in business in defiance of her husband, and to conduct it so as not to be liable for his debts. Certainly he (Mr. Malins) was not prepared to go so far as that. Indeed, there were some who thought that the whole equity doctrine of separate use was based upon an erroneous principle; and he was himself so impressed with the necessity of insisting on the perfect identity in all things of husband and wife, so convinced of the tendency of settlements to foster habits of extravagance on both sides, that, taking an enlarged view of the case, he was not satisfied that the doctrine in question had not proved detrimental to the best interests of society. He most solemnly protested against the new doctrine springing up, that it was for the interests of society that the wife should have separate interests from those of her husband. He believed that the interests of society involved quite a contrary principle, and he therefore hoped that the House would maintain the law in that respect as it now stood.

Mr. MUNTZ said, he would remind the hon. and learned Member for Wallingford that the necessity for an alteration of the law arose from the impossibility of a separation, under any circumstances whatever, in the case of a poor man and his wife. He himself knew several instances in which profligate husbands had squandered the property acquired by their wives to whose support they did not contribute one farthing, and he thought justice demanded that when the conduct of a man was such that his wife could not live with him, he should not be entitled to seize the fruits of her industry. Some alteration of the law was imperatively called for.

The SOLICITOR GENERAL said, that the real state of the law had not been represented by the hon. and learned Member for Wallingford (Mr. Malins) with his usual accuracy; while, on the other hand, he could not congratulate the hon. and learned Member for Devonport (Sir E. Perry) on the clearness of his Resolution, with respect to the evil that required to be redressed. The Common Law, on an occasion of marriage, made a qualified gift of the property of the wife, present and future, to the husband. The qualification consisted in the property being given to the husband, subject to the obligation of maintaining the wife; but the defect of the Common Law lay in the circumstance that it made no provision to compel the husband to perform that obligation. The true evil, therefore, was—and it was one that cried loudly for a remedy—that the husband, abandoning his duty, might totally neglect the obligation of maintaining his wife while possessing himself of all her property. In that respect, if the Resolution of the hon. and learned Member for Devonport had been properly worded, it would have contained a proposition highly deserving the attention of the House—not with a view to the introduction of a new principle into the law, as the hon. and learned Member for Wallingford supposed, but to enable the law to carry out its own humane principle, and to prevent that hardship which arose from the circumstance that, while the law imposed an obligation in words, it supplied no means by which that obligation could be enforced. There was another particular in which there was a difference between the rules of Common Law and those of Equity, and in which he thought it would be desirable that the Common Law should adopt the principles of Equity. In the case of property acquired by a wife during marriage, when there had been no settlement made for the fulfilment of the obligation imposed by the Common Law, Equity interposed when the property could be got only through the medium of the Court of Chancery, and refused to assist the husband in obtaining possession of the property, unless he consented to dedicate part of it to the maintenance of his wife. Such was one mode in which the Courts of Equity endeavoured to secure that which the Common Law required—the performance of the duty imposed upon the husband to provide for the support of the wife; and it well deserved consideration whether that rule should not be made universal and applied to all property, whether obtained by the husband through the medium of Courts of Equity or not. He confessed, at the same time, that, like his hon. and learned Friend the Member for Wallingford, he had some misgivings with regard to the extent to which Courts of Equity had carried the doctrine of separation of interests. He might mention, as an example, one case which occurred not long ago. On the occasion of a marriage a large property was settled for the separate maintenance of the wife. The wife ran away with an adulterer. The husband obtained a divorce *a vinculo*, and, although there were several children by the marriage, all the property settled for the separate maintenance of the wife went to the adulterer, and not one farthing could be applied to the support of the children. He should not therefore desire to see that general assimilation which seemed to be suggested in the imperfectly worded Resolution of the hon. and learned Member for Devonport. But the subject deserved the most careful consideration, and when the Bill which at present engaged the attention of the other branch of the Legislature on the subject of marriage and divorce came down to that House, it might not be impossible to insert a provision securing to married women who were deserted by their husbands the right of enjoying in safety the fruits of their own industry. The question lay too much at the foundation of all our social interests, and was too closely connected with the very constitution of society itself, to be dealt with lightly, rashly, or by piecemeal. He trusted, therefore, that the hon. and learned Member for Devonport would accept the assurance given by his hon. and learned Friend the Attorney-General, that the subject would not escape attention, and, entertaining the hope that something might be done when the Marriage and Divorce Bill came down from the House of Lords, would withdraw his Resolution, which certainly was not framed in such a manner as to put the real question clearly and distinctly before the House.

Mr. WHITESIDE said, he fully concurred with the hon. and learned Solicitor General in thinking that there was a loud call for an amendment of the law on the subject under discussion. He would venture to express a hope that somebody might appear with vigour and capacity to remedy an evil so much deplored. The discussion which had taken place that evening showed how important it would be to have a Minister of Justice capable of dealing with such questions, in order that Parliament might not always be deploring the existence of evils, but might be in a condition to apply speedy and practical remedies.

Mr. J. G. PHILLIMORE said, he thought that some amendment was required in the law of divorce, but he trusted that the Legislature would maintain unbroken the ideality of interest between husband and wife. Nothing could surely be more frightful than to teach wives that their interests were on one side, and those of their husband on the other. He thought there were many matters in which we might usefully follow the example of foreign nations; but, if there was one thing more essential than another which foreigners might learn of us, it was the relations which existed in this country between husband and wife. He fully agreed with the hon. and learned Gentleman (Mr. Malins) who thought that Equity had gone too far with the doctrine of separate uses; and when people talked of the sufferings which the law caused women, what could be more natural, what more desirable for women to know, than that, if they acted foolishly and contracted imprudent marriages, they must bear the consequences? The law of divorce, as it now stood, was a scandal to the country; and he did not anticipate any very decided amendment from the measure of the Lord Chancellor. What he would suggest was, that when a sentence of separation was pronounced, the same authority should pronounce a decision as to the wife's property. At present the evils of the law of divorce were most strikingly exemplified amongst the lower classes, especially in the case of bigamy. The measure before them was of a piecemeal character; and he thought the evil could only be met in the way proposed by the hon. and learned Gentleman the Attorney General.

Mr. COLLIER said, that they could not adopt any other than piecemeal measures until there was some officer in this country in the nature of a Minister of Justice, charged with the duty of proposing and carrying out the necessary amendments in the law.

Mr. W. J. FOX said, that the consolation which a Court of Equity was enabled to afford the wife for the injury and the privation to which she was often subjected at the hands of her husband was of a very cold description indeed. He had himself seen mention made within the last few weeks of two cases of a most distressing nature, in which the wives having been deserted by their husbands, and having been left families to support, had succeeded by their industry in accumulating a small sum of money, which had subsequently been squandered by the husbands, who had rejoined them, and who had in consequence reduced these poor creatures to a state of the utmost destitution. A hard case had also occurred a few days ago, in which a woman possessing a property of £400 or £500 a year had been married, and the entire of her property had gone to her husband's heir-at-law, leaving her penniless. The late celebrated Mrs. Siddons had by the exercise of her great talents accumulated a large fortune; but she had been obliged to beg of her husband not to leave her dependent upon others by disposing of that fortune to her prejudice by his will. Hon. Members could not have failed to see in the public press frequent advertisements from husbands announcing that they would not be responsible for the debts which their wives might contract—a circumstance which, taken together with the cases to which he had before alluded, could not fail to show that the state of the law as affecting the relations of husband and wife was most unsatisfactory, and demanded amendment. It was, therefore, with pleasure that he had listened to the statement of the hon. and learned Attorney General to the effect that the Government would take the matter into their immediate consideration.

MR. T. CHAMBERS said, he thought that, whatever might be the number and pressure of the grievances complained of by his hon. and learned Friend (Sir E. Perry) they would bear no comparison to the mischiefs that would follow from the assertion of the vicious principle involved in the Resolution before the House. All the evils to which his hon. and learned Friend referred arose from a breach of the obligations of religion and morality in the married state; but the proposal now before the House would give the force of law to evils infinitely greater. No doubt the evils which now existed required remedy and ought to be attended to; but to introduce into every house in England the principle of separate rights, separate interests, and a separate legal existence between man and wife, was to nullify and destroy the law of marriage altogether, so far as regarded its sacredness and sanctity. The publication of such advertisements as "I will not be responsible for the debts of my wife" showed that it was not always a profligate and drunken husband who committed wrong, but that there were numerous instances in which a man's home was made wretched by the profligacy of a drunken wife. Evils without doubt existed on both sides, and they sprang from the breach of the laws of morality and religion; but the evils which would spring from the proposed alteration of the law would be far worse, for they would be the result of legislation. He thought the hon. and learned Solicitor General took a right view of the question, and he therefore trusted that he would be able to effect a sufficient remedy.

*Mr. W. J. Fox*

SIR ERSKINE PERRY said, he would have been delighted with the assurance of his hon. and learned Friend the Attorney General had it not been followed by the speech of the hon. and learned Gentleman the Solicitor General. He was afraid, looking at that speech, that years might elapse before a satisfactory marriage law would be carried out; but still he had such confidence in his hon. and learned Friend the Attorney General that he would withdraw his Resolution, and look forward to a speedy rectification of the evils which he had too feebly, perhaps, pointed out.

Motion, by leave, *withdrawn.*

## POSTAGE LABELS.

MR. WHITESIDE said, he rose to move for the appointment of a Select Committee to inquire into the circumstances connected with the purchase by Government from Mr. Archer, of the machine and invention for perforating postage labels, and also with reference to the printing and gumming postage and receipt labels. He wished to point out that a few years ago Mr. Archer invented a machine for facilitating the separation of postage labels, an invention hon. Members could not but admit of great utility. Mr. Archer believing that the invention would be successful, applied to a public department with the object of effecting its sale. Such a transaction would doubtless have been arranged by mercantile men in a quarter of an hour, but unfortunately Mr. Archer had to deal with three great departments of the State—the Post Office, the Commissioners of Inland Revenue, and the Treasury. No one, as hon. Members must be well aware, who had anything useful to propose was received with favour by our public departments, if he had nothing but his ability to recommend him to their notice. A lengthened correspondence took place between Mr. Archer and the public departments referred to, and he (Mr. Whiteside) had been extremely amused by that correspondence, which, with great ability and uncommon perseverance, had been carried on between the inventor and certain official functionaries for a series of years, it having been found utterly impossible, of course, to persuade them of the usefulness of the proposed machine. Eventually, through the intervention of Mr. Keogh, Secretary to the Board of Inland Revenue, an agreement was concluded to this effect:—

"The Commissioners of Inland Revenue agree with Mr. Archer for the purchase of two machines for separating postage labels, on condition that he is not to be repaid the cost of the same, or compensated for his invention, until the plan is brought into successful operation."

When the success of the invention had been demonstrated, Mr. Archer applied to the Board of Inland Revenue, and, after having bestowed three years' labour, and expended £1,500 in perfecting the machine, that department offered him £100 for his invention. Afterwards they made him another offer of £300; and, gradually increasing in their bids, the Treasury eventually offered the inventor £2,000. Now, after three years' labour and the expenditure he had incurred, Mr. Archer was stubborn and determined, but the public departments were inexorable. They knew they had to deal with a man who possessed no political influence, and who had nothing but his abilities to recommend him, and they therefore determined to persist in their injustice. At last the right hon. Member for the University of Oxford (Mr. Gladstone), became Chancellor of the Exchequer, and seeing that the invention would be useful to the country he followed up an offer which had been made by his predecessor to Mr. Archer of £300 a year, a share of the proceeds of the postage labels in proportion to the quantity issued, and a sum in hand. By offering Mr. Archer £4,000, and after some four or five years' negotiation, an arrangement was effected on the terms mentioned, which, according to the words of the agreement, related to postage labels only. Mr. Archer, however, foresaw that his invention would be useful also for perforating bankers' checks, and had, he (Mr. Whiteside) understood, entered into contracts with certain bankers in the city to apply his machines to that purpose, believing that his agreement with the Board of Inland Revenue extended only to the application of the invention to postage labels. Soon after Mr. Archer had effected his arrangement with the then Chancellor of the Exchequer (Mr. Gladstone) that right hon. Gentleman busied himself with the invention of fresh modes of taxing the community. The right hon. Gentleman hit on the ingenious expedient of introducing a penny receipt stamp. This novelty complicated a question already sufficiently confused. Mr. Archer's invention was made the subject of additional inquiries, and the gentleman to whom the question was ultimately referred for decision recommended that an assignment of the patent right should be taken, and that the machine should be also used for the purpose of perforating the bankers' stamps. The Government then gave Mr. Archer to understand that a gentleman in the city had made experiments upon his machine, and that £500 had been expended in attempts to improve it, which sum they insisted upon deducting from the £4,000 agreed to be paid to Mr. Archer. In vain did Mr. Archer remonstrate. He was told once for all that before he received a shilling from the Government he must give a guarantee to pay the £500 to the gentleman in the city; and what aggravated the difficulties of his position was that the gentleman in question refused to accept the security, and declared that he must be paid in money—a demand with which Mr. Archer was unable to comply. About this time the gentleman who conducts the legal affairs of the Treasury began to interfere in the business, and gave it as his opinion that no licence to perforate bankers' stamps should be granted to Mr. Archer, and that the use of his patent for all purposes whatsoever should be transferred to the Treasury. In vain did Mr. Archer protest, remonstrate, resist, and threaten an appeal to Parliament. The Treasury, of course, were too strong for him. They got the assignment from him of his patent right and retain it to this day. They not only refused him a licence to perforate receipt stamps, but they also declined to allow him any additional consideration for the services of his machine in that respect. Nothing, he would appeal to the House, could be more illiberal, more ungenerous, than such treatment. But their injustice did not end there. They would not allow him to superintend the operations which his tender originally contemplated—those of engraving, printing, and gumming, as well as of perforating—but they committed all those matters to other hands, and the consequence was, that the texture of the postage labels was coarse, their colour bad, there was much difficulty in separating them, and, in a word, the English public had the worst article of the kind in all Europe at the very dearest price. Had the arrangements been confided to Mr. Archer, the person best qualified to superintend the working of his own invention, the postage labels would have been struck off by a process of surface-printing similar to that used in the

Bank of England, and a superior description of gum would have been employed, instead of the filthy poisonous stuff that was now provided for us by the parental kindness of the Treasury. But the health of the people as well as the claims of justice were disregarded to facilitate the perpetration of a disreputable little job. The consequence was that an article was produced which was a reproach to art and a disgrace to the country. He would leave it to the candid decision of the hon. Gentleman the Secretary for the Treasury to say, whether the postage label used in England was not greatly inferior to anything of the same kind in France, or, indeed, in any other country of the world. In order to understand the unfair manner in which Mr. Archer had been treated it would be necessary to refer to the correspondence that had taken place between him and the Treasury. On the 30th of April, 1851, he wrote to Mr. Keogh to say that he was willing to undertake—

> "In conjunction with Mr. Branston, who for many years held the appointment of engraver to the late Commissioners of Excise, to engrave, print, gum, and perforate the sheets of postage labels, and to find and prepare all the necessary printing machinery, plates, and apparatus, and also all perforating machines that may be required (except the present) for the sum of 4½*d.* for every 1,000 stamps."

As this proposal, however, referred to a mode of engraving and printing materially differing from the one then in use, Mr. Archer proceeded to make some remarks in reference to the comparative merits of the two systems, and having done so, concluded his letter by stating that should—

> "The Commissioners deem it advisable not to change the present mode of engraving and printing the labels, he was prepared to undertake to engrave and print the same according to the existing plan, and also to gum and perforate them, and to find all the necessary printing machinery and plates, with all the usual guarantees required, for the sum of 5*d.* for every 1,000 stamps; so that, even according to the latter proposal, the Commissioners would be enabled to save the Post-office £1,500 per annum."

The Board of Inland Revenue had this letter in their hands on the 16th May, and mark how they proceeded. Instead of putting themselves in communication with Mr. Archer, or offering the contract to public competition, they took a most disingenuous course, for on that very day the solicitor to the "Board," wrote to Bacon and Petch, their old engravers, stating that a tender had been made to print the labels at 5*d.* (which was not true, for the tender was to print, perforate, and gum them at that price) per 1,000, and asking if they would abate their price from 7*d.* to 6*d.* per 1,000. Of course they assented; and without any notice to Mr. Archer, the contract was concluded with them for five years to do the printing at 6*d.* per 1,000, he having tendered to do the printing, perforating, and gumming, at 5*d.* per 1,000. The Committee who had sat upon the subject, and of which the hon. Member for Birmingham (Mr. Muntz) was a member, had expressed their opinion upon this transaction. They had passed a Resolution—

> "That the tender having been made by Mr. Archer to print, perforate and paste the labels at 5*d.* per 1,000, a smaller sum than had been paid for the printing alone, it was inexpedient to communicate the terms of the tender to the former contractors."

"Inexpedient!"—a delicate expression certainly. He would beg to translate it freely, liberally, and to stigmatise such conduct as unjust and iniquitous. The Committee further reported that, in renewing the contract with Messrs. Bacon and Petch, it was not necessary, neither was it for the interest or the convenience of the public, that it should have been made for five years. A discussion arose in the Committee as to the best mode of printing the postage labels, and three of the most scientific witnesses declared that the system of surface printing must ultimately prevail. Yet the Government alleged that they could not help themselves, being bound by their contract with Messrs. Bacon and Petch for a period of five years, and thus a clear profit actually exceeding the salary allowed to the Prime Minister, or more than £5,000 a year, was secured to that firm! The contract entered into with Messrs. Bacon and Petch having been printed by order of the House, a copy of it was submitted by Mr. Archer to Mr. V. Williams, whose legal opinion, together with that of another eminent barrister, was, that the compact was not binding on the Treasury for five years. Still the extravagant arrangement went on, and enormous profits were pocketed by the contractors, because competition was precluded. The particulars of this job were not yet exhausted—worse still remained. Mr. Archer, persevering in his views with regard to surface-printing, called on Mr. E. Hill, a secretary to one of the Boards, and explained the facts to him. But Mr. E. Hill was so slow to see the superiority of Mr. Archer's process, that he did not see it until the hon. Member for Peterborough (Mr. Hankey) had written to him, stating that the Bank of England had adopted it, and would before long print all their notes by it, adding—"I cannot understand why the process is not made use of for the postage labels, since ours are by far the most clumsily and badly executed." Well, two or three years after the "Board" had received Mr. Archer's tender to do the whole of the labels upon the superior process, this Mr. E. Hill began to think of securing it for the Government. Admitting, however, for the sake of argument, that the Treasury were restricted by the contract for five years, as far as concerned the postage labels, yet they might have subjected the receipt labels to the open competition of the trade. Now, Mr. Hill was the partner of Mr. Delarue, the stationer, in a patent for cutting envelopes; but, obtaining an excellent Government appointment, he immediately sold his right to the patent, and managed to give to his former co-partner, at the modest price of 7d. per 1,000, the contract which an expert man offered to execute by a superior process at 2½d. per 1,000. Perhaps a more monstrous instance of jobbery had never occurred. Why were they to have a bad envelope, made of paper so thin that the writing may be seen through it, merely that a favour might be conferred upon some person who was perhaps a friend of one of the department? The receipt stamp, he admitted, was far better than the clumsy article of which he had been complaining. Why, he asked as a man of business, were they to have a good receipt stamp and a bad postage label? The answer would doubtless be, that they must fulfil the terms of the contract; and the system would be continued unless the House of Commons granted the inquiry he now demanded. The respectable stationers in the city had no confidence in the contract system pursued by the Government, which they averred was not carried out openly by public advertisement. In the Estimates which had been laid before the House during the present year, the total sum required for postage labels was £29,000, of which £8,000 was for the manufacture of a new postage stamp for the conveyance of newspapers. He supposed the latter sum was for the manufacture of a die for the impression of stamps upon newspapers, and, if so, a very handsome article of that description he was certain could be procured for £50. Who, then, had got the £8,000? He wanted to find out the whole truth if he could, although he would not say that he should succeed in doing so; but, at all events, if the Committee asked for were granted, he would rely upon the good sense and feeling of the Members who composed it to assist him. All the justice Mr. Archer had received had been from that House, and not from the departments. At first, the departments squeezed from that gentleman the entire right to his patent; then refused him a licence; then deducted £500 from the £4,000 they offered him, ousted him from the contract, and yet made good use of his principle for receipt labels; and then gave another person nearly three times the amount for which he was willing to give them a good and satisfactory article. He (Mr. Whiteside) would like to inquire into those matters, and doubted not but that some interesting communication between some persons would transpire, the result of which was that one party obtained a contract which was worth something more than the salary of the right hon. Gentleman the Chancellor of the Exchequer. He had brought forward the subject upon no grounds of personal or political nature, but simply relying upon the good sense of the House to do justice to an injured and an ill-used man, and he had no doubt but it would give the whole case a fair consideration, and after hearing what the hon. Secretary for the Treasury had to say in reply, would, he hoped, grant him the Committee he moved for. He did not mean to say that the hon. Gentleman the Secretary to the Treasury was a party to the job, but he hoped that hon. Gentleman would not attempt to defend that which was indefensible. If, however, the hon. Gentleman should succeed in proving to a Committee that the departments were free from blame, he (Mr. Whiteside) would be the first to admit the validity of the defence, and to compliment the hon. Gentleman upon his skill in proving it.

MR. WILSON said, that though the hon. and learned Member had exonerated him from personal blame in respect of many of the transactions to which he had alluded, he had not gone on to say who had represented the Government of the day in the Committee which had sat upon this subject, and who consequently were really responsible for the Report of that Committee. That Committee sat in April and May, 1852, and was attended by the Marquess of Chandos, as the representative of the Government of Lord Derby, and than whom a more painstaking Member never sat upon a Committee; therefore, the parties really responsible for that Report were Lord Derby's Government. He (Mr. Wilson) could not pretend to be cognisant of all matters attendant upon the subject, but he would remind the House that they had been brought before the Committee, which had, in consequence, fully investigated the subject. Hence, what had taken place before the Committee sat was hardly a question at the present moment. The Committee had expressed their opinion after due consideration, and it was therefore not to be expected that after four years had elapsed the House would grant a Committee again to investigate the subject. But, in truth, the most important part of the hon. and learned Gentleman's speech was that in which he referred to what had taken place since the Committee reported; the other facts had only been introduced in order that he might heighten, like a skilful advocate, that which was to come. Now he (Mr. Wilson) would take the liberty of informing the House what had actually taken place in consequence of the recommendation of the Committee. The colleagues of the hon. and learned Gentleman (Mr. Whiteside) in pursuance of that Report, entered into correspondence with Mr. Archer. They made him such offers as in accordance with their duty to the country they thought right, but those offers were not agreeable to or at all events did not meet Mr. Archer's views. In the year 1853, as the hon. and learned Gentleman had stated, his (Mr. Wilson's) right hon. Friend the Member for the University of Oxford (Mr. Gladstone) then Chancellor of the Exchequer, received a deputation, urging upon him the expediency of purchasing the patent of Mr. Archer. He should state to the House that the highest and most liberal offer of Lord Derby's Government had been £2,000, coupled with some offer of a commission upon the sale of postage stamps. On the 24th of May, 1853, he (Mr. Wilson) found that he made a memorandum, stating that the Chancellor of the Exchequer having intimated his willingness to purchase the patent in question for £4,000, the Lords of the Treasury were pleased to request their solicitor to place himself in communication with Mr. Archer, and to

take steps in order to obtain a legal assignment of the patent to Colonel Maberly, in trust for the public. In consequence of this the solicitor to the Treasury put himself into communication with Mr. Archer, and stated the conditions of the bargain to him. Mr. Archer wished, however, although the patent was to be assigned, that there should be an understanding that he might apply to Parliament for further compensation. The Treasury (acting upon the advice of their solicitor) replied, that although they could not prevent Mr. Archer from appealing to Parliament, they did not think it right to enter into any such understanding as he desired. Mr. Archer also made known to the Treasury that there were several incumbrances in existence affecting his rights, which he had incurred in the prosecution of his inventions. The hon. and learned Gentleman the Member for Enniskillen made much of this, and seemed to think that the Treasury had taken the part of these incumbrances. But the fact was, that there was a legal mortgage affecting Mr. Archer's patent, and until that was discharged the interest in the invention could not be properly vested in the Government. On the 20th June, Mr. Archer having consented to assign the patent without condition, the Solicitor to the Treasury wrote to the Secretary of the Treasury, stating that fact, and enclosing the assignment, the original letters, and the mortgage to which he had already referred, and giving instructions with regard to the closing of the transaction. Those instructions were ultimately acted upon, and the transaction closed. In the course of the negotiation which took place, Mr. Archer at one time expressed a desire to limit the grant to the Government to the right of perforating postage labels only. That, however, the Chancellor of the Exchequer did not think it right to accede to, for he considered that the purchase of the patent should be for the benefit of the public generally, so that while the Government availed themselves of it for the purpose of perforating postage stamps, it might be equally available to the public for all other purposes. The hon. and learned Gentleman had also made reference to the subject of surface printing, now a matter not very fit for public discussion. Where they were collecting upwards of £2,000,000 of money in separate pennies, security was the first consideration. Three or four years ago, the Government were induced by representations made to them to attach great importance to the new discovery of surface printing, but with the knowledge acquired by experiments they were disposed to consider the old style by far the safest. The transactions in 1850 and 1851, having already been inquired into by a Select Committee, could not properly be made the subject of another investigation, unless it could be shown that they bore on the purchase of the patent right. He thought he had proved that the purchase was altogether independent of previous transactions, and up to the present time he had never heard of any complaint showing that Mr. Archer was not satisfied with the arrangement. He thought that the House would not assent to the Motion of the hon. and learned Member.

MR. GROGAN said, that the whole of the case could be condensed into a very small compass. A man of ability had invented a machine of great usefulness to the public—so useful, indeed, that the Government had considered it necessary to purchase the patent. Now, the object of the Government at the time was to perforate postage stamps, because the perforation of cheques and bankers' drafts was not then thought of. Mr. Archer, however, had ulterior objects in view, and wished to reserve a portion of his right. It was true that Mr. Greenwood, of the Treasury, told him that he did not see how the Government could buy the patent, and yet allow him a right to sell it to bankers; but what Mr. Archer wanted was, that a power should be given him of licensing bankers and others who might wish to use the patent for the purposes alluded to. On that point the agreement was not specific; but when Mr. Archer afterwards wished to exercise such a power, the Government refused to allow him to do so. Considering the enormous amount of property which might be saved to the public were the contracts re-adjusted, and considering that the existing contracts were about shortly to expire, he thought the House would be acting with manifest neglect of what was due to the country if it refused to grant the Committee.

MR. LLOYD DAVIES said, he could not help thinking that there was some want of grace on the part of the inventor of the patent in thus coming forward to make a claim upon the Government, after he had unreservedly sold his invention to them for a sum of £4,000. There could be no doubt that the gentleman in question had transferred his machine to the Government, and parted with his entire interest in it; and with what grace could he now demand additional compensation, because he found his invention was applicable to other purposes? He, therefore, could not support the Motion on the ground alleged. At the same time he thought some explanation was due on the part of the Government as to their paying 7½*d.* for what they might get for 2½*d.* The part of the Motion directed to that point should certainly have his support.

MR. MUNTZ said, there was one portion of the subject that ought to be borne in mind, that, however Government had settled with Mr. Archer, they had not settled with him in good faith. They purchased the machinery and patent right merely for the perforation of postage-stamps. That, however, was the smallest part of the question; the largest was, how had the public been dealt with in the matter? The copper-plate process admitted of forgery, and in a conversation which he had had twelve months ago with the Secretary of the Treasury, that hon. Gentleman informed him that they were going to do away with it, and adopt the surface printing in regard to postage-stamps. There was also this proof that they considered the surface printing so superior, that they had adopted it in the printing of the receipt stamps. He was at a loss to understand the vote of £8,000 for a stamp for newspapers, and thought the whole matter called for the investigation of a Committee.

THE CHANCELLOR OF THE EXCHEQUER said, the question which the hon. and learned Gentleman (Mr. Whiteside) had raised seemed to divide itself under three heads, the first of which had relation to the remuneration allowed to Mr. Archer for his patent. Now the explanation which his hon. Friend (Mr. Wilson) had given was perfectly conclusive upon that part of the question. The negotiations with Mr. Archer were spread over a considerable number of years, and he himself, when Secretary to the Treasury, had communicated to that gentleman the offer of what was deemed by the then Government an adequate price for his patent, which certainly showed some ingenuity; nevertheless, in the execution of the idea, Mr. Archer, not having sufficient knowledge of mechanics, was greatly assisted by a gentleman in one of the public offices, who enabled him to carry out his views more effectually. How, therefore, they could think of appointing a Committee, with a view of handing over a sum of £6,000 or £8,000, or whatever sum the liberality of Gentlemen opposite might fix upon, surpassed his comprehension to conceive. He was of opinion that the money offered by the Government was a full equivalent for any claim Mr. Archer might have had upon the Government. That gentleman, however, refused to accept the offer; the question was therefore referred to a Select Committee. That Committee recommended a further negotiation with Mr. Archer, which was made, and which ended in an offer of the most liberal terms. Mr. Archer, with a full knowledge of all the circumstances, accepted that offer, without any reservation whatever. The money was paid and received; and he (the Chancellor of the Exchequer) could not conceive what possible ground, at this distant period of time, there could be for reopening these transactions, or of inducing Mr. Archer to make any additional demand, on the ground that he had been underpaid. With regard to the contract with Messrs. Bacon and Petch, he had no very clear recollection of the proceedings in the year 1852-53; still the subject was investigated in that year. And the Committee concluded its Report with declaring that they were of opinion that in the renewal of the contract it was not necessary to make it for five years, as neither the interests nor convenience of the public were thereby secured. With respect to the question of surface printing and copper-plate printing, the question had been but recently investigated at the Treasury, in concert with scientific persons; and they were of opinion that, in order to secure the Treasury against forgery, it was desirable to have recourse to copper-plate in preference to surface printing. Another point adverted to had been the question with regard to the contract with Mr. Delarue as to surface printing, it being stated that the price at which the contract had been completed was excessive. Now, he had no knowledge upon the subject, not having heard the question raised before. He would, therefore, only content himself with saying that, nevertheless, he did not think they ought to delegate to Select Committees the duty of making Government contracts. He would cause the case to be investigated, and see whether there were any grounds for the statement of the hon. and learned Member.

Mr. WHITESIDE, in reply, said that the complaint amongst the trade was, that they never got the chance of offering for this contract; but that it was given by the Government to Mr. Delarue, because he was in some way connected with people in office. He therefore submitted that it was a clear case for a Committee, and he hoped that the House would declare it to be so.

Mr. BELL said, that there was no explanation given of the £8,000.

Mr. WILSON said, with regard to the claim for £500 which had been alluded to, if not an actual mortgage, it was considered by the solicitor to the Treasury a valid charge, and therefore one which it was necessary to take into account in purchasing the machine. The £8,000 included in the Votes of this year was for the introduction of adhesive stamps instead of impressed stamps for newspapers.

Motion made, and Question put—

> "That a Select Committee be appointed, to inquire into the circumstances of the purchase of the Machine and Invention for perforating Postage Labels by the Government from Mr. Archer, the inventor; and also into the circumstances under which the existing agreements between the Government and the Contractors for gumming and printing the Postage and Receipt Labels were made."

The House *divided*:—Ayes 39; Noes 57: Majority 18.

Mr. BROTHERTON said, he should now move the adjournment of the House. It was nearly midnight; the House had only adjourned at two o'clock that morning, they had to meet at noon to-morrow, and he thought it only right that they should not proceed further with the business on the paper.

Sir GEORGE GREY said, there were some notices on the paper which might be disposed of without any discussion, and he hoped the hon. Gentleman would not press his Motion, on the understanding that only unopposed notices should be proceeded with.

Mr. BROTHERTON said, on that condition he would withdraw his Motion.

Motion, by leave, *withdrawn.*

## FISHERIES (IRELAND).

Mr. M'MAHON rose, to move for a Select Committee to investigate the operation of the recent Statutes relating to the Fisheries of Ireland.

Sir GEORGE GREY said, if the hon. and learned Gentleman persevered in going on with this Motion, he should accept the proposition for adjournment.

MR. BROTHERTON said, he must re-remind the House of the condition upon which he had just withdrawn his Motion.

MR. M'MAHON said that, as the Motion for adjournment had been withdrawn, and he was now in possession of the House, the hon. Gentleman was out of order in interrupting him.

MR. SPEAKER: The Motion for adjournment not having been pressed, the hon. and learned Gentleman has an abstract right to go on with his Motion, but I must remind him that that was not the understanding.

MR. M'MAHON said, he had not been a party to the arrangement, and must deny that he was bound by it. It was a very early hour for the transaction of Irish business in the House of Commons.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present, The House was adjourned at Twelve o'clock.

---

## HOUSE OF COMMONS,

### *Wednesday, June* 11, 1856.

MINUTES.] PUBLIC BILLS.—1° Stock-in-Trade Exemption.
3° Insurance on Lives (Abatement of Income Tax) Continuance.

### NAWAB OF SURAT TREATY BILL.

Upon the Order of the Day for the consideration of this Bill being read,

MR. VERNON SMITH said, he wished to suggest a postponement of the further consideration of the Bill for a week. The right hon. Gentleman the Speaker had decided that the subject was properly dealt with in a Private Bill, and it had been referred to a Select Committee, who had made their Report in a somewhat unusual shape, by calling the attention of the House to the reasons for their decision. Although the subject was treated of in a Private Bill, yet many points of a public nature were involved, as the Committee themselves had stated. Questions of constitutional principle would probably arise, and the whole subject would require most careful consideration. He therefore proposed that, as the Committee had made a special Report, the House should defer the further consideration for a week, in order that Members might make themselves fully acquainted with the evidence upon which the Report had been founded.

Motion made, and Question proposed, "That the Bill, as amended in the Committee, be taken into further consideration upon Wednesday next."

SIR FITZROY KELLY said, that the question to be decided concerned the good faith and honour of this country. It was a solemn appeal for justice, and involved the character and good name of the nation. He could not consent to any postponement of the Bill, as he conceived such a course would very much endanger its success. The claim of the Nawab of Surat was for the payment of an annuity which the East India Company had solemnly pledged itself to pay to the descendants of a native prince, who, upon the faith of that engagement had ceded to the East India Company his territories and revenues, of which the Company were in possession up to that very period. Of the justice of the claim now made he had no doubt, and if the right hon. Gentleman (Mr. V. Smith) would pledge himself that, in the event of the decision of the Committee of that House being in favour of the claim, the East India Company should render a tardy justice and make payment of the annuity, he (Sir F. Kelly) would not resist a postponement of the consideration of the Bill. He was sorry to see that the right hon. Gentleman gave no assent to that proposition, and, therefore his only course was to proceed. It was now some fifty years since the Nawab of Surat (in part coerced by the presence of a large British force) reluctantly entered into a treaty with the East India Company for the cession of his territories, his army, and his little fleet to the Company, upon consideration of receiving an annual payment, at first, of 75,000 rupees and one-fifth part of certain revenues, and subsequently a total annual sum of 150,000 rupees to be settled upon himself and his heirs. The annuity had been regularly paid to the Nawab during his life, and afterwards to his son and successor. Upon the death of the latter, in 1843, the office of Nawab was claimed by Meer Jaffier Ali Khan, the husband of the only surviving daughter of the last Nawab. The Company, however, disputed his right to the title, and after many delays they determined, *ex parte*—for Jaffier Ali was denied the opportunity of being heard upon his claim—they determined, on the construction of the treaty, that by reason of the office of Nawab having ceased—which, be it observed, they had made to cease, and might have made to cease at any moment after the treaty was signed—the successors of the Nawab having come to an end, his heirs had no claim to the annuity. It was true the Company had allowed to some Members of the family of the late Nawab certain pensions during their lives; but they insisted that this was an act of generosity or charity, and repudiated the claim as one of law or justice. In order to obtain the decision of Parliament the case had been brought before the House, and it had been introduced in the shape of a Private Bill upon the authority of the right hon. Gentleman the Speaker. The object of the Bill was to declare, that by the terms of the treaty the heirs and descendants of the Nawab of Surat were now entitled to the annuity of 150,000 rupees a year as originally granted. The Select Committee to whom the Bill was referred, comprising the right hon. Gentleman the Member for Oxford (Mr. Cardwell), at once a statesman and a lawyer, his right hon. and learned Friend the Member for the University of Dublin (Mr. Napier), and the hon. and learned Member for Weymouth (Mr. G. Butt), with others of learning and eminence, unanimously pronounced their decision against the Company, and declared that according to the legal interpretation of the treaty the Indian Government was bound to pay the annuity to the heirs-descendants of the Nawab and his family for ever. And no one could doubt but that if language similar to that used by the Company on the occasion of the original treaty, was held by any Gentleman in that House, that he would be compelled by every court of law in the kingdom to act by the interpretation put upon this treaty by the Select Committee. The question, then, to be decided was, whether under the terms of the treaty the annuity should be paid only to the heirs and successors in the office of the Nawab of Surat, or to the heirs-descendants of that person. The Select Committee entertained no sort of doubt that, according to the just and equitable as well as legal meaning of the words in the treaty, the annuity was payable to the heirs of the Nawab in the ordinary, natural, and legal meaning of that term—the heirs of the family. The Committee had, indeed, in their Report stated that "questions of a public nature had been raised in the course of the inquiry," but who had raised them? It was the East India Company who had raised those questions, and created those difficulties, with the aid of the able counsel who appeared for them in the Committee. It was said that there was a constitutional question involved, but he had yet to learn that there was anything in the constitution of British India which could release the East India Company from the performance of a solemn obligation? It must be remembered that the treaty had been almost forced upon an unwilling prince, who, upon acceding to it, handed over all his possessions, his power, and authority to the East India Company, and who did so with a firm belief in the good faith of those with whom he was dealing. The legal construction of the treaty, then, was in favour of the claim; and if the surrounding circumstances of the case were next considered, all doubt must be at an end; for it was expressly declared and represented to the Nawab by Governor Duncan, who negotiated the treaty, "that it would give security for an honourable provision to his master and his family and his descendants from generation to generation, greater than he had ever yet had; and as the Company had never failed in a strict performance of their engagements, would bind them in perpetuity to the support of the Nawab and his family." Such being the language of the Governor of Bombay, he could not understand how this claim could be resisted. If it were said that an Address to the Crown was the proper mode of obtaining justice, his reply was that, supposing the Government prepared to advise the Crown to order payment they need only say so, and he would no longer occupy the time of the House. If the House should sanction the Report, as he confidently expected, it would be found that precedent and authority were likewise in favour of the claim. Thirty years ago the then Zemindar of Nozeed obtained a large loan of money by a Mr. Hodges, an English gentleman; that money was advanced upon the security of certain villages belonging to the Zemindar, and the guarantee was recognised by the East India Company. Subsequently, however, the territory of Nozeed was attached to the dependencies of the Company, and they refused to compensate Mr. Hodges for his advances to the Zemindar. On that Mr. Hodges appealed to Parliament, and a Private Bill was introduced, which passed through both Houses, and the Company was compelled to make good the claim of Mr. Hodges. Another provision of this Bill related to the private estates of the late Nawab. The claims of the family of the Nawab of Surat were referred to a Mr. Freer, who made an award; and, subsequently, an Act of the Government of India assumed to dispose of those conflicting claims. That Act was most unconstitutional, because it took away the right of appeal to Her Majesty in Council, which was the birthright of every subject in India; and he was at first disposed to bring in a Bill to declare it void; but all he asked now, was to give back the right of appeal. He thanked the House for the attention with which they had listened to his statement, and he appealed to their sense of honour, of truth, and of good faith to deal justly with this matter. He understood, as a point of form, the Motion of the right hon. Gentleman was, "that this Bill, as amended, be further considered on this day week," as an Amendment to which he would move to leave out all the words after the word "Bill," and to add these words, "be now read a third time."

Amendment proposed, to leave out from the word "Bill" to the end of the Question, in order to add the words, "be read the third time," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir JAMES HOGG said, he could not understand how, if the hon. and learned Gentleman (Sir F. Kelly) relied so confidently on the justice of the case, he should persist in seeking a decision, when no single Member had had an opportunity of informing himself as to the merits or facts of the question. The House ought to know that the merits had not been reported upon by the Committee. They were of opinion, in common with himself, that questions of State policy should be left to the Executive, and to the Executive alone; and, whatever might be the determination, it should be borne in mind that the parties were not helpless. If the Executive did not do their duty, or had acted improperly, an Address to the Crown might be moved, or reference made to a Select Committee. There were many ways of raising discussions on a public question, but of all ways the most reprehensible and the most opposed to justice was to refer to a private Committee; and, if proof were required, it was only necessary to quote the concluding sentence of the Report of this private Committee. They said:—

> "Into other considerations of a political and constitutional nature your Committee have declined to enter. What degree of weight these considerations may bear your Committee have regarded as a question properly belonging to the House itself."

And so he regarded it, and therefore he was not prepared for a discussion of the construction of a treaty which was essentially a constitutional question, in the absence of all knowledge of the case. He was afraid that the object was to raise a prejudice against the East India Company. Besides, it was not a subject upon which loss of time was important, for he found in the paper last Session these notices:—

> "Nawab of Surat.—Sir F. Kelly,—A Bill to repeal so much of the Act of 1848 which takes away the jurisdiction of the Courts of Law."
>
> "Sir Erskine Perry,—To call the attention of the House to the treaty between the East India Company and the Nawab of Surat, and the interpretation put upon the treaty by the Company."

Why did not the hon. and learned Member for Devonport call attention to the treaty and its construction? The House would then have had papers before it, and escaped the gross delusions which pervaded the statement of the hon. and learned Member for East Suffolk (Sir F. Kelly). The hon. and learned Gentleman said this unfortunate Prince, as he called him, had transferred to the Company the territories and revenues of Surat. He denied it. He was not going into a long history about Surat, but he would mention a few leading points which he begged the House to keep in mind, in order to come to a clear understanding of the question. The East India Company had had commercial relations with Surat as long ago as 1667, but nothing of consequence occurred until political relations existed, which dated back to 1759. Previous to that date the chief of that city and its dependencies had committed great acts of injustice on British subjects, and refused redress. In consequence of that refusal, the Government of the day combined with an individual named Meerjan, and expelled the chief who had previously ruled over Surat, and the result of the engagement with Meerjan was, that he took the territory and revenue, while we took the Mogul castle and fleet. The treaty with Meerjan was a personal treaty, and not a treaty with him and his successors, and on his death it was fully competent for the East India Company to bestow the town and territory of Surat upon any other individual. Meerjan died in 1789, and upon his death, and upon the death of each of his successors, the names and claims of competitors for the chief authority were sent to the English authorities, and, after discussion, the person deemed the fittest succeeded by the nomination of the Government of India, and certainly not by descent. In 1790, so completely was Surat considered within the control of the Government of India that the Governor of Bombay wrote to Lord Cornwallis expressing an opinion that, as the Indian Government had to pay for external defence and internal Government, it was better to do away with the mere form of authority in the Nawab. At that time the Mahratta power had a claim of "chout" upon the Surat territory, and, in terror of a conflict with the Mahratta power, Lord Cornwallis said he would not accede to the recommendation of the Bombay Government, but would allow the son of the ruler, who was dead, to succeed to the Nawabship. He now came to the year 1800, the date of the treaty. He did not want to urge the House to be bound by the words of the treaty; but in construing it, the first consideration should be the circumstances of the case, and the position of the parties at the time; the next should be the policy of the Government, the object which they had in view, and the means which they took for effecting that object; and the last should be, what was said and done by the actors and persons engaged in the treaty at the time. While the chiefs of Surat had possession, there were constant quarrels with the Company. The Company wanted them to pay something for defence and government. The chiefs pretended poverty, and would pay nothing. Those disputes were pending when, in 1800, the Nawab died. Lord Wellesley, who was then Governor General, said, "Now is the opportunity to place the government of Surat on a solid and proper footing." The hon. and learned Gentleman (Sir F. Kelly) said, "The object of the Government of that day was to purchase from the son of the deceased Nawab a transfer of his territory and revenue, and to pay for it." He (Sir J. Hogg) had previously shown that there was no succession in the family—no right of inheritance—and every word of a letter of Lord Wellesley, who made the treaty, gave an utter contradiction to the statement of the hon. and learned Gentleman. In that letter Lord Wellesley said:—

> "The exigencies of the public service during the late war in Mysore, and the negotiations which succeeded the termination of it, would have rendered it impracticable to your Government to furnish the military force necessary for effecting reform in the government of Surat, even if other considerations had not rendered it advisable to defer that reform until the complete establishment of tranquillity throughout India."

Lord Wellesley distinctly stated that the East India Government were competent to do what they liked with the Nawabship and to give it to whom they pleased, and when he sent the articles of agreement to the Nawab he caused him to be explicitly told that his acquiescence in the articles was the condition on which he was to succeed to the Nawabship. The hon. and learned Gentleman (Sir F. Kelly) spoke from his brief, and he only knew as much of the case as it was the interest of the parties to tell him, but he could not know anything of this letter of Lord Wellesley, which was the very essence of the case. Lord Wellesley expressly said that the provision made for the Nawab was not a provision for the individual and his family, but for the maintenance of the State and office of the Nawab. Lord Wellesley added that if the Nawab chose to ratify the articles he was to be placed in the situation of Nawab, and if he refused to do so, the Government would nominate some one else to the office. He had thus shown what were the views of the Government and of Lord Wellesley the Governor General of India, and he now came to the treaty itself, which was strictly in consonance with the letter of Lord Wellesley. He therefore objected altogether to the assumption that the hon. and learned Gentleman was one whit more anxious to do justice than those whose duty it was to administer the government of India. Lord Ellenborough, Lord Hardinge, and Lord Dalhousie were quite as desirous to do justice in this matter as the hon. and learned Gentleman, and they and three successive Presidents of the Board of Control had always taken that view which the hon. and learned Gentleman had discovered to be a gross injustice. The title of the agreement with the Nawab was as follows—

> "Articles of Agreement between the East India Company and the Nawab of Surat, his Heirs and Successors, for the Administration of the Government of the city of Surat and its Dependencies."

The preamble set forth that the East India Company had been subjected to heavy expenses for the protection of Surat, and that the existing system of government was inadequate for the protection of life and property. That, he contended, bore out the construction that the agreement was one between the East India Company and the Nawab and his heirs, being Nawabs. The article on which the hon. and learned Gentleman relied was that in which the East India Company agreed to pay the Nawab and his heirs and successors a certain sum out of the revenues of Surat. The East India Company contended that that article applied to his heirs and successors, being Nawabs; and that whenever the Nawab was mentioned it indicated the office, and not the rights of individuals. He was sorry to trouble the House at such length, but he felt he had an uphill case. [Mr. MURROUGH. Hear, hear!] Yes, he could tell the hon. Member that he had an uphill case, when men by their cheers indicated that they had formed an opinion upon a case of the merits of which they must of necessity be ignorant, and before they had the means of knowing whether their opinion was well or ill-founded. A discussion subsequently arose between the Bombay Government and the Supreme Government whether or not they would allow the Nawabship to go to a collateral heir. A person called the Bukshee would in that case have been Nawab; and, if so, this man and his daughters would not have got one shilling. The hon. and learned Gentleman admitted that the Nawabship was gone, but yet he contended that the sum of 150,000 rupees a year should go to the heirs natural of the last Nawab. There was not a syllable in the treaty to show that it was ever intended to limit either the Nawabship or the annuity to the heirs natural of the person with whom the treaty was made. It was said that this man had been deceived, but what Mr. Duncan said to him was, that those who preceded him had only a personal right and had succeeded by the nomination of the Government of India, but that by the treaty in question the Nawab and his family would succeed by the right of succession. Mr. Duncan used the words, "heir" and "family," and the hon. and learned Gentleman contended that these words would not have been used if it had not been intended that his descendants and family, whether they succeeded or not to the Nawabship, would get the rupees. His (Sir J. Hogg's) version, on the contrary, of what Mr. Duncan said was, that whereas the Nawab had up to that time only succeeded by nomination, by the treaty the Nawabship would be secured in the family; and with the Nawabship would be secured the rupees. Meer Jaffier Ali Khan in his memorial to the Court of Directors, in February, 1844, at first claimed as successor to the Nawab; but when both the Government of India and the Court of Directors told him it was impossible to recognise his claim as successor, because the Nawabship had lapsed, he shifted his ground and said that the annuity had been granted in perpetuity, was private property, and was given irrespective of, and unconnected with the Nawabship. Yet this was the person who only a few months before had preferred his claim to the succession. One of the grounds upon which he founded his claim to the Nawabship was the assurance which, as he stated, he had received from his father-in-law. Now, a treaty had been set on foot between the Nawab of Baroda and the late Nawab of Surat with regard to the marriage of the daughters of the latter with the sons of the former, and an arrangement having been made that the stipend and the Nawabships of Surat should go to the sons of the Nawab of Baroda, the two Nawabs wrote and asked the Government of India to ratify that arrangement. The Government refused its assent, but the fact of its having been demanded proved that the parties thought they had themselves no right to enter into it. Upon every occasion the Government had exercised a control over the stipend, and at the time of the marriage of the two daughters of the late Nawab the husband must have been perfectly well aware that he was not entitled to a farthing. But did the House suppose that when the grant ceased the family of the Nawab would be left to want, or even that they would be in straitened circumstances? No such thing. A calculation had been made of the amount necessary to keep up the State of Nawab; that amount—£4,000—had been deducted from the stipend of 150,000 rupees — £15,000 — and the remaining £11,000 had been divided among the family, not, he admitted, as a matter of right, but as a matter of grace and favour. Now, he could inform the House that that very claimant, although not entitled, either by the English or the Mahomedan law, to a single farthing, received

£2,400 a year from the liberality of the Government. He found that the title of the Bill had been changed. It was called the "Nawab of Surat Treaty Bill," instead of the "Nawab of Surat Bill." Probably the hon. and learned Gentleman thought the House would be alarmed at seeing a Bill introduced for the purpose of enforcing rights claimed under a treaty. It was his opinion that a treaty entered into by the Government of India was as binding upon the Government of England and upon the Crown as the treaty which had lately been signed at Paris, and the House would have cause to repent the establishment of a precedent by which individuals who fancied they had rights under treaties would be enabled to come to that House and attempt to enforce those rights. Now, what he would ask the House was, what was the definition of a private Bill? It was a Bill which affected two or three people, not the whole community, and the result would be most calamitous if private Bills were allowed to deal with matters in which important questions of public policy, like the present question, were involved. Why had not the hon. and learned Gentleman, instead of introducing a private Bill, moved for a Committee or an Address to the Crown? He now came to a question totally unconnected with that which he had hitherto been discussing. The petitioner (Meer Jaffier Ali Khan) dwelt very little at first upon the question of the treaty, but said, "When the Nawab died you took possession of the Government, and you brought in a Bill to screen yourselves, to withdraw the question from the jurisdiction of the ordinary Courts, and to take away my right of appeal." That was certainly an astounding statement to those who were not acquainted with India, but those who were acquainted with that country knew that the greatest honour which could be conferred on a native was to exempt him from the jurisdiction of the ordinary Courts. He held in his hand a list of 288, not princes, but sirdars, in the Bombay territory alone, who had a right to that exemption. The list was divided into three classes, and the greatest injury that could be inflicted upon a man in No. 1 class was to put him into No. 2, and upon a man in No. 2, to put him into No. 3. At the death of the Nawab the Government had nothing to do but to see that the estate went to the rightful heirs, and a Bill was passed, not to withdraw it from the ordinary tribunals, but to constitute a tribunal for the adjudication of conflicting rights. When the Bill was published, Meer Jaffier Ali Khan thought it was not extensive enough, and he actually prepared an additional clause, distinctly exempting himself, his family, and the estate from the jurisdiction of the ordinary tribunals. Yet this much-injured man now ventured to complain of having been withdrawn from their jurisdiction and deprived of his appeal to the Queen in Council, having himself been not only a consenting, but even a soliciting, party to that withdrawal. There was another important point to which he desired to call the attention of the House. He contended that this was a question of public policy which ought to be determined by the Executive, and could not be brought under the consideration of any Court of justice; but if he were wrong in that argument—if the question were one for a judicial tribunal, why had not the petitioner taken it before the judicial tribunals of India, from whose decision, if it were unsatisfactory, he might have appealed to the Queen in Council? Although the petitioner was exempt from the jurisdiction of the ordinary tribunals, the Government and the Company were not; he could not be sued, but he could sue them in every Court in India. Why did he not take that course? Why, because he never thought of insisting on the rights he now claimed until he came to England. But he (Sir J. Hogg) warned the House that if they taught the natives of India to look for the redress of their grievances, not to the local authorities, but to the English Parliament, they would entirely destroy the influence of the Government of India, and they would transfer "khadput"—not corruption, but, what was still worse, undue influence—which they had banished from Baroda and Bombay, to England. He was very much astonished that no papers were laid before the House previous to the introduction of the Bill; but, a few days before a discussion upon it was likely to take place, his hon. and learned Friend behind him (Sir E. Perry) had supplied the omission, and the production he now held in his hand had been brought under their notice by the petitioner, who had the hardihood to style himself a descendant of the Moguls, a statement which was absurd, because it was not true. Now, the reason why the Nawab had consented to the marriage of his daughter with Meer Jaffier Ali Khan was, that there was a doubt as to the legitimacy of their mother. It was in consequence of that stigma upon the family that he put up with the low-born Meer Jaffier Ali Khan. Sir George Clerk stated that there were great doubts as to the marriage of the mother of the girls, but there was no doubt that they were born four years previous to the ceremony, even if it had taken place. Sir George Clerk also said that the connection was far below the rank of the Nawab, since Meer Jaffier Ali Khan was of no family whatever, having been the architect of his own fortunes. ["Hear, hear!"] He had not a word to say against a man because he had been the architect of his own fortunes; still, under those circumstances, he had no right to boast that he was a descendant of the Moguls. Sir George Clerk further stated that the Nawab had consented to his daughter's marriage with Meer Jaffier Ali Khan, in consequence of the doubt as to her legitimacy, and that, in his opinion, Meer Jaffier Ali Khan had been most liberally dealt with by the Government. Mr. Willoughby also concurred in the opinion of Sir George Clerk. In the private estate of the Nawab the home Government had no interest, and he wished that that had gone before the Queen in Council, because it was a matter of judicial decision; but the construction of treaties and questions of State policy were not matters which could be submitted to any judicial tribunal. He therefore hoped the House was prepared to accede to the Motion of his right hon. Friend (Mr. V. Smith) for the adjournment of the consideration of the Bill. Before sitting down he would beg to correct an error he had fallen into in the course of his speech. He found that the petitioner Meer Jaffier Ali Khan described himself, not as descended from the Moguls, but from a nobleman in their Court.

MR. CARDWELL said, he felt sure that the House was desirous of dealing with this great question in a judicial spirit, and of giving a just and equitable decision, so that justice might not be defeated either by delay or by the absence of any knowledge which it was desirable to possess. Viewing the matter in that light, he regarded it as rather inconvenient that the House was at that moment discussing the great merits of the question on a motion for delay, and consequently giving it a partial and incomplete consideration. The House should determine at once whether it would go into the question that day or on next Wednesday with the evidence before it. He had acted on the Private Bill Committee on this measure with colleagues unanimous in their decision, and, as far as they were concerned, it would be agreeable to them that the House should be in possession before coming to a vote, of the grounds on which the Committee decided. He would explain to the House how the Committee regarded the nature of their duty. Finding that the subject-matter in dispute was of a public, and not private nature, they felt that the attention of the House must be called in a formal and solemn manner to the real merits of the controversy. In the first place, acting as a Private Bill Committee, they dealt with the treaty of 1800 according to its construction as a written document, and according to the representations which appeared to have been made at the time it was signed and executed, the Committee unanimously arrived at the conclusion that if the agreement had been made between private parties it ought to have force and validity, and consequently they so reported the Bill to the House. Then came the other question which the Committee had defined in their Report to be of a constitutional or political character. The constitutional question was this:—The charge, if enacted by Parliament, would be a charge upon the public revenues of India. A Bill creating a charge on the revenues of this country could not come before the House in the shape of the present Bill, it being a fixed rule of the House that no such Bill could make any step without a recommendation from the Crown. There was, however, no Standing Order applicable to charges on the revenues of India; but the Committee, sitting as a Private Bill Committee, did not think they could come to any decision on that point, which, if noticed at all, ought, they considered, to be noticed by the House itself. They also came to the same conclusion in reference to any public considerations connected with the treaty. He would now venture to state the course which he thought it would be convenient for the House to take. It had been justly said that this was a question in which the honour of the British name and the honour of the British Crown were concerned — and he thought the House should first hear from the constituted authorities, the responsible Ministers of the Crown, what was the course which they, taking a wide and comprehensive view of the subject, were prepared to take in regard to the stipulations of the treaty, and then the House would be able to judge whether their view was a right and equitable one, and such as they ought to sanction. The right hon. Gentleman the President of the Board of Control had moved the adjournment of the consideration of the Bill till Wednesday next; and he understood that the hon. and learned Member for East Suffolk (Sir F. Kelly) was willing to assent to that arrangement if he could be assured that a decision would be come to next Wednesday, that that decision should be taken to be final, and that, in case it was in favour of the Bill, the money would be paid. It was not for him to enter into that part of the case, but a reasonable course appeared to be this—that the President of the Board of Control should couple the proposition for the adjournment of the debate until next Wednesday with a promise that he would then be prepared to explain the views and intentions of the Government in regard to the treaty of 1800; and also with an assurance that the Bill should not be defeated by being delayed too late to receive a second reading in the Lords according to the Orders of that House.

Mr. VERNON SMITH said, he could assure the House that he had moved the adjournment of the debate not to defeat the Bill by delay, but because he thought it behoved the House, for the sake of its dignity, if not for the sake of decency, after having referred the Bill to a Committee, to know on what grounds that Committee had come to a decision. The right hon. Gentleman the Member for Oxford had asked whether the money would be paid, supposing the next stage of the Bill should be carried. That matter was not in the hands of the Executive, for they could not dictate what course the House of Lords should adopt with regard to the Bill; but he believed that, if the present debate were adjourned till Wednesday next, there would be no risk of the Bill being prevented passing both branches of the Legislature by mere delay.

Mr. CARDWELL said, he must beg to explain that nothing was further from his intention than to imply that the right hon. Gentleman wished to defeat the Bill by delay.

Sir FITZROY KELLY said, he wished to have an assurance that the evidence would be printed by next Wednesday, so that there might be no further delay on that ground.

Sir ERSKINE PERRY said, that the main question was the validity of the treaty of 1800. Now, all the evidence on that subject was already on the table of the House. If the collateral evidence were to be printed, it could not be got ready in time. Meer Jaffier Ali Khan had been for three years endeavouring to bring the matter to an issue. The East India Company was bound to do him justice, and it was not because political questions were mixed up with the question of justice that justice was not to be rendered to him. He (Sir E. Perry) asked for an assurance that, at all events, the question would come on on Wednesday next. Delay in a case between a powerful Government and an individual implied defeat. If the matter were left to next Session it would amount to a refusal to decide it. As to the conclusions of the hon. Member for Honiton (Sir J. Hogg) he dissented from them from first to last, and should be ready to prove every one of the facts on which he founded them to be unfounded. It was taking the mere gossip of the country and founding grave proceedings upon it. One statement of the hon. Member was, that Meer Jaffier Ali Khan, the petitioner, was a man of humble origin, who had married a rich wife. Now, the fact was, that he was of the same family, that of the Nawab of Baroda, with which he intermarried. The East India Company itself had admitted the legitimacy of the present petitioner, which the Member had questioned. The hon. Member had also stated that the appointment to the Nawabship of Surat had been made in 1759 by the East India Company. The fact was, that it had been independent for a long time previously; but in 1800, the East India Company, for their own purpose, chose to deprive the then holder of his office. The Nawab signed a treaty in ignorance of its meaning, and under a deceptive notion of English law. He thought he had said enough to show that the opinion of the hon. Member for Honiton was unfounded, which he did not attribute to intention, but to his sanguine temperament, which led him to take everything according to his own views. He trusted that a full assurance would be given that the question would be finally settled on Wednesday.

Sir FITZROY KELLY said, he was not aware that the right hon. Gentleman (Mr. V. Smith) was not as well able to express his views and those of the Government on the mere question of the construction of the treaty now, as he could be at any future period; and, as he did not understand the right hon. Gentleman to give any pledge, that in the event of the debate being adjourned to Wednesday next, it would be finally dealt with by the Government, then he had no other course to adopt than to press the Bill through its present stage.

Mr. WIGRAM said, he thought that the question could not be decided in the absence of the evidence, and if the Motion was pressed to a division he should vote with the Government. As to the merits of the case, it was only a Private Bill in form, but public in reality, as dealing with public revenues and repealing a public legislative Act. The Bill ought, he was of opinion, to have been so framed as that the doubtful question of the annuity, as to whether it was granted to the Nawab and his successors in office, or to the Nawab and his heirs simply, should be left open, so as to be decided hereafter. Whatever the East India Company might do, the real responsibility ought to rest with the Board of Control. For that reason, he thought that the first provisions of the Bill were unsatisfactory, as referring everything to the Board of Control. The second clause was equally unsatisfactory, as dealing with a matter which ought only to be settled by the family of the Nawab, as referring to the manner in which his estate ought to be divided, on the merits.

Sir JAMES GRAHAM said, he should support the Motion for adjournment, not thinking that the House was at present competent to arrive at any satisfactory decision on the merits of the case. The House had before them the Report of a most competent Committee, which had given its opinion on the merits of the case, as between the two parties, intimating however, at the same time, that there was a further and most important question—a political and constitutional question—to be taken into consideration, which they did not conceive to have been referred to them, or, at all events, which they had not felt it their duty to report upon. Upon this question it was of the last importance that the House should hear the opinion of Her Majesty's Government, as represented by the right hon. Gentleman the President of the Board of Control. He understood the right hon. Gentleman to have stated to the House that he should be prepared to give that opinion on Wednesday next, and that in all probability, before Wednesday next, the evidence which was the groundwork of the opinion to be formed by the right hon. Gentleman and the House, as to the higher question of the political and constitutional bearing of the matter, would be in the hands of Members. That evidence, he was told, was voluminous; but, looking at the late period of the Session, it would be a substantial denial of justice if, on account of its late production or its bulk, the decision of the House were postponed beyond Wednesday next. If the President of the Board of Control would assure the House that he would, at all events, be prepared to pronounce an opinion on Wednesday next, and that in the meantime every exertion should be used to place the evidence in the hands of Members, it would be unwise at the present time to proceed to a division and to carry the present discussion further, therefore, in his opinion, was inexpedient and unnecessary.

Mr. VERNON SMITH said, his sole reason for desiring an adjournment was the absence of the evidence on which the decision of the House must rest; but he was informed by Mr. Speaker that the evidence would be ready in a very few days. The right hon. Gentleman the Member for Carlisle (Sir J. Graham) had asked whether he should be prepared on Wednesday next to state the course which the Government intended to take with respect to this matter, even if the evidence were not printed; but that would be a question, not for him, but for the House to decide. If the House should next Wednesday be determined to proceed to a division, even without the evidence, of course he should then be prepared to state the view which the Government took on the subject.

Sir FITZROY KELLY said, if the right hon. Gentleman would assure him that he would be ready to proceed next Wednesday, with or without the evidence, he would agree to the adjournment; otherwise he should take a division that day.

Mr. J. G. PHILLIMORE said, he must deny that the political consideration ought to interfere with what was clearly justice. An annuity had been granted by the East India Company to the family of the petitioner, which the Company had now taken away from the petitioner, on the bare pretence that he was not longer a Nawab, and that the annuity was only granted to the family while it continued in possession of that dignity. That was assuredly a pettifogging mode of procedure which the House ought not to tolerate.

Sir JOHN FITZGERALD said, that every appeal to that House ought to be most carefully listened to, and it was a denial of justice to delay granting redress to an act of the most flagrant tyranny on the part of the Bombay Government. The East India Company had granted an annuity, and then taken it away on false pretences, and it was for redress against such a proceeding that the petitioner appealed to that House.

Mr. SPOONER said, that the House, according to the terms of the Report itself, was bound to accede to the Motion of the hon. and learned Member for East Suffolk. What constitutional question, he would like to know, could stop the obligation of fulfilling the express terms of a treaty? The language was perfectly clear; and the Committee had declared that it could come to no other conclusion than that on which it had framed this Bill. He denied, therefore, that there was any necessity for waiting to read the evidence. He heard with great reluctance the proposal to postpone the consideration of the matter.

Mr. OTWAY said, he could not see that there would be any disposition on the part of the Government to delay the Bill beyond Wednesday, and if they did, the House, he trusted, would not allow it. He thought, therefore, that the hon. and learned Gentleman (Sir F. Kelly) ought to withdraw his Amendment. As to any information the House would get in the meantime, he did not believe the House could possibly be put in possession of any facts to influence its judgment; but as the right hon. Gentleman the President of the Board of Control had said that on that day he should be prepared to state the views of the Government, he thought that the most judicious course for them to adopt would be to wait till that day.

Mr. JOHN MACGREGOR said, that there had been frequent movements in the country to put down the Board of Control, which often interfered most improperly with the functions of the East India Company. The treaty that had been so often mentioned in the course of the discussion had been made in 1800, and was one of the greatest frauds that had ever been perpetrated. He concurred in all that had fallen from the hon. and learned Members for Devonport and East Suffolk. He thought the speech of the hon. Member for Honiton (Sir J. Hogg) utterly unfounded. All the clamour that had been raised was raised by interested persons to attack the conduct of the East India Company, when the real fault, he believed, lay with the Board of Control.

Sir CHARLES WOOD said, the only object of the adjournment was to enable the House to see the evidence, which he understood from Mr. Speaker would be ready in one or two days. It was not to suit the convenience of the President of the Board of Control, for though he had abstained to-day from going into the merits of the case, he was perfectly well acquainted with them, and had already formed a judgment on the matter. As to the resumption of the debate on Wednesday next, that, of course, would depend on the House. No opposition would be offered by the Government to the question being brought forward on that day, and the Government would be prepared then to state their view of the subject. In the absence, however, of the evidence, which was necessary to enable the House to form an opinion on so very important a question, he considered that it would be unwise to proceed to a division that day.

Sir FITZROY KELLY said, that as it was the intention of Her Majesty's Government to state their opinion on Wednesday on this question, and the evidence would be so soon in the hands of Members, he would consent to the postponement of the question until Wednesday next.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill, as amended in the Committee, to be taken into further consideration upon *Wednesday* next.

## EARL OF PERTH AND MELFORT'S COMPENSATION.

Mr. FITZROY brought up the Report.

Sir HENRY WILLOUGHBY said, he wished to be informed what amount of money was involved in the grant proposed to be made under the Bill.

Sir FITZROY KELLY said, the step now taken was merely to authorise the bringing in of a Bill. Full explanations would be given when the Bill was brought in.

Colonel FRENCH said, that if the principle was admitted, it should also be extended to England and Ireland.

SIR GEORGE GREY said, that giving leave to introduce the Bill would not pledge the House to its support. In assenting to the petition, his noble Friend (Lord Palmerston) had reserved the right of the Government to oppose the Bill, if they should see fit.

MR. W. WILLIAMS said, he must complain that the House was, by this proceeding, called upon to take a step in the dark, and he thought the House ought to have some explanation before being called upon to affirm the principle.

COLONEL WILSON PATTEN said, that although the measure was brought in as a private Bill, it partook very much of the nature of a public Bill; and, perhaps, although it was not usual in private Bills, it would be as well that some explanation should be given, at that stage, of its purport.

SIR FITZROY KELLY said, that having charge of the Bill, he would beg to explain that the ancestor of the present Earl of Perth, in the reign of James II., was attainted of high treason and executed, his estates and property at the same time being forfeited to the Crown. His wife, however, who was ignorant of his supposed treasonable transactions, was possessed of private property in her own right, and this property was included by mistake in the confiscation, although she had committed no crime against the Crown. The descendants of the Earl and Countess had recently, within the last two or three years, in fact, secured the reversal of the attainder, and obtained the restoration of the title, and the object of the proposed Bill was to obtain some compensation from the hereditary revenues of Scotland for the private property of the countess, which had been improperly confiscated.

MR. LABOUCHERE said, he thought that great care should be taken that the public revenues should not be voted away upon the application of private individuals, and the House should be cautious how it opened the door to claims of this description. He trusted that by the vote which the House now gave, it would not be prevented from bestowing most ample consideration on the measure on a future occasion.

MR. HENLEY said, he quite concurred with the right hon. Gentleman, that the utmost caution ought to be observed with regard to these Compensation Bills. Private Bills of that character ought not to be brought in at so late a period of the Session, and perhaps it would be as well that some positive rule should be laid down for the future for regulating the introduction of these half private, half public Bills.

LORD HARRY VANE said, perhaps it would not be out of place if Mr. Speaker were to explain the existing mode of proceeding in introducing these double character Bills.

MR. SPEAKER said, in the first place, the promoters lodged a petition at the Private Bill Office, which was afterwards referred to the Standing Orders Committee to determine whether it was desirable that the Standing Orders should be dispensed with as had been done in the present instance. The Standing Orders being so suspended the petition for a Bill could still only be received by the House on the recommendation of the Crown, and when that recommendation was given, the petition was referred to a Committee of the whole House, because it related to the disposal of public money. That ordeal the present petition had already gone through, and the House was now asked to receive and adopt the Report which the Committee of the whole House had agreed to. Supposing the House to agree to the Motion, the Bill founded upon it would be introduced, and after the first reading it would be referred to the Examiner of Private Bills, to see if there were any Standing Orders, which it was necessary the promoters should have complied with. Everything being found to be in strict order, the Bill would be then read a second time as a Private Bill and referred, not to the ordinary Private Bill Committee, but to a distinct Select Committee. The Bill would then come back to the House in the shape of a Public Bill, when it would have to be referred to a Committee of the whole House, and in all its subsequent stages it would be treated in the same manner as though it were essentially a public measure.

THE CHANCELLOR OF THE EXCHEQUER said, he could express no opinion whether the Bill was founded in justice or not, as he was wholly uninformed as to the precise grounds of the claim the promoters asserted. No communication whatever had been made to the Treasury upon it, and under those circumstances perhaps it would not be unreasonable if he asked the hon. and learned Gentleman who had charge of the Bill to state now what were the materials upon which he proposed to ask the House to form a judgment in discussing the second reading of the Bill.

Mr. J. G. PHILLIMORE said, he viewed the Bill in the light of a most dangerous and unconstitutional precedent. The courts of law and equity were open to the parties if the State had wronged them, and to those tribunals they should be referred, rather than encouraged in a dangerous and unconstitutional mode of proceeding like the present. There was nothing in the case to distinguish it from numberless other instances where parties had forfeited their property and been driven into exile.

Sir FITZROY KELLY said, that adverting to what had fallen from the right hon. Gentleman the Chancellor of the Exchequer, he was not prepared then to go into the grounds upon which he should ask the House to pass the second reading of the Bill ; but he would take care that before that Motion was brought on, the nature and extent, as well as the grounds of the claim should be communicated to the Treasury.

The CHANCELLOR of the EXCHEQUER said, the explanation of the hon. and learned Gentleman was completely satisfactory.

Mr. FITZROY said, that the Standing Orders of the House did not permit of the Bill being read a second time until after the lapse of three days from the first reading, and required an interval of fourteen days from its passing that stage before it could be referred to a Select Committee, after which it would have to be referred to a Committee of the whole House. He therefore hoped the hon. and learned Gentleman would see how utterly hopeless it would be for him to get the Bill through the House in the present Session in time for its being carried through the House of Lords.

Sir FRANCIS BARING said, he was surprised at the doctrine which he had heard expressed, that going into Committee on a Bill and its earlier stages were matters of form, whereas they were very important steps indeed. It was when a Bill was committed that they were enabled to get a full explanation of what the objects of the Bill were.

Mr. WILSON said, the question was of so much importance that he considered that it ought to be discussed in a full House. He would put it to the hon. and learned Gentleman to refer the Bill to a Committee, as that was the stage in which the measure could be discussed.

Sir FITZROY KELLY said, he was thankful to the hon. Gentleman, the Chairman of Committees (Mr. FitzRoy), for the explanation which he had given with respect to the time that would be required to carry the measure through the House. He was also obliged to the hon. Gentleman the Secretary of the Treasury, (Mr. Wilson) for his suggestion. He should, before bringing the measure again before the House, go very minutely into the consideration of the question that he might be enabled to give them the fullest information with respect to it, and should he find the Session so far advanced as to preclude the possibility of carrying the measure before its close, he should not this year proceed further with it.

Resolution *reported*—

> "That the Chairman be directed to move the House, That leave be given to bring in a Bill to settle an annual payment out of the Hereditary Revenues of the Crown in Scotland on George Earl of Perth and Melfort, and the heirs male of his body on whom the title of Earl of Melfort shall descend, in consideration of the unjust seizure and disposition of the Estates of Euphemia Wallace, heretofore Countess of Melfort."

Resolution read a second time, and Petition for Bill *re-committed* for *Monday* next.

## SPIRIT TRADE (IRELAND) BILL.

Order for Second Reading read.

Mr. BRADY, in moving the second reading of this Bill, said that it had for its primary object the assimilation of the law in England and Ireland with reference to the sale of spirits and fermented liquors. Having had consultations on the subject with several Members of that House and with several persons connected with the trade in Ireland, he had come to the conclusion that it would be better to restrict the operation of the Act to the precincts of the Irish metropolis, Dublin. If the House agreed to the second reading of the Bill he should have to introduce in Committee certain Amendments in order to carry out that restriction. Originally it was intended that the Bill should apply to the whole of Ireland, but on further consideration it was found to be advisable to restrict its operation to the vicinity of Dublin only. By the law, as it at present stood, the licensed victuallers throughout Ireland, and of Dublin particularly, were affected injuriously in various ways. By the 3 & 4 *Will.* IV., sec. 4, public-houses were compelled to close at eleven o'clock at night, and not to open before seven o'clock in the morning. On Sundays they were allowed to open at two o'clock, but were obliged to close at nine o'clock, and not permitted to open again until seven o'clock on Monday morning. That state of things had no parallel in any other capital that he knew of. In England public-houses were allowed to keep open until eleven o'clock, and to open again at four in the morning. Why public-houses in Dublin should be placed on a different footing he was totally at a loss to understand, and he felt satisfied that the House of Commons would not feel disposed to sanction the continuance of a state of things which was found to operate so very injuriously on the trade of the country. By the 1st section of 3 & 4 *Will.* IV., and also by the 17th and 18th section, publicans were required to forward a certificate signed by six householders, by the chief constable, and by two overseers, and in addition, to produce the certificate of two magistrates. By the present Bill he proposed to do away with the necessity of householders' signatures, police signatures, and the interference of overseers. The names of six householders, as now required, were perfectly useless as a guarantee of respectability, for no man, however bad his character, could fail to get the required number of signatures if he exerted himself. Then the necessity for obtaining the signatures of constables naturally laid open those persons to a considerable degree of corruption. The practice was not carried out in England, and in Ireland it was found to be both inconvenient and wrong. He would trouble the House with a short explanation of the nature of the Bill as far as it was intended to apply to registration as it at present existed. For every registration at present a fee of 2*s.* 6*d.* to the clerk of the peace was paid, and a fee of 10*s.* to the chief police court. The Bill proposed to abolish those fees, and he was aware that the right hon. and learned Gentleman the Attorney General for Ireland had an objection to doing away with those fees, because it would take away £500 a year from the poor rate, and place that amount on the inhabitants of Dublin. Now, the House and the right hon. and learned Gentleman ought to recollect that the licensed victuallers of Dublin paid an equal proportion of the common taxation paid by other trades. It was not, therefore, he maintained, either just or right that they should be required to pay £500 a year additional towards the police, which was appointed for the protection of the inhabitants at large. The police had no special duties to perform in reference to licensed victuallers; the tax, therefore, was an act of injustice towards that body of men, and ought not to be continued. He proposed, therefore, to repeal that clause in the Act which levied those fees. He would now refer to the alteration he proposed to make in the hours at which public-houses were allowed to keep open, and to that alteration he was aware that several hon. Gentlemen on both sides of the House objected on the ground that to extend the time for keeping open public-houses would tend to the demoralisation of the people by promoting drunkenness. He yielded to no one in the desire to uphold the character of his fellow-countrymen; and if he thought his Bill would have the asserted effect, or would tend in any way to lower the character of the people, he would be the last man in that House to lend himself to the promotion of the measure. But he believed the fears of hon. Members were totally unfounded, and he would undertake to show that the crime of drunkenness was promoted by the present restricted hours of public-houses; that the closing of public-houses at the present early hours was a fruitful source of drunkenness and crime. He would prove by the evidence of unimpeachable witnesses, that after public-houses were closed, "jigger" shops were opened, where an illicit sale of spirits took place, and where the worst kind of characters congregated. He would state to hon. Members the opinion of an experienced magistrate, Mr. Tyrwhitt, on the subject of early closing: Mr. Tyrwhitt said—

> "That the places of the kind kept by the defendant, and which are better known as 'jigger' shops, were the most mischievous places in London. Public-houses were kept under the strictest surveillance, and very properly so; but when the respectable licensed tradesmen closed their houses, then the business of such houses as that kept by the defendant began, and was the cause of much debauchery and drunkenness. Those places and dens were known to be frequented by the worst of characters, and the worst evils of public-houses were multiplied in the worst form."

Having shown that the restrictions relative to hours of business imposed on public houses did not tend to promote morality, but the reverse, and having the authority of the highest kind to appeal to—namely, a large meeting presided over by the Lord Mayor of Dublin, and also the authority of that great man, Mr. Dargan, he trusted that the House would permit the Bill to be read a second time; and at a future stage he would introduce Amendments that would do away with objections.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. J. D. FITZGERALD said, he wished to call special attention to the fact that one of the provisions of the Bill proposed to do away with the practice of registering licences, the fees from which produced £500 a year. He had not heard that the citizens of Dublin were willing to give up that amount. The other fee also went to relieve taxation, and was also to be abandoned. Then the Bill proceeded to deal, not only with retailers but with grocers, who might sell not less than two quarts, not to be consumed on the premises. It might be an important question as to placing grocers under the same provisions as other dealers, but that class of traders ought to be informed previously what was in contemplation. The other important alteration had reference to the hours at which public-houses should be kept open. It might, perhaps, be of benefit to alter the hours so as to make it lawful to keep open after nine on Sundays, but that could be hereafter considered. Then, with respect to altering the mode of granting licences, there were well-founded objections to the alteration proposed by the Bill, and as he could not recommend the House to agree to the second reading of the Bill, he should advise the hon. Member to withdraw his measure.

Mr. BRADY said, he was not quite satisfied with the force of the objections of the right hon. and learned Gentleman.

Mr. GROGAN said, he conceived that some extension of the hours during which public-houses in Dublin were permitted to be open was requisite for the convenience of trade, but the Bill was clogged with other provisions which he could not support.

Mr. HORSMAN said, he would appeal to Mr. Speaker whether the alterations proposed to be effected in the Bill did not render its further prosecution irregular.

Mr. SPEAKER said, that if the operation of the measure was to be limited to a particular locality the end in view must be attained by means of a private Bill.

Mr. BRADY said, he would, under those circumstances, withdraw the Bill,

trusting that the Government would see that the needful changes were made.

Motion, by leave, *withdrawn.*

Bill *withdrawn.*

The House adjourned at five minutes before Six o'clock.

---

## HOUSE OF LORDS,

*Thursday, June 12, 1856.*

Minutes.] Public Bills.—1ª Insurance on Lives (Abatement of Income Tax) Continuance.
3ª Drafts on Bankers.

### REFORMATORY AND INDUSTRIAL SCHOOLS BILL.

Lord RAVENSWORTH moved, that the Committee (which stood appointed for this day) be put off to Tuesday next.

The Earl of CLANCARTY asked whether it was intended that the Bill should extend to Ireland.

The Duke of ARGYLL inquired whether the Bill was to embrace Scotland, as he feared that if it was, it would clash with the provisions of another measure, more especially as regarded the removal of children.

The Earl of HARDWICKE said, that the Government ought to take a decided course with regard to these reformatory schools, which had been left too much, he thought, in the hands of private individuals. The Government ought to be prepared to deal with the important question of dealing with our juvenile criminal population. He much feared that the educating and clothing of young persons in these reformatories only offered a premium to a certain class of parents to induce their children to commit felonies, in order that they might receive eleemosynary assistance. The whole question was in an unsatisfactory state, and it had become a matter of great importance to determine how these schools—which ought to be prisons—should be conducted. Criminals, he maintained, ought to be dealt with by the Government of the country in which they committed their offences.

The Earl of HARROWBY said, the subject had not been overlooked by the Government, but the conclusion they had come to was, that this particular process of reforming juvenile offenders would be best intrusted to private hands. The influence exerted over such offenders must be the influence of kind hearts and of strong minds, and this sort of influence was difficult to be obtained through the medium of State machinery. Thirty or forty years ago this same method was, he believed, pursued with regard to refuges for the destitute. If the Government undertook the establishment of these reformatory institutions great difficulties, both religious and moral, at once started up. What, it would immediately be asked, was to be the religious training adopted? Was it to be the training of the Church of England? Such objections did not arise when these establishments were left to individual effort; and he thought, under all the circumstances, the Government had done wisely in declining to interfere by lifeless State machinery in a work which was at present being actively and heartily carried on throughout the whole country. As to the noble Earl's fears of danger to society from the establishment of reformatory institutions, which would to a certain extent tend to the encouragement of crime, that difficulty was met by a provision in the existing law, which enabled the magistrates, on committing a child to the reformatory, to charge the parent with payment of a sum for his maintenance. This provision could not be acted on in every case, but it was very generally carried into effect, and would exert, he believed, a wholesome influence upon parents.

LORD RAVENSWORTH said, the observations of his noble Friend and relative (the Earl of Hardwicke) seemed to be directed against the very principle of reformatory establishments rather than against any special provisions proposed for adoption. Now, whatever opinions might be formed with regard to these institutions, it was an undoubted fact that they formed a part and parcel of the institutions of the country at the present moment. There was hardly a populous district or a populous town in England which had not besieged the Home Office with deputations praying for the establishment of these schools, and no less than three Acts of Parliament now appeared on our Statute-book which were passed for the express purpose of regulating reformatories. It was therefore beside the question to protest against a principle which had already been adopted, was now in full operation, and the working of which could only be tested by experience. In answer to the noble Earl behind him (the Earl of Clancarty) he begged to state that the Bill could not possibly be applied to Ireland, inasmuch as Ireland did not at present possess reformatory institutions. There was a measure upon the subject before the other House which was being met, however, with strenuous opposition. To a certain extent, the measure would be applicable to Scotland.

Motion *agreed to;* and the House ordered to be put into a Committee on Tuesday next.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Thursday, June* 12, 1856.

MINUTES.] PUBLIC BILLS.—1° Deeds (Scotland); Survey of Great Britain, &c.; Hospitals (Dublin).
2° Annuities Redemption; Peace Preservation (Ireland).
3° West India Loans; Aldershot Camp.

### MESSAGE FROM THE QUEEN—THE SARDINIAN LOAN.

Message from HER MAJESTY *brought up*, and read by MR. SPEAKER (all the Members being uncovered), as follows:—

"VICTORIA R.

"HER MAJESTY thinks it right to acquaint the House of Commons, that She has concluded a Convention with His Majesty the King of Sardinia, by which She has undertaken to recommend to Her Parliament to enable Her to advance, by way of Loan, to His Majesty the King of Sardinia, a sum of One Million Pounds sterling, contemplated by a Convention made between Her Majesty and His Majesty the King of Sardinia on the 26th January, 1855, in like manner, instalments, and proportions, and subject in all respects to the same conditions as if the late War had not been brought to a close at the expiration of twelve months from the payment of the first instalment of the sum of One Million Pounds sterling under the last-mentioned Convention.

"The Government of His Majesty the King of Sardinia engages to accept the advance of this additional sum, on the same conditions in all respects, especially as to the calculation and payment of the interest, as if such advance had been made under the last-mentioned Convention.

"HER MAJESTY has directed a Copy of this Convention to be laid before the House of Commons, and She relies on the public spirit of the House of Commons for enabling Her to make good the engagement which She has contracted.

"V. R."

Committee thereupon on *Monday* next.

## THE PAPER DUTY.—QUESTION.

MR. MILNER GIBSON wished to put a question to the hon. Member for the University of Dublin (Mr. G. A. Hamilton). The hon. Member and his right hon. Colleague had introduced a Bill, entitled "a Bill to repeal and amend certain laws and statutes relating to the University of Dublin." In that Bill there was a clause by which the hon. Gentleman proposed to extend the exemption now allowed from the Excise duty charged on paper used in the printing of Bibles, Testaments, Psalm books, and books of Common Prayer to educational books used in the University of Dublin and printed at the University press. The extension of exemption from paper duty to educational works was a subject in which he had taken great interest. He was very glad to find that the hon. Members for the University of Dublin admitted by this proposal the important influence which the paper duty had in the checking diffusion of knowledge and preventing education. He wished therefore to ask the hon. Member whether this Bill was to be proceeded with, and when? And, further, he wished to ask whether the hon. Gentleman would communicate with his right hon. Colleague and consider the propriety of joining him in asking the Government to make a larger concession than the one he proposed, and extend the exemption from paper duty to educational works used not only in the University of Dublin, but generally throughout the country, and to school books.

MR. G. A. HAMILTON begged to state that the Bill in question had been prepared in conformity with the Report made by certain Commissioners who were appointed to inquire into the state of the University of Dublin, and who made their Report in the year 1853; the Archbishop of Dublin, the present Lord Chancellor of Ireland, Lord Rosse, and other eminent gentlemen having been Members of the Commission. The Commissioners stated that the University of Dublin possessed, under the 2 *Vict.* c. 23—which was but a continuation of former enactments—certain privileges with regard to the duty on paper, and that the college was entitled to a drawback upon all Latin and Greek books, as well as religious books, printed by the University. The Commissioners added that—

> "If the duty upon paper should continue in force that privilege ought to be extended to all books published by the University for educational purposes, and that the University had been very liberal in encouraging the printing of educational books by defraying a large portion of the expense from their funds."

He (Mr. Hamilton) was sorry to say that it depended upon the Chancellor of the Exchequer whether they could persevere with the Bill; but he might state that he should certainly be very glad to see the privilege of the University referred to by the hon. Gentleman extended to all books connected with education.

## SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee; Mr. FITZROY in the chair.

(1.) Motion made, and Question proposed—

> "That a sum, not exceeding £100,000, be granted to Her Majesty, to defray the Charge of Civil Contingencies, to the 31st day of March, 1857."

SIR FRANCIS BARING moved to reduce the Vote to £30,000. As the House was aware, the Vote for civil contingencies might be divided into two parts—payment of certain items of expenditure, which were essentially uncertain, and therefore could not be brought into estimate, and some other small payments, a return of which for the past year was now on the table of the House; and also an amount which was employed in making advances to different departments. It frequently happened that in the different departments of the civil service, works unexpectedly exceeded the sums voted for them; and, in order to avoid the inconvenience which would attend on their being stopped, recourse was had to the civil contingencies. He did not argue that the £100,000 was an unreasonable amount for these civil contingencies; but he would show that a much larger sum was, in fact, at the disposal of the Government, and he wished the Committee to be aware what the Government had already in hand to meet claims on this very account. He did not know what amount had gone from the civil contingencies in the shape of advances. Advances were not an ultimate expenditure. What were outgoings one year became revenue when the amount was repaid; in point of fact, they added the same quantity to each side of the equation; and the sides balanced each other; and the repayments of the advances of last year would be pretty nearly sufficient to meet those of the current year. The Votes of the civil contingencies were not like the Votes of the great services; they were not confined to the year for which they were taken, and if there was a surplus in the Vote over the expenditure, it did not go back, as a matter of course, to the Exchequer, as it did in the great services; but it accumulated, and was available for the service of the next year. These accumulations existed in the Treasury, as lately as Monday last, to the extent of £100,000. It was now proposed to take a Vote for another £100,000, making the sum at the disposal of the Government £200,000; and, because he thought this sum unnecessarily large, he proposed to reduce it. During the last six years (and the case would be still stronger if he went further back) there had been Votes for the civil contingencies, of £100,000 in each year. In 1851, the actual expenditure was £65,371; in 1851-2 it was £89,675; in 1852-3, £79,825; in 1853-4, about £70,000; in 1854-5, £72,118; and this last year it was £88,891. While, then, the Committee had voted £100,000 a year each year during the last six years, the highest expenditure had been under £90,000; the lowest had been as low as £65,000; and the average expenditure—the actual expenditure—during the six years, had been £77,040, or, putting it loosely, the expenditure had been under £80,000. Inasmuch, then, as on Monday last there was in the Exchequer £100,000 to meet an expenditure averaging less than £80,000, the Government could well afford to lose the £70,000 which he proposed to strike off, and he should then leave them £130,000 to meet an expenditure which in six years had never amounted to £90,000. He thought he had left an ample margin to meet any possible chance of excess. [Mr. WILSON: The balance was made up to the 31st of March.] He knew that; but he was now arguing on the facts as they stood on Monday last. The Secretary of the Treasury had informed him, since he had given his notice, that he had given directions that £60,000 should be returned to the Exchequer as "savings." He was very glad of it; it was accomplishing his (Sir F. Baring's) object in another way; it narrowed the differences between them; and he should in consequence try to effect his reduction of £70,000, by moving a reduction of £10,000 only. He was at a loss to know what his right hon. Friend wanted with the £140,000 which he proposed to take by this Vote, added to the surplus in hand, when the expenditure had never come up to £90,000 a year? There had, it was true, been the illuminations; but the surplus of £50,000 was unnecesarily large for that purpose. Last year the expenditure was £80,000, and he felt sure that the public would be safe with £130,000 to meet the civil contingencies. Besides the unexpended balances he had alluded to, there were other means by which the funds for civil contingencies were increased. The civil contingencies made loans to the other departments. He admitted that it was a great convenience, and that it was right that the Government should have a fund with which to meet any unexpended excess of expenditure by making advances to be subsequently repaid. But, on the other hand, it would be most inconvenient to carry this system an inch further than was absolutely necessary. The case was similar to allowances given to young men in private life. When an allowance was made to a young gentleman, and it was adhered to pretty strictly, he took care not to exceed the amount; but let any one be liberal, and give that young man not only his allowance, but money to meet any excess, and they must not be surprised if there always existed an excess. So, in national matters: if the Treasury would generously and kindly give, they were pretty sure of numerous and repeated applications; if it only made advances under real difficulties, when parties got into scrapes, they would be very slow to get into them; they would be careful not to get into a mess, if the Treasury would not assist them out of it. In the last six years the Committee had voted £600,000, the Treasury had accounted for £462,000 odd, leaving an excess of the amounts voted over the sums expended of £137,000. That ought to be in the Exchequer. He did not believe it was. £100,000 was probably the excess in the Exchequer; and there consequently remained £37,000 unaccounted for, which he apprehended must be either in the hands of the Paymaster General, or else it had been advanced to different departments, of which the Committee knew nothing. He therefore thought that even if by some remarkable accident the amount to which he proposed to limit the Vote for the civil contingencies should be found to be insufficient for the requirements of the year, if the amount required should be far larger than ever it had been during the last six years, the Treasury might supply the deficiency by calling for the repayment of the advances. The information on which the Vote was asked was not sufficient. The Committee had not a statement of the balance in the Exchequer, they had not the amount in the Pay Office, they had not the amount of the sums loaned out; and without those ingredients it was quite impossible to decide on the amount which ought to be voted. His own impression was that the Vote should be taken differently, that they ought to fix a sum which they deemed reasonable; and at the end of the year, if the Government had spent £80,000 let the Committee Vote £80,000 to replace it; but, at any rate, let the Committee know the amount in hand, let them know also what was the amount loaned out in the different Departments. He regarded this as a very important question. He did not see why the amount in hand should be kept from the knowledge of the Committee, or why the amount loaned, should not be known. He saw no occasion for secrecy. He should move to reduce the Vote by £10,000.

Motion made, and Question proposed—

"That a sum, not exceeding £90,000, be granted to Her Majesty, to defray the Charge of Civil Contingences, to the 31st day of March, 1857."

Mr. WILSON concurred in the observations of the right hon. Gentleman, as to the very unsatisfactory way in which those accounts had been heretofore kept. The present Board of Treasury was not, however, responsible. If the right hon. Gentleman referred back for a number of years he would find that the whole tendency of the Treasury was to reduce the Vote, and the charges on it. His attention some time since had been called to this Vote, and to the unsatisfactory mode in which it stood, in regard to the audit of accounts. Those accounts had been the subject of much inquiry, and it was considered that they should have been made much more intelligible and satisfactory. If the right hon. Gentleman would but refer to the time when he was Chancellor of the Exchequer, he would find that the sum voted for civil contingencies had been considerably more than double the present amount. If it were possible to estimate the actual sums required there would probably be no occasion to take this Vote for civil contingencies; but since the most unforeseen difficulties were to be provided against, they were obliged to take a Vote considerably in excess of the amount that would be required. It, however, by no means followed that, if they took a Vote larger than was required, all the money should be expended. As to the nature of the advances made he had no objection to lay a statement upon the subject on the table of the House; there were some, however, which it would not be altogether expedient to publish until some little time after they were made. He would, for example, take one of those advances that was necessary for the Government, with a view of showing the difficulty of providing in time for them. The Government were applied to to advance the funds necessary for the trial of experiments in regard to a new gun, called the Lancaster gun; £20,000 was advanced for that purpose. During those experiments it would be obviously inconvenient to lay such accounts before the House. Those advances were, however, never made for the purpose of eking out the service of the year; they were made for services that could not have been foreseen at the time the Vote was submitted to Parliament. There was an advance of £47,000 made to the courts of law. The County Court Act contemplated that those tribunals should be self-supporting, upon the presumption that the fees received would be sufficient to pay the salaries of the Judges and other necessary expenses. The Act, however, provided, that in the event of those fees falling short of the amount necessary for those objects, the Exchequer should be charged with the payment of the amount deficient, which it had accordingly been obliged from time to time to make good. There was at the present time a Bill in the other House which proposed that the charge of those courts should in future be placed on the Consolidated Fund. There was also the Court of Chancery in Ireland, which involved a charge on the civil contingencies of £20,000. The suitors' fund fell short of the amount necessary to pay the Judges' salaries and the other expenses; the excess was made a charge upon the Exchequer, and upon that score there was an advance made of £28,000. In various services of that kind advances out of the Treasury were made to the amount of £158,000. Now, although a great portion of this money would be repaid, there would be other services of a similar kind to absorb the whole Vote. The fluctuating nature of the charges was also a matter of great difficulty to provide for. The Vote last year, for example, was £100,000; but the whole advances to the public service amounted to £246,000. In the year before the advances were £227,000, and in the prior year they were only £83,000. The only instance in which any repayment had as yet been made in respect to these advances was £60,000. He had no hesitation in saying, on examining the accounts of the Comptroller of the Exchequer, that there was a balance in the Exchequer of about £100,000. He had had a Dr. and Cr. account of these advances and repayments, showing the balances, for the last ten years drawn up. This account showed every shilling that had been advanced and repaid; and it appeared that, without including the Irish advances, the whole amount of the outstanding balance due was only £1,900. He had also given orders that there shall be made with the Estimates of each year, not only an account of the expenditure of civil contingencies, but also a cash account, showing the amount of the advances repaid; and in cases where it was not desirable to mention the names of the parties in question, the particular department to which the advances were made should be mentioned. Under these circumstances he trusted that the right hon. Gentleman would not deem it necessary to divide the Committee upon his Amendment.

MR. W. WILLIAMS said, it appeared that the civil contingencies accounts were in an unsatisfactory state. He should like to know with whom the fault rested. The present Government had been in office for nearly three years.

MR. WILSON denied that he stated the civil contingencies accounts were in an unsatisfactory state. On the contrary, he thought that the civil contingencies accounts were never in a more satisfactory state. From the years 1830 to 1840 the accounts were so confused it was quite impossible to make anything of them. He did not mean to blame any persons for this state of things, because he knew that the difficulties which had arisen during that period were calculated to complicate those accounts.

MR. W. WILLIAMS: Well, then, the system was altogether defective, and he should like to know with what Government the blame rested. He had no idea that the abuse was so great. This seemed to be a department for lending money; and he was afraid there were a good many bad debts made. From what source was the money lent to the Irish Court of Chancery to be repaid? They now found out that they had been voting increases to the salaries of the Judges of the county courts, under the false pretence that the fees of those courts paid their expenses. For several of the items included in this sum there ought to have been distinct and separate Votes of the House. He objected to the whole system. More than one-half the items in last year's expenditure might have been brought before the Committee last year. He would like to know, was the Commission appointed to settle the boundary between Turkey and Persia to be continued, or was General Williams to be succeeded by another Commissioner? Several items for the travelling expenses of official persons—one amounting to £364 10*s.* 9*d.*—seemed to him to be exorbitant. There was an item of £1,700 in the case of the Commission connected with the affairs of the University of Oxford. Now, the revenues of the University amounted to about £150,000 a year, and he wanted to know why the public should pay the £1,700?

MR. AYSHFORD WISE said, it was a consolation to him that the very objections which he had proposed to make, had been made by one, who, from his experience as a Chancellor of the Exchequer, was so much better able than himself to cope with the difficulties of finance. The Secretary of the Treasury had cleared away some of the mist that surrounded the Vote, and, indeed, had rendered unnecessary the remarks which he intended to offer, by the admission that the accounts were in an unsatisfactory state. The right hon. Member for Portsmouth had gone back six years, but, taking the Votes and expenditure for ten years, he found that the first amounted to a £1,000,000, and the second to £794,549, leaving a balance of £205,451 in favour of the Treasury. The explanation given was not satisfactory, as the leaving this large sum loose in the waistcoat pocket of the Secretary of the Treasury encouraged loans and advances to the various departments and much unjustifiable expenditure, which had not been sanctioned by the House. A great abuse had sprung up of late in the multiplication of Commissions, and no less a sum than £75,000 had been expended in that manner during the last three years. Commissions were now appointed on all imaginary subjects; which was a system that ought to be discouraged. There were in this Vote a great number of charges, such as those for permanent Commissions, like the Fine Arts Commission, which were not of an accidental character, and therefore did not properly belong to such a Vote as this. He would call the attention of the Committee to the effect of this Vote for contingencies on the expenditure for the Diplomatic Establishment. By 2 & 3 *Wm.* IV. c. 116, the Government was restricted to £180,000 a year for salaries, pensions, and expenses, but that limit was indirectly avoided and continually transgressed by these Votes for contingencies. During the last ten years, in addition to the salaries and pensions, there had been paid £52,973 in outfits, £91,915 in special missions, £100,000 for house rent, and £208,099 for miscellaneous expenses. During the last twenty-five years the extra disbursements had amounted to £524,545, and the outfit to £157,283. It was commonly supposed that the Paris Embassy cost about £10,000 a year, but the expenditure was not less than £19,000, besides the maintenance of the Embassy House and the interest of the £87,000 that had been expended on that building. If we were to judge of the future by the past, he recommended the Committee to look with an eye of distrust on this Vote for contingencies, as one that had a tendency to increase rather than to decrease the public expenditure, and had proved in no way conducive to economy.

SIR HENRY WILLOUGHBY said, that the sums voted under the head of "civil contingencies" during the last six years amounted in the aggregate to £600,000, and of that sum £457,000 had been expended. What had become of the £143,000 balance? He would like to know why the Government set down the balance as £100,000, when it was in reality £143,000? The Committee had been that evening informed that the department to which this contingency money was voted was in the habit of lending money. Now, was it to be distinctly understood that all those loan advances were for the future to be set out on a paper to be laid upon the table of the House? The Committee were going to Vote £100,000 for civil contingencies, while probably only £75,000 would be the total sum expended. At what time of year were they to have the annual expenditure for contingencies placed upon the table of the House? [MR. WILSON: When the Estimates are presented.] The hon. Gentleman the Secretary for the Treasury had stated that there was a cash balance of only £60,000 last year; but he (Sir H. Willoughby) thought that there should be a sum of £80,000 from last year; and that the gross balance on the six years was £143,000. Were the fireworks for the peace, and the expense of the mission to St. Petersburgh, to be charged to "civil contingencies?"

CAPTAIN STUART asked for an explanation of an item of £5,000, "an advance to J. B. Fearon, on account of bills of costs as solicitor to the Attorney General in suits relating to charities?" This was a large sum for the country to be called upon to pay for such a purpose.

MR. KINNAIRD observed on the absurdity of charging against the civil contingencies the expense of making an experiment with a Lancaster gun. The item ought surely to have been inserted in the Ordnance Estimates. The practice of introducing into the Estimates of one department entries that properly belonged to those of another was to be deprecated, inasmuch as it wore the resemblance of an attempt to pass by a side-wind grants which, if presented in a regular manner, might not easily obtain the sanction of Parliament.

MR. SPOONER wished to ask whether any application had been made to the Treasury by the Ordnance Department for money to make experiments in Belgium, or to send workmen over to that country to make experiments? He wished, in fact, to know whether experiments had been made in Belgium; what those experiments were; whether the Ordnance Department had sent over workmen to make them; and whether advances for such experiments had been made by the Treasury?

MR. BLACKBURN found in this estimate an item of £105 for preparing the "Oxford University Reform Bill," to R. J. Phillimore. Then there was an item of

£48 16*s.* 4*d.* "for revoking the office of Master General of the Ordnance, and vesting the civil administration of the Army and Ordnance in Lord Panmure;" and another of £39 14*s.* "for appointing the Duke of Argyll Postmaster General." Was it usual for the public to pay for the appointment of public officers, or were those two cases exceptional? There was another item which he would wish to hear explained—a sum of £1,500 "to the Hon. J. Plunket, Second Commissioner of Bankrupts in Ireland, on account of salary for one year." Was not that salary a fixed annual amount? If so, why should it be put under the head of "civil contingencies," instead of under "law expenses?"

Mr. WILSON would, in replying to the several questions put by hon. Members, commence with those asked by the hon. Member who had just sat down. The item of £105 to which that hon. Member had alluded was a sum paid to Mr. R. J. Phillimore for drawing the Oxford University Bill. With regard to the items paid on the appointments of Lord Panmure and the Duke of Argyll, the rule was that the person who accepted an official office paid for his own patent; but if a person was transferred from one office to another, he was not called upon to defray the cost of the second patent. In this latter case the public paid for the patent. With respect to the £1,500 for the Second Commissioner of Bankrupts in Ireland, there was no provision by Act of Parliament for granting a salary to that officer, and therefore his remuneration was included under the head of civil contingencies. However, in the Bill now before the House that would be remedied; the necessary provision would be made for the salary of the additional Commissioner, and the charge would henceforth be included in the estimates in the usual way. As to the inquiry made by the hon. Member for Warwickshire (Mr. Spooner), no payment of any kind had been made for sending workmen to Belgium; nor had any application been made by the Ordnance Department for an advance for any such purpose. He had made inquiry on the subject, and could assure the hon. Member that there was no truth in the report that the Ordnance had sent any workmen to that country. With regard to the experiments with the Lancaster gun, his hon. Friend (Mr. Kinnaird) must have misunderstood what he had said on that subject. What he had intended to convey was, that before such experiments were made it would not be judicious of the Government to come down to the House and ask for a Vote for those experiments. Was it not obvious that in such cases the House should trust to the Executive? Otherwise the country might obtain no benefit from experiments of the kind referred to. The whole of the advances made from the Vote for civil contingencies had to be brought under the review of the House and voted before they could be repaid to the account from which they were originally taken. The hon. Baronet opposite (Sir H. Willoughby) said he found in the last six years an apparent discrepancy of £143,000 between the sum expended and that voted; that £100,000 remained in the Exchequer in March last; but no account was given of the balance of £43,000. The fact was, that the advances made to the different services last year and the year before exceeded those of preceding years, and the amount of reimbursements now due to the account of civil contingencies was not £143,000, but £158,000. In regard to the cost of the fireworks for the peace rejoicings, the Chancellor of the Exchequer had already explained that it was not deemed worth while to propose a separate estimate for this item of expense, and therefore it was included in the Vote for civil contingencies; and the expenses of the mission to St. Petersburg, being an unusual payment, properly came under that head. As to the sums alluded to by the hon. Member for Lambeth (Mr. Williams) as having been paid for the outfit of our Ambassadors abroad, and for "special missions," it was quite obvious that no estimate could be formed of such expenses. The sum of £364 10*s.* travelling expenses, referred to by that hon. Member, was for the expenses incurred by Governor Sir W. Denison for passage of himself and family from Hobart Town to Sydney. There was a fixed allowance to colonial Governors for expenses of that nature, regulated by a scale prescribed by Colonial Office. As to the sums paid for Commissions, the University Commissioners had been appointed under the University Act, and the payments made were to the secretaries, and on account of general charges, but the Commissioners themselves were not paid. The sum paid on account of the settlement of the boundary between Turkey and Persia was a payment of last and not of this year. As to the question of the hon. and gallant Captain (Captain

Stuart), his hon. and learned Friend the Attorney General was not then present, but he would at another time give an explanation of that item of £5,000.

Sir FRANCIS BARING did not intend to give the Committee the trouble to divide, but in withdrawing his Motion he must say, that he was not satisfied with his hon. Friend's explanation. He should be glad to know from his hon. Friend, if he was prepared to give at once a statement of the advances made, and to produce the account which he said was so satisfactory. There was a peculiarity in the phrase, used by his hon. Friend, that advances were not made from the civil contingencies to eke out Votes of which estimates had been given. Take the case of the Ordnance. The Ordnance was under strict rule that every sixpence of expenditure should be audited, and that entire control should be exercised over its expenditure. He did not quarrel with the expenditure, but what was the fact? The Ordnance had been expending in experiments more than Parliament had voted, which sums were unaudited and uncontrolled. That was the very example of all others to show that the civil contingencies were in an unsatisfactory state. If his hon. Friend could give the House the paper he had spoken of, he would be satisfied with the £60,000 he had got, and would not press the subject further.

Mr. LLOYD DAVIES wished to know from the Secretary to the Treasury, whether the payment of 100 guineas to the hon. Member for Tavistock (Mr. R. Phillimore) for assisting in the preparation of the Oxford University Bill was made whilst that hon. and learned Gentleman was a Member of that House? He did not mean to say that the amount was more than adequate to the services rendered by the hon. Gentleman, but the question was, if it did not involve constitutional considerations, and affect the character of the House itself. He thought it desirable that an explanation should be given upon the subject.

Mr. MOWBRAY wished to know whether any further sum would be required for the fireworks exhibited on the 29th ult. beyond the £8,000 which had been stated by the Chancellor of the Exchequer as the estimated expenditure?

Mr. WILSON said, that as the accounts for the fireworks had not yet been received, he could not state precisely what would be the expenditure. Some expense had, of course, been incurred in the preparation of the fireworks by the department at Woolwich; but he believed the amount named by the Chancellor of the Exchequer on a former occasion would be the sum required as an extra charge on the public; but it should be recollected that some part of the expense would be borne by the Ordnance Department under which they had been prepared, and it was merely the extraneous charges which would be defrayed out of the civil contingencies. With respect to the hon. and learned Gentleman the Member for Tavistock, he believed that he was a Member of the House when he received the payment referred to by the hon. Gentleman opposite. With regard to the observations of the right hon. Baronet the Member for Portsmouth, he had to state that no advances had been made to eke out any Vote granted by Parliament for specific purposes, but that the advances from the civil contingencies were always made for services and purposes which could not be foreseen, and for which, therefore, no provision could be made. The case of the Ordnance experiments was of this nature. With regard to the accounts which he was prepared to lay before the House, they had not been prepared in consequence of anything that had been either said or done by the right hon. Baronet, because the attention of the Treasury had been for a long period directed to the subject, with the view of presenting a clear and satisfactory statement of the expenditure under this head. He would in a few days be able to lay them on the table of the House. They would embrace the total expenditure, distinguishing every advance and repayment made for the last fifteen years, and show the balance in the Exchequer.

Mr. LLOYD DAVIES thought the answer which had been given to his question by the hon. Secretary to the Treasury was not at all satisfactory. He wished to know whether the payment to the hon. and learned Member for Tavistock had been sanctioned by the Government, and he thought it necessary that there should be a clear understanding on the subject. If the payment had been made inadvertently, he had nothing more to say about the matter, but a constitutional principle of vital importance was involved, for if Members of the House received such payments it was impossible to doubt that their freedom of action must be in some degree influenced. He did not bring forward this question with any special reference to the hon. and learned Member for Tavistock, but simply upon public grounds.

MR. WILSON said, it was not for the Treasury to determine the constitutional question to which the hon. Gentleman had referred. A demand was made upon the Treasury for a sum for the performance of certain duties, and it was no part of the duty of the Treasury to inquire whether the person who performed such duties was entitled to perform them or not.

MR. GLADSTONE submitted that the question which been put by the hon. Member for Cardigan was one which ought to receive the most satisfactory answer that could be given. He (Mr. Gladstone) had thought this matter had been settled long ago, and he did not know how it happened that it was now brought to the notice of the Committee. The hon. Member for Cardigan deemed it a dangerous practice to employ Members of that House professionally in the preparation of Bills, and he (Mr. Gladstone) thought the hon. Gentleman was quite justified in calling attention to the payment to which he had referred. It was undoubtedly expedient and necessary that the attention of the House should be carefully fixed upon payments of this nature, and that any tendency to make a practice of such payments should be discouraged. It was right that the House should require to be informed of the special reasons which had led to the payment in this particular instance, and, speaking from recollection, and therefore not with perfect confidence, he (Mr. Gladstone) would endeavour to afford some explanation. The payment in question had reference to the drawing of the Oxford University Bill. He was himself much concerned, but of course not professionally or officially, in the preparation of materials for that measure. His hon. and learned Friend the Solicitor General was the person who, on the part of the Government, drew the Bill, that was to say, who superintended and was responsible for its drawing; and officially it was under his direction that the hon. and learned Member for Tavistock was employed in the preparation of the measure. He (Mr. Gladstone) did not exempt himself from responsibility on that score, because he was perfectly cognisant of the arrangement, and, while he admitted that special reasons only ought to justify such an arrangement, he fully approved it at the time. The case of the Oxford University and its colleges was a most peculiar case; and although it would have been perfectly easy to find numbers of lawyers who were capable of drawing bills upon almost any other subject, there were few who possessed such knowledge of the history of the foundations of the Universities and Colleges as to be capable of drawing a Bill with reference to that University. It was on that ground, and because it appeared both to his hon. and learned Friend and himself that the hon. and learned Member for Tavistock was conversant with such subjects, and able to render valuable assistance which they did not think it practicable to find elsewhere, that his professional services were employed in drawing up the Bill and putting it into a formal and legal shape. He thanked the hon. Gentleman opposite for drawing attention to the subject; for there could be no doubt that the general rule was adverse to the employment of Members of the House for such purposes. But the hon. Gentleman was not to suppose that this was the first time such a thing had taken place. On the contrary, cases had occurred from time to time in which Members had been so employed, and he perfectly agreed with the hon. Gentleman in thinking that it was one of those matters which the House should be careful not to overlook.

LORD HOTHAM: The Secretary to the Treasury had observed that the Chancellor of the Exchequer, in stating that the cost of the fireworks would not exceed £8,000 must be understood as not including in that amount the cost incurred at Woolwich. Now that was not a strictly accurate representation of the case, and he (Lord Hotham) was competent to speak upon the point, because he happened to be the person who had addressed the interrogatory to the right hon. Gentleman on the subject. The right hon. Gentleman having previously stated that the expense would amount to £8,000, he (Lord Hotham), on a subsequent day, asked him if he intended to lay an estimate of the contemplated expenditure incurred in the preparations made in London as those which were being incurred in the Royal Arsenal at Woolwich. The answer of the right hon. Gentleman was that the Government did not contemplate laying an estimate upon the table; that it was intended to pay the expense out of the civil contingencies, and he added emphatically that he was informed, and believed, that the expenditure would not exceed £8,000. Now an answer given to an inquiry made in that way, referring to the expenditure in London and at Woolwich, must surely be taken by any man of plain understanding, to mean that the total expense would not exceed the sum mentioned by the right hon. Gentleman; and he confessed that, however surprised he might have been at hearing that the cost would amount to no more, he certainly did consider and had so stated to several hon. Gentlemen in the House, that the right hon. Gentleman had pledged himself as solemnly to the House as one gentleman could pledge himself to another upon any subject, that £8,000 would cover the whole of the expense that would be incurred on the occasion.

Motion by leave *withdrawn.*

Original question put and *agreed to.*

(2.) Motion made, and Question proposed—

"That a sum, not exceeding £151,213, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Public Education in Great Britain, to the 31st day of March, 1857."

Sir GEORGE GREY: Sir, I rise to propose the annual Vote for public education—£151,213, of which £300,000 has been already voted on account; but, as there is a very full explanatory minute attached to the estimate, containing paragraphs corresponding to each particular item, it will not be necessary that I should give any lengthened explanation to the House. At the same time, as the grant proposed to be taken this year is greater than in any former year, and exceeds by £54,292 the sum voted last year, and as a proposal is to be made by an hon. Member to reduce the amount, I will take the liberty of calling the attention of the House to the past expenditure on account of education, to the appropriation of the funds placed at the disposal of the Committee of Privy Council by Parliament, and particularly to the grounds on which the increase of this year has taken place. I am the more desirous to do so as I am anxious to remove an impression which I am afraid prevails in some quarters that, because there are difficulties in establishing throughout the country a general system of combined education, therefore nothing can be done by Parliament in aid of the efforts made for promoting the great object of popular education throughout the country. Whatever opinions we may entertain as to the expediency of a general system of education—however much we may regret the failure of those attempts which have been made from time to time by men of influence to secure that important object, it would be wrong on our part if we did not acknowledge that, these attempts having failed, very important and very beneficial results have been attained by means of these Parliamentary grants that are placed at the disposal of the Committee of Privy Council, and which are appropriated by that Committee in accordance with certain Minutes regulating the principle of appropriation. Since the year 1839 a sum rather exceeding £2,000,000 has been placed by Parliament, by annual grant, in the hands of the Committee of Privy Council for the promotion of popular education, and that sum has been expended in aid of those voluntary efforts to which allusion has been made, and very justly made, in previous debates on the subject of education—efforts that cannot be too highly estimated and commended, but which, I believe, have failed in accomplishing all the objects sought to be attained by them, and which would not have been attended with the success which has accompanied them had they not been aided by the grants which Parliament has made. It is a fact not unworthy of notice, that, during the first ten years, the amount placed annually at the disposal of the Committee was never wholly expended. There remained annually an accumulated balance in the hands of the Committee, the applications for money not having exhausted the amount. But from that time the reverse has been the case, and the expenditure has annually exceeded the sum granted by Parliament, the deficit being supplied by the unappropriated balances of the sums provided by Parliament in the previous years. The inference we are to draw from this is, that the discussions from time to time, either on Motions submitted to this House or on the considerations of the annual Estimates, have given a great impulse to the efforts made to promote education, and that there has been a growing and rapidly increasing appreciation of the benefits derived from the grants which have been made by Parliament in aid of the voluntary efforts to promote that important object. In 1839 the grant was £30,000; last year it was £396,921; and this year the amount proposed is £451,213, of which £200,000 has been already voted by the House. To show the progressive increase of the expenditure, I have here a comparative table, showing the amount expended in each year during the last six years, and comprised under different heads — namely, school buildings, pupil teachers, Queen's scholars, students in training, certificated masters and mistresses, inspectors, schools inspected, numbers of children examined, and the percentage of children above ten years of age. The following is the table:

| Year. | Amount expended. | | | Number of School Buildings erected, enlarged, or improved. | Number of Pupil Teachers. | Number of Queen's Scholars. | Number of Students in Training, Examined, and Passed. | Number of Certificated Masters and Mistresses. | Number of Inspectors.* | Number of Schools (under separate Teachers) Inspected.* | Number of Children present at Examination. | Percentage of Children above 10 Years of Age. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | £ | *s.* | *d.* | | | | | | | | | |
| 1850-51 | 193,026 | 5 | 8 | 285 | 4,660 | 39 | 205 | 980 | 19 | 3,098 | 214,873 | 37·17 |
| 1851-52 | 164,313 | 17 | 7 | 205 | 5,607 | 144 | 305 | 1,173 | 19 | 3,114 | 256,888 | 36·75 |
| 1852-53 | 188,856 | 12 | 4 | 232 | 6,180 | 331 | 526 | 1,720 | 22 | 3,934 | 354,442 | 39·29 |
| 1853-54 | 250,658 | 18 | 3 | 273 | 7,007 | 783 | 833 | 2,297 | 29 | 4,341 | 360,777 | 36·09 |
| 1854-55 | 326,436 | 7 | 6 | 312 | 7,768 | 929 | 1,132 | 2,836 | 32 | 5,575 | 473,214 | 31·24 |
| 1855-56 | 369,602 | 6 | 11 | 414 | 8,524 | 972 | 1,254 | 3,432 | 36 | 6,966 | 569,076 | 33·44 |

* Exclusive of five workhouse school inspectors, and upwards of 600 workhouse schools.

I think these figures give very satisfactory and encouraging evidence of the advantages derived from the annual Parliamentary grants in aid of education, not only in the increase of school buildings, to which the grants were formerly almost exclusively limited, but still more in increasing the number and raising the qualifications of the teachers in the different common schools throughout the country. For the present year, in order to meet the increasing demands and provide for some new heads of expenditure, the proposed grant exceeds by £54,000 the grant of last year. The principal heads of increase are the following:—First, grants to pay the annual stipends of pupil teachers and gratuities to the schoolmasters and schoolmistresses instructing them, in which there is an increase in the Vote over that of last year of £10,000; secondly, capitation grants England and Wales, which are increased from £12,000 to £40,000, being an addition of £28,000; thirdly, grants in augmentation of the salaries of schoolmasters and schoolmistresses who have obtained, upon examination, certificates of merit, and whose schools have been favourably reported upon by Her Majesty's Inspector, in which there is an increase of £10,000; fourthly, grants to assistant teachers, which are increased by £1,000. Grant No. 12 is a new grant, being a sum of £10,000 for industrial schools. There is also some increase in the charge for establishment and inspectors, caused by the greater amount of business performed by the Committee of Council and the increased number of schools under inspection. Under the first of these heads, in grant No. 3, no explanation is necessary. The increase is caused simply by the larger number of pupil teachers, as appearing by the figures already cited. But I may call the attention of the Committee for a moment to a Parliamentary paper, which shows that a great number of these pupil teachers really find their way into schools as masters and mistresses, and which gives us reason to hope, not only that they will derive important advantages themselves from the assistance they receive from the State, but also that they will become valuable auxiliaries in diffusing an improved education throughout the country. The paper in question was moved for by the hon. Member for Sheffield, and presented to the House in July, 1855. A portion of it consists of a return of pupil teachers and stipendiary monitors who have been trained or educated at the public expense to become teachers, but who have not been received in the normal schools. The number was 9,788; but that number included 6,619 pupil teachers, who, at the date of the return—25th of April, 1855—were serving their apprenticeships. The remainder—3,169—was made up as follows: 1,544 had duly completed their apprenticeships, and the greater part of them—1,439—were known to be employed as public teachers; 170 were dead; 180 had failed in health; 307 had been rejected for want of proficiency; and 968 had been rejected or withdrawn from other causes. A considerable number were still receiving instruction in April, 1855, and of these, looking at the proportion who had already engaged in the work of education, it is to be hoped that a large part will render valuable assistance as teachers of schools throughout the country. The same observation applies to the grants in agumentation of the salaries of schoolmasters and assistant teachers—namely, that the increase is owing to the proportionately larger number of persons who have qualified themselves to receive the assistance offered to them by the Minutes of Council. With regard to the increase in the amount for capitation grants—No. 4—the explanation is given in the explanatory note attached to the Estimates. The increased Vote arises from the extension of these grants, in accordance with what appeared to be the general opinion of the House last year, from the rural districts and smaller towns, to which they were formerly confined, to other parts of the country which have hitherto not received them. But there is one important, and, I think, necessary qualification, to which I deem it my duty to call the attention of the Committee. It is this—that, although the capitation grants are now proposed to be extended to the whole of the country, instead of being confined to the rural districts and smaller towns, yet they are to be given only to those schools of which the masters or mistresses are either certificated or registered—registration implying a lower degree of qualification than certification, but still giving a guarantee that the teachers are something above the ordinary level, and have qualified themselves to impart a sound and useful education. I know some think that these grants should be given irrespective of the qualifications of the master or mistress, provided the school is, under all the circumstances, well conducted; but, at a time when Parliament is pressing upon the Government the adoption of some test of examination for persons entering the civil service, I am afraid it would be extremely injudicious to hold out to all schools, apart from the comparative merits of the teachers, equal advantages with respect to these capitation grants. The conditions on which the grants are made, are fully explained in the Minute of the 2nd of April, 1853, and the explanatory circular of the 20th of August, in the same year; and these so fully explain the principles on which they are founded, that it is not necessary for me now to go into that part of the question, and I will therefore only add that a subsequent Minute, of the 26th of January in the present year, and laid before Parliament at the beginning of April, extends the application of the former Minute to all parts of England and Wales, involving, as I have said, an estimated increase in the Vote of £28,000. The new grants to industrial schools are to be made under the recent Minute. The object is to improve the character and quality of the education given in these schools, and to hold out an encouragement to efficient teachers by giving them either gratuities or an addition to their salaries. Aid will also be given to industrial schools by the payment of rent in certain cases. It is not intended to apply any portion of the £10,000 to the building of what are called "reformatories" in the technical sense of the word, or establishments erected under the authority of acts of Parliament for the reception of juvenile offenders. That subject has been maturely considered, and it has been thought that, while reformatories should be eligible to the advantages which the grants hold out to industrial schools, as far as concerns the masters or mistresses, they should be subjected, in other respects, to the general rule which has hitherto guided the Committee of Council in dealing with schools which provide for the board and lodging, as well as the education, of the scholars. It is obvious that if these grants were applied to the building of such schools a very heavy expense would be incurred by the Committee of Council, and the funds placed at their disposal would be diverted from the objects to which Parliament intended them to be applied. Moreover, it will be unnecessary to devote any portion of the grants to that purpose if the general and expressed opinion of the House be carried into effect—namely, that provision should be made for the establishment of reformatories out of the county and borough rates. For a detailed statement of last year's expenditure I may refer the Committee to the last volume of the Minutes of the Committee of the Privy Council, where any hon. Gentleman desirous of seeing how the money has been spent will obtain that knowledge much better than from any statement I can make; and, unless any question is asked me, I shall not go into details of the grants. But, before I sit down, I must express the hope that, after the explanations I have made, the hon. Member who has given notice of a proposal to reduce the Vote to the same amount as last year will not think it necessary to persevere with his Motion. I hope also, that hon. Gentlemen will not upon this occasion object to the Vote upon the ground so often debated—of objection to State interference with education. We have had many discussions upon that subject, and I believe it is the general feeling of the House that, in order to promote the general education of the country, voluntary efforts alone, however valuable in themselves, are insufficient to attain that great object which we all desire. I trust that the Committee, looking at the results already obtained from this grant, and bearing in mind that other plans (of the merits of which I express no opinion) have failed, mainly on account of religious differences, will feel itself bound not to withhold any means which may be within its reach to assist voluntary efforts in establishing additional schools, and in improving those which already exist. That is the object of the present Vote—to extend and increase the benefits of the system which has now been some years in operation; and, however short it may have fallen of the desires and expectations of some hon. Gentlemen, still I hope that, until these desires and expectations can be fulfilled, they will be disposed to lend a willing assistance in continuing, improving, and strengthening the system which now exists. I say "which now exists," in reference to the Bill which I have introduced into this House upon the subject, the second reading of which has been postponed until after this Vote, and which is threatened with opposition by the hon. Member for Sheffield (Mr. Hadfield), and which is, I believe, calculated to render more efficient the present system of education. I have, as a Member of the Committee of the Privy Council, felt it my duty to make myself acquainted with all the details of past expenditure, as well as of that which is about to take place; but I cannot be expected to be able to give those full and detailed explanations upon every point as a person would be who had daily experience and perfect knowledge of the matter. The responsibility of individual Members of the Committee of Privy Council I fully admit; but then that Committee is only summoned occasionally, and then to discuss questions of principle, and not of detail. If, however, there were a department in which responsibility should be concentrated, represented by a Minister in this House, who would necessarily be acquainted with all the details of the subject, I think we should derive the same advantages as followed, in regard to the administration of the poor law, by having the President of the poor law board in this House; and I believe that there will be a similar advantage in regard to education by the alteration proposed by the measure I refer to. I may also remark that the next Vote, for Science and Art, is one of which I have nothing to say, it not being connected with the Committee of Privy Council; but it is intended by the Bill to which I have referred, that all matters connected with education, including the higher branches of science and art for which public money is granted, shall be placed under the general supervision of the new department, the Minister representing which would be able to give this House any information which it may require. Having stated in general terms the general reasons of the increase in this Vote, I shall now conclude by moving that a sum of £151,213 be granted to Her Majesty to complete the sum necessary to defray the expenses of public education in Great Britain for the year ending March 31, 1857.

SIR JOHN PAKINGTON: It is hardly necessary for me to say I have no intention either of criticising the statement we have just heard or of opposing the Vote. I need only say, I concur with the right hon. Baronet as to the propriety of all the changes proposed in regard to the Vote of last year, and I heartily thank the Government for having made the Vote for education on a more liberal scale. My object in rising is to solicit the permission of the Committee to address to it some few observations upon the present position of the great question of education, without entering at length upon the extensive subject, or intending by those observations to give occasion for any protracted debate. Since what took place on the occasion of the noble Lord the Member for the City of London (Lord John Russell) proposing certain Resolutions on the subject of education, and the extraordinary and, as I think, unsatisfactory division upon those Resolutions, I have good reasons for believing that among the neither small nor unimportant class who take a deep interest in the extension of education there has been excited a feeling of alarm with respect to the intentions of Parliament. The Committee will remember what those proceedings were.

The noble Lord brought forward a series of some twelve Resolutions, forming a bold and extensive plan of education, but completely altering the present system. After the first night's debate, the noble Lord, no doubt believing that his plan did not meet the favour of the House, withdrew, not as, I think, he might wisely have done, the whole of the Resolutions, but only seven of them, which really comprised his whole plan. Those which were left were but a foundation upon which a superstructure was to have been raised, and I have always been surprised that the noble Lord should have thought it worth while, after the demonstration of feeling which had taken place, to press to a division those four or five Resolutions, which contained so little. The Question was put upon the first Resolution, which was merely this—"That, in the opinion of this Committee, it is expedient to extend, revise, and consolidate the Minutes of the Committee of Privy Council on Education." That Resolution contains nothing but a truism—a recital of what has been done, and is being done, every day. We have seen several times this Session those minutes extended, and there has been an attempt to bring them all together and to consolidate them. I can see nothing in this Resolution to which any hon. Gentleman could possibly object; but my right hon. Friend near me (Mr. Henley) had given notice of an Amendment upon these Resolutions in the shape of a refusal to entertain them—his Amendment was, "that the Speaker should not leave the chair." That right hon. Gentleman, however, stated, upon the discussion, that he took no exception to this particular Resolution, and neither did he desire to press his Amendment; but, notwithstanding that intimation, a division took place, and the Resolution, which contained nothing but a truism to which everybody assented, was negatived, and an Amendment, which affirmed nothing, was voted by a majority of 102. Whatever were the feelings that led to that division, now that the excitement of the moment has passed away, I think I may venture to say that there is no Member of this House a party to that Vote who is at all proud of it. It is a question what was done or what was affirmed on that occasion; and if we who are Members of this House feel some doubt whether the course which we took was really intelligible, can it be wondered at that people out of doors are somewhat perplexed by our proceedings on that occasion? They feel, as I have no doubt we feel here, that the division was somewhat incomprehensible. ["No, no!"] I will withdraw the expression and say, we feel in this House—and the people out of doors feel—that the division had its meaning and object. The feeling out of doors is, that the intention of the House of Commons was to declare that a large majority of its Members was unfavourable to the extension of public education in this country. ["No, no!"] I quite concur that such was not our meaning, but I have reason to believe that was the impression out of doors. I should be most sorry if I thought that was the true construction of the division. I believe the true construction to be this—that a great majority of the House was indisposed to the particular plan which the noble Lord the Member for the City of London brought forward. I supported the Resolutions of the noble Lord, because their main object was to adopt a rate for education; but at the same time I felt it my duty to tell the noble Lord there were parts of the plan upon which I disagreed with him—that, although I agreed as to the absolute necessity of a rate, and was prepared to support a compulsory rate, still I thought its proposal imprudent and premature, and had given proof of that opinion by proposing in my own plan, not a compulsory, but a permissive rate. But the noble Lord's plan embraced other points; it embraced an attack upon a great number of charities, which I thought imprudent, and the majority was swollen, I believe, by Gentlemen who took alarm at that part of the proposal. The noble Lord called into action the courts of quarter session as a means of levying the rate, and I thought that injudicious. There were several other points to which exception might be taken; and, looking at the whole nature of the plan, I confidently believe the majority was a majority against the specific proposal, and not a majority from which the country is justified in inferring that the House of Commons, as at present constituted, is unwilling to encourage the extension of education in this country. While I am willing to entertain this belief, I am bound to say some of the speeches in opposition to the noble Lord, were so framed as to justify a feeling of alarm on the part of the friends of education, showing as they did that at least some of the eminent Members of this House are indisposed to increase education at the expense of the

State. With regard to the speech of my right hon. Friend the Member for Oxfordshire (Mr. Henley), it was not only distinguished by his usual ability, but for its fairness and moderation well deserved the encomiums it elicited in the course of the debate. I confess I listened to it with great pleasure, because I fancied there was to be traced throughout some little proof that he had devoted great attention to the subject, and that his views had undergone some modification since he addressed the House in opposition to the Bill which I brought forward last year. A most remarkable speech was made on that occasion by the right hon. Baronet the Member for Carlisle (Sir J. Graham), who frankly avowed that the material was supplied by the pamphlet of Mr. Baines. No doubt it saved him a great deal of trouble in investigating the subject; but, as I had the opportunity of replying to that speech at the time, I will not allude to it further. I wish very much to refer to the very remarkable speech which fell from the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) on that occasion. I listened to that speech with admiration, as the most able and most eloquent ever delivered, even by him. But, while I pay this tribute to his ability, I am unable to concur in the opinions which he expressed. Allow me to read one passage:—

"We have happily found it practicable in England to associate together in the most perfect harmony these two principles—the principle of voluntary exertion, through which you get heart and love and moral influence infused into your school instruction, and the principle of material aid from the State, by which the skeleton and framework of your education are provided. But, associated as these two principles have been, it may be superfluous for one man or another to say what he would do in the event of its being necessary to sever them one from the other. I am convinced that the harmony which has hitherto been maintained between them, even in times of doubt and difficulty, will continue, and, if possible, increase; but if I were driven utterly to abandon the voluntary principle, or to place exclusive reliance upon it, I would not hesitate a moment in making my choice. In such an emergency I would say at once—give me the real education, the affection of the heart, the moral influences operative upon character, the human love, that are obtained through the medium of the voluntary principle carried out by men whose main motive is one of Christian philanthropy, rather than throw me upon a system which, whatever the intentions of its mover may be, must, sooner or later, degenerate into hard irreligion."

It is hardly necessary to say the end of that passage is marked by "cheers," and I believe I joined in those cheers, carried away by the eloquent language of the right hon. Gentleman; but I cannot concur in the views it expresses. If I strip the passage of its ornamental language it seems to me to involve two propositions:—first, that the right hon. Gentleman thinks, that the voluntary system, materially aided by grants from the State, is sufficient for the education of the people of this country; and secondly, that if we venture to depart from that system and substitute another at all akin to that proposed by the noble Lord, the result will be that "it will sooner or later degenerate into hard irreligion."

MR. W. EWART rose to call the right hon. Baronet to order. If the right hon. Baronet had a right to refer to a recent debate, the right hon. Gentleman whose speeches were alluded to would have a right to reply. There would be a series of rejoinders and refutations, and the Committee would never arrive at a decision upon the Vote. He put it to the Chairman whether the right hon. Gentleman was not bound to confine himself to the Vote?

MR. FITZROY said, that it was a well-known rule of the House that no allusion to a past debate was to be made during the same Session of Parliament, and he was sure that every Member of the House would see the expediency of adhering to this rule as strictly as possible. But, as he had been appealed to, he was bound to mention that the debate to which allusion had been made occurred in another Committee of the whole House, of which the present Committee was not technically supposed to be cognisant, and therefore that, strictly speaking, the right hon. Baronet was not out of order.

SIR JOHN PAKINGTON: I can assure the hon. Gentleman I have not taken this course without previous inquiry, and I should not persevere if I supposed I was at all contravening the rules of the House. When you find great masses of the people in a state of ignorance, of want of training and of education—when you find in the gaols and workhouses not hundreds, but thousands who do not know the name of the Saviour, who cannot say a prayer, and have never been taught a prayer, what can be more alarming than such a state of irreligion—of "hard irreligion" as the right hon. Gentleman the Member for the University of Oxford called it? And can you rely upon a grant of £300,000 or £400,000 to meet such a state of things? To the best of my belief you cannot. My hon. Friend the Member for Dudley (Sir Stafford Northcote) who takes great interest in this question, referred to the part that I have taken in this subject, and said that I always trusted to gaol statistics to support my views. My hon. Friend does me a great injustice, and greatly mistakes me if he thinks that I rely mainly on the gaols in support of my views. On the other hand, those hon. Gentlemen have a very imperfect knowledge of the state of public education who exclude from their view either the state of our gaols or the condition of the inmates of our workhouses. Why are they a gaol or pauper class? Is it true or not that we are rearing and training a gaol class, and that we are allowing a great population to grow up, who, for want of a sound and liberal policy on the part of the State, are educated to end their days in gaols and workhouses? I maintain that any man takes a narrow and imperfect view who excludes these classes from his consideration. On the other hand, this subject would not have the pressing interest and importance that attaches to it unless I could support my views by appealing to other classes, and taking a more extended view than the state of the gaols and workhouses affords. In the statement which I made to the House of the state of education in the county of Somerset, I mentioned the case of the diocese of Bath and Wells, where a society exists for the education of the people, supported by dignitaries of the Church, the great squires, and other eminent men. I stated that at the very time this society were preparing a report in rounded periods in favour of the noble voluntary system, their own diocesan inspector, Mr. Vaughan, was showing that nothing could be worse than the state of education in the diocese of Bath and Wells. When I made that statement of the miserable ignorance in the diocese of Bath and Wells, no hon. Gentleman rose to contradict me. Those statements were made in the strongest language, but they received the fullest confirmation. I also drew attention to the state of education in the county of Wilts, and these statements also were not contradicted; on the contrary, an hon. Gentleman opposite, connected with the county, came to me after the debate and said, "Who is your informant, for the statements he makes are essentially correct?" The day before yesterday I met a very intelligent man, Mr. Aubyn, the head of that very large district school, formed by several of the unions of London at Norwood—[An hon. MEMBER: At Anerly]. So immense is this establishment, that Mr. Aubyn stated that last year there were upwards of 1,000 admissions. The children are admitted from a very early age to the age of fourteen; the average age being nine or ten. Mr. Aubyn assured me that of these thousand children so admitted every year from seventy to eighty per cent come to this school perfectly ignorant and unable to read or write. This is the population of London. In confirmation of this statement, I may refer to a Report which has been published within the last few days. Mr. Tufnell, the school inspector for the workhouse schools in London, puts forward the most startling statements. Mr. Tufnell has four districts —I forget their names, but Stepney is one of them—containing a population of 500,000, and he states that in 700 or 800 admissions of children to these workhouses of the average age of ten years, seventy-three per cent were in a state of the most complete and utter ignorance. This seventy-three per cent may therefore be taken as a fair estimate of the condition of the lower classes of the great city of London. Mr. Cooke, also a metropolitan inspector, does not go into figures so fully as Mr. Tufnell does, but his report is to the same effect. It is clear, therefore, that if the lower classes of the metropolis are to receive education, you must embark in expenses, both for school accommodation and school arrangements, to an infinitely greater extent than either they or the richer classes have the means of providing under the voluntary system. In the face of these alarming facts what becomes of the statement of my right hon. Friend the Member for Oxford University (Mr. Gladstone), that we may trust to this happy combination of the voluntary system with material aid? Is it not demonstrated that if we would do our duty we cannot allow this question to remain as it is? Such is the nature of the evidence. Who are the witnesses? They are chiefly the chaplains and masters of gaols and workhouses; above all, they are the clergy, who, throughout England, are pressing upon our education societies, and upon the Committee of Privy Council, their inability to educate the people. There is another class of witnesses—Her Majesty's inspectors of schools—gentlemen who are paid to travel through the country to investigate this question. You cannot doubt their statements, and all their reports tend in substance to the same point—the deficiency of the means of education. Who are the witnesses on the other side? What have we heard in opposition to the strong facts I have stated? We have heard theories, opinions, and an abundance of eloquence. But eloquence will never educate the people. For that purpose two things are requisite: first, improved machinery; and second and mainly, money. With regard to the first of these, the experiment of appointing inspectors has proved so successful that I hope Parliament will increase that machinery. But our main want is money. Education resolves itself into a plain financial question. A child contributes 2*d.* towards its own education, the cost is 6*d.*, and the problem we have to solve is, how is the other 4*d.* to be obtained? The annual grant meets the difficulty in part; some of it is devoted to building purposes, some to the payment of pupil teachers—it is all usefully employed—but the grant, together with what can be squeezed out of the pockets of the benevolent, is very far from sufficient to educate the country; and unless some different and more liberal system be adopted the majority of the people must remain in a state of hopeless ignorance. A rate which would throw the burden equally upon the people at large would no doubt be a material aid; so would a Parliamentary grant for the whole amount required. But even if Parliament were to grant a sufficiently large sum from the Consolidated Fund to meet the whole demand, you would have to face the difficulty of being unable to administer it without local agency, upon which you could not place reliance. What, then, is to be done? In considering that question I turn for guidance to the views of Her Majesty's Government; but in the debate on the Resolutions of the noble Lord the Member for London, I was sorry to see some timidity on the part of the Government—there appeared to be a reluctance on their part to state broadly and distinctly what their views were; but at the same time, believing, as I do, that neither the public out of doors nor their representatives within these walls, were prepared for a national educational rate, I think the Government were right in refusing to sanction that part of the noble Lord's scheme. Upon that ground I find no fault with them. I do find fault with them, however, for timidly withdrawing, under the influence of the extraordinary division which took place in this House, a Bill which had been introduced in another place by the noble Lord the President of the Council for the advancement of education. That Bill was not open to the objection taken to the noble Lord's Resolutions; it merely enabled different localities to rate themselves if they pleased; and although it was described by the right hon. Gentleman the Home Secretary as a very small and limited measure, I think, without pledging myself to its details, that if it had passed it would have been productive of great and beneficial results. It was a Bill, at any rate, which we ought to have had an opportunity of discussing, and I think the Government have shown great and unnecessary timidity in withdrawing it. I am happy to say, however, that they have not withdrawn their other measure for the establishment of a distinct department of the State for the purposes of education. I hope that measure will be sanctioned by the House of Commons. I hope that the Home Secretary has proposed this estimate to-night for the last time, and that it will in future be moved by a responsible Minister, to whom we may appeal for a remedy for the great evils which I have brought under the notice of the Committee. I shall look with great anxiety to the manner in which the new office is filled. I trust a gentleman will be selected for the office of Vice President of the Committee of Education, who will enter into it with a hearty determination to assist Parliament in carrying out the great object of education. I am sanguine as to the effect of the new department, and I hope that at the commencement of next Session the Minister at the head of it will announce the measures contemplated by the Government. If no such announcement be made, I shall not let the subject drop; and although I will not undertake to bring in a measure, still, if the Government will not introduce their own Bill, I shall be strongly tempted to introduce it for them. If all the evidence to which I have adverted has failed to convince the House of the necessity of dealing with the question, let it be put before us in another shape—let us have a Committee of inquiry—let us bring together gentlemen from all parts of England, who thoroughly understand the question, to state personally to us their experience and views upon it. Let the House grant such a Committee, and I am confident such a Report will be produced as will force conviction upon Parliament that this great and important subject requires to be firmly and speedily dealt with. I have to thank the Committee for the patience with which they have listened to this statement of my views—a statement which I have felt it my duty to make in consequence of the erroneous feeling of alarm with which the country has regarded the recent proceedings of the House of Commons. I think the country need not despair; my conviction is, that such are the merits, such are the necessities of the question of education, that ere long either this or another House of Commons will take some step for its settlement.

MR. BARNES said, the right hon. Gentleman the Secretary for the Home Department had requested him not to press his Amendment for the reduction of this Vote; but he could not accede to this appeal, and he would tell the Committee why. The question before the Committee was not whether any system of national education should be adopted, it was not the merits of any educational scheme proposed by the one party or the other—either the one suggested by the right hon. Gentleman the Member for Manchester (Mr. Milner Gibson) or that proposed by the right hon. Baronet the Member for Droitwich (Sir J. Pakington), or the scheme which had been submitted to the House by the noble Lord the Member for the City of London,—but whether the system already introduced and acted upon was satisfactory in its operations or not. It was because he believed it was not satisfactory that he felt compelled to enter his protest against its further extension, and therefore to persevere with the Motion of which he had given notice. He quite agreed with the right hon. Baronet who had just sat down that the amount of popular ignorance in this country was most deplorable. Vice and immorality, bad habits and vicious tastes, everywhere prevailed, and anything which would refine the tastes, raise the morals, and remove the ignorance of the people was most desirable; but if it were found that the system sanctioned by the Privy Council did not accomplish this, he could not give it his support; and his complaint was, notwithstanding the large outlay of public money, these objects were not effected, nor any of the existing evils in the least degree mitigated. The fact was, that the money voted by Parliament for the purpose of educating the humbler classes was wholly misapplied, and the benefit of it was given altogether to a different class of people, who did not want the money. The right hon. Baronet (Sir J. Pakington) had said that the great want was money. He did not agree with the right hon. Gentleman in that respect. The great difficulty involved in this matter was not the want of money, but that which had been most distinctly pointed out by the inspectors; their uniform statement was, that the monster difficulty which stood in the way of the spread of education among the children of this country was the indifference of the parents whether their children were educated or not. Almost every inspector pointed to this as the great obstacle in the advancement of education. Out of every one hundred children fifty-seven remained without education for no other assignable reason than the indifference of their parents. Would an addition to the grant of £50,000 remove this indifference? It would not at all touch the real difficulty. He contended, moreover, that the tendency of recent legislation on the subject of education had gone far to increase that indifference. He believed that the clause in the Factory Act which threw the education of the children upon the employers had the effect of undermining in the minds of many parents all sense of responsibility for the training and education of those children; and it was his conviction that by these legislative proceedings Parliament was unintentionally teaching the people of this country that the education of the children was not the duty of the parents, and he looked upon the spread of such erroneous opinions as most dangerous to the well-being of society. His conviction, therefore, was, that the Legislature was not on the right tack, but that they were going in a wrong direction, and the sooner they altered their course the better. Another difficulty which had been stated by the inspectors was the early age at which the children were removed from the schools. Mr. Cooke, the inspector, stated that the children of agricultural labourers were generally withdrawn from the schools before they were eleven years of age, and that the children of the manufacturing towns of Yorkshire very rarely remained till they were twelve years old. How could any extension of a Parliamentary grant meet that difficulty? If it were proposed to pay the children to come to school rather than suffer them to run about and pick pockets, he could understand it; but, as the case stood, their labour was required by their parents at an early age, and therefore they were taken away from the schools. There was another objection to the present system—namely, the very large and disproportionate expense for educating the teachers of these public schools. Those teachers were much more highly trained than was at all required at the present time. They had the benefit of a complete education in grammar, history, mathematics, French, Latin, and so on. Now, who were these teachers to instruct who were trained at so much expense to the country? He, for one, could not tell; for 75 per cent of the children in the schools were under ten years of age. It was quite clear, then, that much of the expense bestowed on these teachers was so much money thrown away; and that was another reason why he was opposed to the extension of the grant. But what class of persons really did get the benefit of these highly-taught teachers? Why, according to the report of Mr. Cooke, those who could afford to do without State assistance; for that gentleman says that nearly all the children in the schools of thirteen years and upwards were children of tradesmen, skilled artizans, and others in the receipt of regular and respectable incomes, and that many of the boys and girls who were now educated in the national schools were formerly sent to private schools. This was clearly an abuse of the system, and showed that while the country was supposed to be expending immense sums for the benefit of the poorer classes, they were really expending it for the advantage of those who did not require one shilling of the public money. On these grounds he entered his protest against the system. Nobody doubted the duty of parents to educate their children—on the contrary, all seemed to admit it; but the right hon. Gentleman (Sir J. Pakington) had said that at present the parents had to pay *2d.* a week, whereas *6d.* was required, and he asked whether they could afford it? He (Mr. Barnes) would say in reply that they could afford it, and he would give the Committee a very good reason for saying so. He would take the town of Preston. It was stated by Mr. Clay that he was informed that, during the "turn out" which lasted about six months, a sum of £1,000 weekly was the decreased expenditure for beer and spirits on the part of the factory hands, and that therefore it might be concluded that when they were in the receipt of their ordinary wages they might, if they chose, save so much money. Now, it was obvious that a very small portion of that sum of £1,000 weekly would educate every child belonging to those men who "turned out." Speaking generally of the working classes of this country—not of every individual workman—he believed they were in a condition, if they had the desire, to educate their own children. The right hon. Gentleman said that twopence a week was paid for the children, but he had the testimony of parents to the effect that when they sent children to school for twopence a week it was a positive gain to them, for it would cost them more in bread and butter and clothing if the children were kept running about the lanes and fields. Now, would any one say that the bulk of the working people of this country were not in a condition to afford the price of one pint of beer a week for the education of each of their children? He was not so absurd as to wish to deprive the working people altogether of their beer, but by a slight sacrifice they might educate the whole of their children. Was it right for the Legislature to take this duty out of their hands altogether? He objected to these grants on the ground of political economy; if he were sure that they were exclusively applied to the children of parents who really could not afford to pay for their education, he would not object to them; but that was not the case, and hence he felt that a most dangerous principle was involved in them. The time was not far distant when the working people of this country would have much more power in that House than they possessed at present, and what was the application they were likely to make of the principles now being inculcated into them by a proposition like the present? The argument, the Committee would perceive was this, that the gaols and workhouses were in a great measure filled in consequence of parents neglecting the education of their children, and, therefore, as a matter of policy, it was right for the State to take up this question of education. But the working men might say that the want of education was not the only cause of crime, and that a more cogent cause was the want of employment. Would the State, then, be equally right in finding work for the people? Another source of crime was the wretched and miserable habitations in which the working people lived; and according to the principle on which the present Vote was defended the working people might demand grants for building better houses, with the view of saving them from the demoralising effects produced by their present wretched dwellings. Would any one say it was the duty of the Legislature to make grants to build them better houses? Another cause of crime was, in a season of dearth, the excessive price of bread; and would it not be equally logical to make grants, as had been done on the other side of the Channel, to diminish the price of bread; and did the House think that the working people would not be quick to apply all the principles involved in the present grant? He certainly believed that the operation of such grants as the present was to instil into the minds of the working classes most pernicious politico-economical principles, and this was an additional objection to the extension of the grant. Perhaps the Committee would now allow him to make one or two observations with regard to the capitation grant. The Minute upon which this grant was made was issued in 1853; and when first the Vote was introduced into this House, the noble Lord (Lord J. Russell) intimated that ample time would be given for consideration. Although, however, the grant was a new one, although the principle involved in it was very important, and it was by no means clear that it was a proper one, the subject had never been discussed. Meanwhile the Vote had gone on increasing in amount; first, it was £5,000, last year it was £12,000, and now the sum asked for was £40,000. Was that a satisfactory state of things? He confessed he thought it was not, and that it was unseemly for the Committee to permit such a Vote to pass without full discussion. Meantime, it had been operating in a very prejudicial manner. Its professed object was to stimulate voluntary exertions, but in point of fact it exercised over voluntary effort a most pernicious influence. In a locality with which he was acquainted, a locality well supplied with schools, and, indeed, a good deal above the average in that respect, there was a school which had never asked for or received a shilling, from the grant. The children who attended it paid 6*d*., 8*d*., or 9*d*., a 1*s*. and he believed even more than that, per week. The school was going on in a satisfactory manner, when suddenly within a few hundred yards from it another school was opened. It was conducted by a certificated master, and a staff of highly trained teachers. It was, in short, just as good as the old school with this difference, that the fee was just one-half, the rest being made up out of the national funds. He need scarcely state what had been the consequences. The children were gradually attracted by the new institution, and the old one would soon have to be closed. The same state of things was no doubt going on in many places; parents were being induced to desert masters whom they had been accustomed to pay the full price for educating their children, and to send them to schools where half the expense was defrayed out of the taxes. The result was, that the public burdens were increased, parents were taught to evade their duties towards their children, and all the while not the slightest service was done to the cause of national education. Was this the effect intended by Parliament? Did they intend to close those schools which had not hitherto asked for grants? The country gained nothing educationally by the transfer of children in this way to the State-aided schools, while the amount of the grant would, of course, be continually increased. Then, again, he did not at all see how those capitation grants were to be applied so as really to benefit the scholars and increase their number; and, taken altogether, it appeared by no means clear, he repeated, that the grant was a satisfactory one. Thanking the Committee for the attention with which they had listened to him, he would conclude by moving that the Vote be reduced from £451,213 to the amount of last year, namely, £396,921.

MR. MILNER GIBSON said, his hon. Friend asked the Committee to refuse to increase this Vote, but a considerable portion of his speech would justify them, if they acted upon it, in discontinuing the grant altogether. To carry out his policy the Committee ought to say that they would refrain from giving any assistance by State grants to the education of the poor. Now, were they prepared to adopt such a principle? He thought not: nor did he believe that such a proposition would be received with much pleasure or satisfaction by the labouring classes of this country. When they considered how enormous a proportion of the incomes of the labouring classes was wrung from them in the shape of taxes on Customs and Excise duties, when they considered how much these classes were by these means disabled from paying for the education of their children, it could hardly be thought too much to give them some little aid towards meeting an important want. In one part of his hon. Friend's speech, respecting the application of this grant, he (Mr. Gibson) certainly thought there was great force. Under the present system the State gave the least to those who most needed assistance; to wealthy districts which could subscribe it contributed munificently, while to poor, neglected localities, where voluntary efforts could not be hoped for to any extent, all assistance was refused. To this extent he certainly agreed with his hon. Friend, and should be glad to join him in urging upon Parliament the necessity of reviewing the Minutes of Council, and of better adapting these Minutes to the wants of the population. They heard a good deal as to the desirability of leaving education to take care of itself. "Do nothing," it was said; "let education be left to the ordinary rules of supply and demand, and where schoolmasters are wanted they will go; and where parents want their children educated they will find funds to support those schoolmasters." Well, that was a principle for which a good deal might be said; but if the maxim that "all interference with the freedom of education is pernicious" were a sound one, what became of the argument in favour of voluntary subscriptions? Voluntary subscriptions supported schools which were brought into competition with private schools. If a number of gentlemen joined themselves together—actuated, no doubt, by the most benevolent motives, as well, perhaps, as by a wish to promote their religious sentiments—and if these gentlemen established schools where pupils were taken at lower fees than at private schools, did not those voluntary subscriptions interfere just as much with freedom of education as subscriptions given by the State? The principle of political economy to which his hon. Friend had referred was as much violated in the one case as in the other. Confident, however, as he (Mr. Gibson) was of the soundness of politico-economical views in general, he was not prepared to trust to them in the matter of education; he did not regard the course on which they had entered without some misgivings, but he was not inclined to wait until the people from one end of the land to the other were so penetrated with the necessity of diffusing knowledge as of themselves to establish and support schools throughout the whole country. He was therefore willing in this case to violate a sound principle of political economy. With respect to the proposal of the right hon. Baronet opposite (Sir J. Pakington) to submit the matter to a Committee of Inquiry, he hoped the House would listen to no such suggestion. All the information which could be needed had been collected by a Committee, of which he was a member, which had sat two Sessions on the subject, and would be found in the Report which it had presented. When the Committee of Council was first instituted in 1839, and the distribution of the Parliamentary grants for educational purposes intrusted to it, the Church took alarm, and there was a loud cry that danger was looming in the distance; but the Dissenters did not see any danger or any violation of principle in the measure. On the contrary, Mr. Baines, the father of the present Chancellor of the Duchy of Lancaster, made a powerful speech in that House in support of the Government scheme, in the course of which he declared that the voluntary principle was unable to grapple with the existing state of educational destitution. There had been a gradual change of opinion among the Dissenters in reference to the application of educational grants; but, having once got into the system, and having as a consequence, prevented the rise in all parts of the country of private schools, it would be extremely difficult to discontinue the grants, nor did he think that any Minister would be bold enough to take the responsibility of recommending such a measure. Was it worth while, then, to refuse the small addition which was proposed this year? The hon. Gentleman the Member for Bolton (Mr. Barnes) must remember that by granting the remainder of the Vote he violated his principle just as much as if he granted the whole; and it would be very much better if he would abandon his present Motion, and raise the question in some bolder and more comprehensive manner. Great complaints were made of the mode in which the grants were distributed, and he was at a loss to understand how a certain class of schools which were likely to prove useful to the community, were excluded from participation in the Parliamentary Vote. According to the Minutes of Council, no school could receive assistance which did not teach some religion; the strictly secular schools, which gave a moral and intellectual education only, were excluded. The rule was that some religion must be taught; whether that religion was Protestant or Roman Catholic, Jewish or whatever other religion, did not matter; but some religion there must be, or else the authorised version of the Holy Scriptures must be read as a portion of the daily lessons. That was certainly not a just distribution of the grant; all schools which could be shown to be really useful ought to have a share in it. There was a secular school at Manchester established by persons of various religious denominations, in a very densely populated district, affording accommodation to a large number of scholars, and doing great good in the neighbourhood, which had lately memorialised the Privy Council for a share of the Parliamentary grant; but the answer given was, that unless some sort of religion were taught, no assistance could be given. This the promoters declined to undertake, saying that, though they had exerted themselves to induce the children to attend Sunday schools or some place of worship so successfully that ninety per cent of them did attend Sunday-schools and frequented some place of worship, yet that, if they were to attempt to teach any particular form of religion through the schoolmaster, the school would very soon be broken up, inasmuch as the subscribers were persons of all religious denominations. There were similar schools in London, Glasgow, and Edinburgh; and he could not understand why any distinction should be made between the two classes of schools. Inspector Morell, in his Report to the Committee of Privy Council, had expressed a very strong opinion that the schools in which secular education only was given should receive a share of the grant, and he recommended that they should be included in the Minutes of the Council. The right hon. Gentleman the Member for Droitwich had expressed his approval of a Bill introduced in the other House by the President of the Council, but that Bill enabled secular schools, as well as religious schools to be supported by public rates, and the right hon. Gentleman, therefore, must be in favour of the principle of admitting those secular schools to a participation in the Parliamentary grant.

SIR JOHN PAKINGTON: I expressly stated that I did not commit myself to all the details of that Bill.

MR. MILNER GIBSON: At any rate the Secretary for the Home Department, as a colleague of the Lord President of the Council, must be held to have approved the Bill before its introduction, and he should therefore claim his support. He felt no hesitation in calling upon the right hon. Gentleman the Secretary for the Home Department, to do his utmost to obtain a change in the Minute of Council which excluded secular schools from all participation in the grant. There was, he thought, great force in an observation which had been made, that these Minutes of Council ought to be laid periodically before Parliament, in order that Parliament and the country might know not only what was the sum of money required for educational purposes, but also how that money was applied. He did not remember any full discussion upon the Minutes of Council, he thought that such a discussion might be of very considerable advantage, for at the present moment many Members of that House did not know what those Minutes were; but he hoped that, now that their attention was called to the subject they would agree with him in thinking a more equitable plan of distributing the Vote necessary. The effect of the Minute of Council was that no school should have any assistance from the grant unless it was connected with some religious denomination, or unless a portion of the authorised version of the Holy Scriptures was read daily to the scholars. Now, the obligation to read some portion of the authorised version of the Scriptures afforded no security that any religious instruction at all was given, although, perhaps, it might exclude Roman Catholics from the schools; and a great anomaly of the system was, that the inspectors were excluded from making any report upon the subject of religious instruction. He could not support the proposal of his hon. Friend: on the contrary he accepted the present plan as better than nothing, and looked forward to a time when a more extended plan would be adopted—a plan based upon unsectarian principles, and in which all classes of Her Majesty's subjects would participate.

SIR STAFFORD NORTHCOTE said, the hon. Member for Bolton (Mr. Barnes) had his Amendment supported in an able and temperate speech; but he thought that a great portion of it had been answered by the right hon. Gentleman opposite. He agreed with the hon. Gentleman that, under the present system, the money voted was not applied in the best possible manner; but he regretted that he (Mr. Barnes) took exception to precisely those two points, which he (Sir S. Northcote) considered to be a move in the right direction—to the capitation grant, and the Vote for industrial schools. He was disappointed to find from the speech of the Home Secretary that no portion of the Vote would be applicable to the building of reformatory schools, because the President of the Council, on a former occasion, had taken some credit for the Minute making some provision on that point. He was glad to find that aid was to be given to industrial schools. If in his remarks the right hon. Baronet wished it to be understood that those schools would be supported more or less by rates, he must protest against any such doctrine, as the promoters of these schools deprecated the idea of their being placed on that footing. With respect to the capitation grant he had to remark that originally it was not intended for the class of the population to whom it was now made applicable. In 1853, Lord John Russell had proposed a system of rating for corporate towns, and had suggested that to the other parts of the country the system of capitation grants, then in preparation, would be applicable. It turned out that the main plan failed, and the subsidiary one succeeded; and they were now throwing their strength into the latter. Originally intended for the rural districts, it had since been extended by letters and Minutes of the Privy Council to town schools. The main principle of the grant consisted in giving assistance to schools which were already in existence, and its operation was accompanied by certain conditions, such, for instance, as that the children entitled to it should have attended at those schools 176 days in the year, and should have contributed a minimum sum of 1*d.* per week, in return for the instruction which they received. Now, he was of opinion that that system was calculated to be productive of considerable advantage in the rural districts; but he did not entertain similar sentiments with respect to its operation in towns, inasmuch as he believed that the class of children in towns, for whom it was most desirable that instruction should be provided, would, from various causes, be found to be very irregular in their attendance, and would not, therefore, in all probability, in a great number of cases, come within the condition of having been present in school during the 176 days, which the Committee of the Privy Council required before the capitation grant should come into effect. He should therefore suggest that such a modification with respect to the time of attendance should be made as would enable a larger number of children to enjoy the benefit of the grant in those cases in which the pursuance of such a course should appear to be calculated to have that operation. The same objection applied to the condition which required the payment of a 1*d.* per week to entitle to the capitation grant. Children had to be enticed into the schools, and poor parents could not be expected to pay their pennies regularly. He would therefore suggest that the payment of the penny should not be invariably enforced. With respect to the question of lowering the standard of the qualification of schoolmasters, he should observe that while he should be the last person to advocate such a course, he deemed it desirable that schoolmasters adapted to the particular class of instruction which they might be called upon to administer should as far as possible be selected. The present class of trained schoolmasters were deserving of high commendation for the manner in which they discharged their duties; but then they were scarcely fitted to be teachers in the ragged — the lowest class of schools, which required a peculiar class of men to manage them—a class who could hardly be bought for money, though they might for love. He was of opinion that a system of registration in the case of schoolmasters should be maintained, but not such a system as would tend to exclude many men whose services might, if put in requisition, be found of great value. He hoped that the Vice President of the Committee of Council about to be appointed, would take these and other matters into consideration.

Mr. ALCOCK then, in pursuance of a notice which he had given upon the subject, proceeded to call the attention of the House to the expediency of doubling the present rates of the capitation grants to schools, whether in parishes containing a population either above or below 5,000 persons, and of reducing the minimum number of days of attendance from 176 to 160 days in a year in the case of those children who were entitled to capitation money. The existing plan as it was carried out under the Committee of Privy

Council would prove, he believed, with certain relaxations, a sound and good system, which ought to suffice for every requirement of national education. Mr. Baines, in a letter he had addressed to *The Times,* stated that the capitation grant last year had amounted to £10,000; that this year it was to be increased to £40,000 and that in the course of time it might reach £766,000. Mr. Baines argued that such might be the case; but it was for the Committee to consider the facts of the case as they actually were, not as they possibly might be. Last year £10,000 had been granted in the shape of capitation money, which having been divided among 1,000 schools afforded to each school State assistance to the extent of £10; or an average, he believed, of 4*s.* 6*d.* a head to the children to whom instruction was administered in those schools. Practically speaking, however, in consequence of the required attendance of the children for at least 176 days in each year, not more than one-third of them became entitled to the benfit of the grant; so that in reality the amount of capitation money bestowed in the case of the schools in question, did not average more than at the rate of 1*s.* 6*d.* per head for all those to whom instruction was administered. This year, it was true, it was very properly proposed to increase that grant to £40,000; but as the object of the augmented grant was that it might embrace all schools without any distinction, its effect would not be to increase the average sum which each school would receive, for it would obtain no more now than last year, although a larger number of schools would be permitted to participate in the grant. He wished, therefore, the Committee to double the amount per head, and to make that 9*s.* which last year was 4*s.* 6*d.* In point of fact, however, not above one-third of the children actually fulfilled the term of attendance which was required, and the consequence was, therefore, that instead of receiving 4*s.* 6*d.* a head there was only 1*s.* 6*d.* each to be received for them. He asked the Committee to double that sum, and, seeing how readily they granted 5*s.* a week to reformed criminals, he could not apprehend that they would object to 3*s.* a year to prevent crime. Standing at its existing rate, it was paltry in the extreme, and he had been assured that in consequence of its insignificance, many schoolmasters refused to submit to the degradation of asking for it, while some in the case of whose schools it had been given, had for similar reasons sought for its withdrawal.

MR. HENLEY said, that he could not agree to the proposition for reducing this Vote. But before he touched upon the question immediately under discussion, he must take leave to observe, that by the vote he gave some time ago upon the Resolutions proposed by the noble Lord the Member for London, he had not wished to intimate that he was hostile to the extension of education. Nothing could have been more foreign to his purpose. It was his intention, as no doubt it was that also of the majority who had voted upon that occasion, to express a strong and decided opinion against the scheme submitted by the noble Lord, and likewise against any similar scheme, whether introduced by the noble Lord, or by his right hon. Friend the Member for Droitwich (Sir J. Pakington). In taking that course they were sanctioned by their constituents, for it did not admit of doubt that the feeling out of doors was, that the best thing that could be done was to extend and improve the educational system at present in operation. Without at all desiring to cast a slight upon the efforts made by the Government and others to improve the quality of education in this country, the policy of directing their efforts too exclusively to that object might be called in question. It was clear that for some years past the Government had proceeded upon the idea that by improving the quality of education given they would offer to all classes of people irresistible inducements to send their children to school. That attempt had failed, and so too would any other in the same direction. One of his strongest objections to the plan proposed by the noble Lord and by his right hon. Friend was, that neither the one nor the other would touch that class of children described by Mr. Cooke as our "Arab population." Nor was it very easy to understand of what avail to such destitute creatures would be a scheme for enabling them to tax themselves. Mr. Cooke, the Government Inspector, gave it as his opinion that our present national schools were no longer adapted for the instruction, much less for the reformation, of the Arab population, who required an entirely distinct mode of treatment; although they afforded a very practical and systematised education to the children of the hard-working and respectable artisans of this country. It was satisfactory to know that the classes last-named profited so much from the aid of the State; but it was earnestly to be desired that the Government should bestir themselves more than they had ever yet done to extend to the unfortunate children, from whom the ranks of our criminal population were mainly recruited, the benefits enjoyed by the grades immediately above them. With this view, the conditions with regard to the number of attendants at school at any one time should not be rigidly enforced in town and districts where there was a large migratory population. To give a claim to pecuniary assistance, it should suffice that there was a fair average proportion of scholars constantly under instruction; otherwise, the poorer classes would be wholly debarred from the advantages afforded to the less destitute. No doubt it was very proper to secure to those who were likely hereafter to compete for appointments to the public offices the training requisite to enable them to pass successfully through the prescribed examination; but these were not the persons who stood most in need of the help of the State. It would be better to bring a large area of the population within the pale of educational influences than to plume ourselves upon the high standard of the instruction we imparted to a limited number. It was primarily incumbent on a Government to see that the humblest of its subjects were taught their duty to God and man; and for the neglect of that obligation no amount of intellectual cultivation would atone. Let the House, therefore, not be led away by the seductive theories of the right hon. Member for Manchester (Mr. Gibson) in respect to mere moral and secular instruction. By the way, that right hon. Gentleman omitted to explain on what principle he would teach morality and exclude religion. Theology was one thing and practical religion another; and if ethics were attempted to be inculcated otherwise than on a religious basis, the pupils would not escape from becoming infidels. The plan of the right hon. Gentleman was in direct antagonism with the principle on which the educational grants were originally founded, and he must, therefore, urge upon the Government not to listen to it. Ever since 1839 it had been made an indispensable condition that the schools which participated in the funds of the State should be connected with some religious denomination, and should require the Scriptures to be read; and the country was now as firmly wedded to the same system as ever. It was beyond question that, within the last twenty years, education had rapidly increased. The Government schools, which comprised only about one-fifth of the whole population receiving school instruction, had made rapid strides; and the efforts of the various religious societies into which the community was divided had made a corresponding progress. Let the Government, therefore, persevere in the good work, and, striving to fill up existing gaps, labour by every means in its power to embrace within the circle of its educational operations those unfortunate classes which had hitherto been too much overlooked; if they did so he was not without hope that by means of the machinery now in operation they would be able in a short time, and without any violent change, to overtake the necessity of the case. Any attempt to effect this object by a large, pretentious, and inflexible scheme must, however, signally fail, and would, in all probability, arrest and even throw back the cause of education. If the vagrant children of the country were only got hold of, and rescued from ignorance and vice, Parliament would, no doubt, cheerfully strengthen the hands of the Government by voting the requisite supplies; and, provided the youthful outcast was taught and cared for by earnest-minded men, it was not of great consequence that his instructor should be remarkable for rare talents or extensive acquirements.

Mr. E. BALL said, that if he understood the question before the Committee, it was whether a grant proposed by the Government of nearly half a million of the public money was not more than adequate to accomplish the object contemplated, or whether the lesser sum proposed by the mover of the Amendment was sufficient? Most of the speakers in the desultory conversation which had taken place on the subject had been led away from the immediate point to be settled, and he would, therefore, take the liberty of recalling the attention of the Committee to it. The sum proposed to be given by the Government was £451,213, while that voted for the same purpose last year was only £396,921. In support of the lesser sum, it was stated that the existing schools were more than adequate to the accommodation of the children who attended them.

That was a view in which he entirely concurred; for, in his own experience in the villages with which he was more immediately connected, the great difficulty had been how to fill the schools; how to induce parents to send their children to be educated, rather than any want of accommodation; and he appealed to every Gentleman who had taken an interest in the matter, whether that was not precisely the difficulty felt throughout the whole country. No one could say that additional schools were required, or that those existing required extension. The chief hindrance to the progress of education in the district with which he was connected was the indifference of the poorer classes of the population, and it would be necessary to overcome their prejudices and disinclination to avail themselves of the means of education for their children before such a diffusion of knowledge could take place as was desired by the friends of the cause. The most objectionable item in this grant was the capitation tax, which, in the course of a few years, had increased from £5,000 to £12,000, and which it was now proposed to advance to £40,000. He considered that the increase of the capitation money would be a fatal blow to the cause of education; it would destroy all principle of self-reliance, dry up the sources of charity, and lead to the immediate withdrawal of those voluntary efforts which had been hitherto of such inestimable benefit to the cause of education. As soon as it became known great facility existed for obtaining grants, the sympathy and interest of the better classes now enlisted would die away, and education itself, left to pine on the Government grant alone, would wither and decay. He should therefore give his support to the Amendment.

Mr. MILES said, he had listened with a good deal of astonishment to the speech of the hon. Gentleman the Member for Cambridgeshire, who must have directed his attention to the whole Vote without looking at the particular items, or he would have found that the charge for the building and alteration of schools, presented no increase whatever as compared with last year. Unless, therefore, he objected to that particular item last year, he was not now justified in doing so. The hon. Gentleman had spoken of the school accommodation in his own neighbourhood. Possibly sufficient accommodation might be found in that district of Cambridgeshire; but did the observation apply to the whole country? He could assure the Committee that in many districts with which he was acquainted, the difficulty was, not to find scholars but to establish schools. What was the condition of the metropolis with respect to this question of education? And here he would quote the words of Mr. Cooke, who stated:—

> "I have not the least hesitation in saying that new schools are now wanted in every part of the metropolis. If erected they will be rapidly filled, and will be conducted upon principles that will secure the confidence of parents. I feel bound to state my conviction that this want cannot be supplied unless some powerful influence is brought to bear on owners of property in London."

He (Mr. Miles) might quote evidence of precisely the same description from different parts of the country, if it were necessary, but would stop there, simply observing that the state of the metropolis—which, considering it contained a population of over 2,000,000, might be considered of some importance—was not such as to justify the assertion of the hon. Gentleman opposite. The hon. Gentleman had also dwelt upon the augmentation of the capitation grant. Did the hon. Gentleman consider that the education given in the different rural districts—and he was happy to say that now the capitation grant was extended to towns, which was not so before—was not greater in quantity, and at the same time better in quality, than it had been hitherto? It was not the pence of the children alone that supported the schools, but voluntary efforts combined with the pence, and assisted by the capitation grant. The effect of its augmentation would be that they would get good schools, more pupils, and better masters. He was glad, therefore, that such an increase was proposed; for he candidly confessed that after what had occurred, first of all with respect to the Bill introduced during the present Session by the noble Lord the Member for London, and in the last Session by his right hon. Friend the Member for Droitwich, he had little hope that any Bill for the promotion of education would receive the general assent of the House, and they must, therefore, look to the augmentation of Government grants to effect that object. Whether they asked for a voluntary or compulsory rate, success was hopeless; there were so many religious, sectarian, and general differences of opinion upon the subject, that no Education Bill would ever be carried.

He, therefore, placed his confidence in the results of the grants from the Committee of Privy Council. There could be no doubt in the minds of any one that the lower classes of the population of this country required a better education than they now received. That truth had been acknowledged upon all sides of the House, and it had given him the greatest pleasure to hear hon. Members pressing on the Government the necessity of using their best efforts to improve the education of those classes. He would divide the lower classes of schools into district, pauper, ragged, and reformatory schools. He would, of course, take care that the elementary district school, which the children of the middle classes would attend, was taken care of; but the attention of the Government ought to be directed in an especial manner to the lower schools, and the object should be to give an impulse to the schools in which poor orphans were educated, and especially of the interests of the large class of destitute criminal children. The subject of district and pauper schools had been treated of already, and inspectors had made various reports upon them. One of those inspectors, a man who would be recognised as among the warmest friends of education, had given it as his opinion that the reason why district schools had not prevailed more throughout the country was, that union school-houses had been adopted in almost every union, and that the ratepayers consequently felt it very hard upon them that they should be called on to pay both for union and district schools. That, in Mr. Tuffnell's opinion, was the only thing that militated against the formation of these schools; and he also said that the Government ought to come forward with liberal grants towards the building of such schools. But Mr. Tuffnell drew a most extraordinary distinction between the kinds of education that ought to be given in district and pauper schools. He instanced Anerley school, which had been referred to by his right hon. Friend the Member for Droitwich. Boys of the worst description had been placed at Anerley, and they had not been there six months before they were so altered both in manners and appearance that they were hardly known as the same children. He did not think that as many as two per cent had turned out badly after they had left the district schools. And this, it was to be remembered, was said of district schools containing from 650 to 1,000 boys; and at Anerley, Mr. Tuffnell said nine-tenths of them left before the age of fourteen. But what did he say of workhouse schools?—

> "In one workhouse in which I lately happened to make an inquiry, I found that out of thirty-eight children who had been taken out of the workhouse within a short period, nine had been imprisoned or transported, thirteen were paupers, and only seven were doing well."

Now he (Mr. Miles) asked the Government to take this question of district schools into their consideration. He had not lately seen any returns on the subject, but in 1851 there was a return which stated that, excluding children under three years of age, there were in the pauper schools of this country no less than 43,000, and among them were no less than 12,370 orphans. He thought that it was the duty of the Government to step in and rescue those poor children from the contamination inseparable from the workhouse school, where it was impossible to separate the adult paupers from the children. He would now go to the ragged schools. No doubt the Committee which sat on ragged schools came to the determination that where they existed—and he was happy to say that many existed in the metropolis, supported by private benevolence—they had effected a vast amount of good, and their results might be seen in the efforts made by the poor boys who had been induced to attend them to obtain an honest livelihood; yet the Government, except by small presents of books, had done nothing whatever to assist them. He hoped that eventually the recommendations of the Committee would be carried out, and that lower systems of schools would come under the cognisance of the Committee of Privy Council. Reading, writing, and arithmetic were all that they could pretend to teach in them; but if that was done a good foundation would be laid, and a reasonable hope might be entertained that thousands of children would be rescued from the degrading condition in which they now were. He was very sorry to hear the hon. Member for Dudley (Sir S. Northcote) speak of those schools as he had, for he believed that the opinion of the House would not coincide with the hon. Member on that question. Then, with regard to reformatory schools, the only question, as it seemed to him, was, whether the Government should support the children in prison or out, during the time of their sentence. Having called the attention of the Government to these points, all he would beg of them was to consolidate and amend, and, at the same time, to extend the operations of the Committee of Privy Council. Notwithstanding the difficulty of the subject, he hoped to see a Minister of Education in the House, who would be prepared to produce well-digested plans for the improvement of education; and he trusted that next time they had to discuss this Vote he would be able to congratulate the Committee, not only upon the fair prospects of education, but on the beneficial effects of the enlarged grant now proposed.

Mr. W. J. FOX said, that the Manchester schools were by no means destitute of religious teaching, and the same remark applied to other secular schools throughout the country. But the necessity of religious teaching in common schools was open to one important objection—it was fatal to any attempt at giving instruction to children of different denominations. Charity had its conscience as well as faith, and there were those who thought it a moral good that children should not be regimented according to sectarian differences, but that at school a foundation should be laid for those kindly feelings and that respect for the opinions of others which were among the greatest adornments of character in our existence here. For that reason he must join in urging on the Government the propriety of extending the grants to the Manchester schools and others of the same description. Moreover, the existing educational machinery imperatively needed strengthening, and he did not know how it could be improved in a more efficient way than by giving the countenance of the State to a system which was popular with the working classes, and which was supported by a great number of persons who were most zealous in the cause both of religion and of education. It was mentioned as a problem by his hon. Friend who moved the reduction of the grant that the great difficulty to be overcome was the indifference of parents to the education of their children; and he said grants of this description did not teach parents their duty to their children. How that object was, in his opinion, to be accomplished he did not state: he left the House in the dark. He (Mr. Fox) would venture a suggestion towards a solution of the difficulty. He supported the grant, not as connected with a perfect machinery of education, but because he thought it would eventually lead to a general educational tax, or to a system of local rating. As local rating extended low in the social scale, parents would feel an interest in the matter; and as they paid for education, would feel inclined to participate in its advantages; and thus a social atmosphere would be formed in favour of education. Of the inefficiency of the present system there was demonstrative proof. Education, it was said, had made advances from 1 in 18 to 1 in 13, and then to 1 in 8. But this view of the progress of education was an arithmetical fallacy, for education did not keep pace with the population. It was by the amount of ignorance, not by the amount of knowledge, that we ought to test the efficiency of the education imparted; and, measured in this way, we found an advance of ignorance upon knowledge. He would take the three periods so often quoted as examples of the progress of the cause of education—1818, 1833, and 1851—and he thought a little examination would show that education had not kept pace with the increase of population; that, in fact, ignorance, not knowledge, was the measure of increase. He took the children at each period of a school age, and the number who were at school; and by a simple operation he found the number of the uninstructed, but who ought to be instructed. In 1818 he found 2,235,788 as the difference between the number at the school age and the number at school. In 1833, when it was said that great progress in education had been made—but he thought there was a deterioration—that number had increased to 2,319,000. In the third period, 1851, it had advanced to 2,764,000. This progress had gone on from year to year, ignorance still, from the progress of population, keeping the 'vantage ground of instruction. It was the old fable of the hare and the tortoise—we could not overtake ignorance by instruction. In 1818, there was the charm of novelty, the impulse of system, which seemed to promise a millennium, expectations were high, money was subscribed liberally, an impetus was given, which was not a specimen of the proceedings of after-generations. In the second period, from 1833 to 1851, there was the stimulus of legislative patronage—2,000,000 and upwards had been granted by the State. Still ignorance had gone on advancing upon knowledge. He repeated that he supported the grant, in the hope that it would end in a general tax for education, or in local rating. In no other way could we keep pace with the population; in that way we might. Extend taxation over the whole population, and the machinery would become much more commensurate with the object to be attained, and there would be a prospect of keeping down the amount of ignorance which, when figures were looked at, presented itself in appalling characters to our sight. He sympathised with much that had been said in favour of the capitation grant; and he thought it might be advantageously extended to other points than attendance at the schools. He could not see why some portion of it should not be distributed in the form of prizes for various attainments, such as for intelligent reading, writing a good business hand, a certain degree of proficiency in arithmetic, acquaintance with the Holy Scriptures, and so on. He would make the distribution with no illiberal hand. He would distribute the money prizes between the children and the teachers, in schools where the children paid sixpence a week; and hold out inducements for the children to prolong their stay at school. That the existing education had failed, not only numerically, but socially, there was proof arithmetical and moral. How did we find our gaols? Filled with uneducated and imperfectly educated persons, with those who had never been at school at all, and with those who, having been at school, had not been there long enough to make their education really valuable as a prevention to crime. Upon the grounds he had stated, he cordially supported the grants now proposed.

MR. LIDDELL said, he would trouble the House with a few observations bearing upon that part of the country with which he was connected—namely, the north of England. His remarks would have reference to the salaries of public teachers. Now, he need not remind the Committee of the importance of that class of scholars, and he was sure all would be agreed as to the necessity of securing the attendance at school of those who were best suited hereafter to preside over the various schools throughout the country. His observations would have exclusive reference to the northern districts of the country, and he might refer, in confirmation of them, to his right hon. Friend the Secretary of the Home Department. The wages of labour in the north of England were higher than in any other part of the kingdom; and he thought it would rather surprise gentlemen coming from Dorsetshire, Hampshire, Wilts, and other southern counties, that boys from twelve to fifteen years of age could earn, working by the piece, more than double, in some instances, the wages of an able-bodied agriculturist in the south. Now, a pupil-teacher's salary began at £10, and went on increasing for four years at the rate of £2 10*s.* a year. What he wished, therefore, to impress upon Her Majesty's Government in anticipation of the appointment of a permanent chief of the Educational Board, was the necessity that existed for raising the salaries of pupil-teachers in the north of England, so as to induce the best boys to remain at school and perfect their education; for it was perfectly evident that unless the rate of the stipend of pupil-teachers kept pace in some degree with the earnings of boys out of doors, not only would they fail to secure the services of those best able to instruct the children, but they would even fail to secure the entry of boys with moderate capacity into the training school. He did not mean to contend that the stipend ought to be so large as to constitute a prize to be contended for by the youth of a district; still, let it be sufficient to render the post of pupil-teacher one marked by ordinary advantages. The point had been strongly urged in the Report of the Inspector for the northern counties in the years 1854 and 1855, though he could not find it urged in that for the present year. However, his view of the question was considerably justified by a memorial which had been addressed to the Committee of the Privy Council, after a meeting which was held in Durham in January last. He should be glad to know from his right hon. Friend whether that memorial had been received. The memorialists urged two or three points, one of which was, that the proportion of pupil-teachers—namely, of one to every forty pupils, was not sufficient, and they advocated a return to the old rule of a pupil-teacher to every twenty-five boys. Did time allow he might enter upon many other points; but he would content himself with mentioning, in proof of the insufficiency of the present system for the north of England, that it was mentioned in the memorial to which he had just referred, that the supply of candidates was regularly diminishing year by year, while it was a remarkable fact that the rate of wages was higher during the same period than had ever been known.

MR. CROSSLEY said, the hon. Member for Oldham (Mr. Fox) had made an ingenious but fallacious statement, when he adduced figures, and argued thence that ignorance, and not knowledge, were increasing. The right hon. Member for Droitwich (Sir J. Pakington) had stated that those who did not take the statistics of prisons, and consider the ignorance which pervaded our streets, hundreds and thousands not knowing even the name of the Saviour, looked on the subject from a very narrow point of view. He (Mr. Crossley) coincided with this; but the right hon. Gentleman went on to state that to remedy this evil we wanted money and machinery, and in this he did not coincide. We had already both machinery and money, and both had failed. There was the machinery of the Established Church of England, with its six millions of money; and yet the people had not been told who was their Saviour—they had not been taught their duty towards God and towards man. Why, then, should he wish to have another establishment, when he could not show that the existing one had effected its object? The amount of grants for education already made amounted to a vast sum; and a reference to statistics would show that four-fifths of the total had gone to the Established Church. The right hon. Baronet had stated that the clergy were anxious to have more money voted for the purpose of education. No doubt of it. Education, they contended, ought to be religious. Upon that point the Nonconformists agreed with them, but they could not accept the grant, and it was of no use to tell them that the money was at their service if they would only ask for it. That was just what was said to those who objected to church rates—"The churches are open to all, and if you don't choose to enter them, the fault is yours." The same argument might be used by the barber, or the shopkeeper—"My shop is open, it is your own fault if you don't go to it." In his opinion, these grants for educational purposes were altogether erroneous; even the late right hon. Member for Edinburgh (Mr. Macaulay) had asked—

> "Was there any reason for believing that Governments could lead the people in the right way? Had there not been, on the contrary, Governments who were blind leaders of the blind? Were there not still such Governments? Could it be laid down as a rule that the educational movement run from Governments down to the people? Was it not the rule, on the contrary, that such movements ascended from the people upwards to the Governments?"

SIR GEORGE GREY said, he would trouble the Committee with very few observations in answer to some of the remarks which had been made in the course of the discussion. He had listened with great attention to all that had been said, and, without adverting to the many suggestions offered in the course of the evening, he was quite ready to assure the Committee that many of those suggeations were entitled to receive and would receive the consideration of the Committee of Council on Education. The Motion before them was to reduce the Vote now proposed by the excess over the Vote of last year. The hon. Member for Bolton, the Mover of that Amendment, had stated his views with great clearness and moderation, but all his arguments were opposed not to the excess only, but to the grant altogether. The hon. Member seemed to entertain the conviction that the assistance of Parliament tended to lessen the sense of duty in parents to educate their children, and that if the habits of the people were more frugal and temperate every man in employment would be able to provide for the education of his children; and, that being so, he thought it undesirable to make grants of the public money for that object. If that were just and true it applied as much to the voluntary system that system not being one which left parents to educate their children at their own cost, but a system by which benevolent individuals combined together, and out of their own private means and resources raised large sums applicable to education; and surely private contributions were as fatal to the responsibility of parents as Parliamentary grants. With regard to the competition of schools which received aid from the State with others that did not, the objection would be applicable to any grant which Parliament might make in support of education. But the most important question which had been suggested that night was that introduced by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) and discussed by several hon. Gentlemen—whose suggestions, and the spirit in which they were made, entitled them to the best consideration on the part of the Government—that a participation in the Parliamentary grants should be extended to the lowest class of the juvenile population, who were now in the streets, and who were brought up in crime. He must observe upon this that one of the grants which had been objected to as a new grant, and which constituted a part of the excess of the Vote for educational purposes, was intended for the benefit of this very class of the population. He referred to the grant for industrial schools. The Committee of Privy Council ought, no doubt, to keep this object in view, but there was a great difficulty in giving aid of this kind to poor districts without requiring as a condition that the Parliamentary aid should be met by corresponding contributions from the locality. It was not easy to accomplish the object which hon. Gentlemen had in view without departing from the principle on which these grants were given. He thought it had been rather too broadly stated that at present the money voted by Parliament was applied to the benefit of classes that were not intended to receive them. If any hon. Member would take the trouble of looking through the list of schools receiving assistance from Parliamentary grants they would find that they comprised a very large number of children of day labourers. Let hon. Members look to the agricultural districts, and they would find that the greater number of the schools were chiefly filled by the children of persons earning their bread by daily labour. So again in the manufacturing districts, it would be found that the schools comprised the children of the working population; and as to the allegation that many skilled artisans sent their children to schools which received Parliamentary assistance, he really thought no great harm was done if such persons availed themselves of the instruction of these schools and their trained schoolmasters. Speaking generally, he might remark that if grants were made indiscriminately to poor districts, without reference to local contributions, some of the best schools, which were now maintained by benevolent persons from private funds, would be injured. Let the House suppose the case of two poor districts, in one of which—say in London, Manchester, or Liverpool—a good school had been established, partly by voluntary contribution, and partly by grants from the Education Committee of the Privy Council: Suppose in the adjoining district or city a different system prevailed, and grants were made by the Committee of Privy Council without reference to local contributions, the effect of the Parliamentary grants in the latter district would be to check the local contributions from the former district, and supersede the voluntary system. He only stated this as one of the difficulties which would have to be considered and met. Another great difficulty which had been alluded to by the hon. Member for Bolton (Mr. Barnes) was the fact that it was not the want of money or of schools that threw the poorer class of children into the streets, but the indisposition of parents to send their children to school, and the indisposition of the children themselves to go to school! Into this part of the subject he would not now enter, because it could not be effectually discussed without considering the question of compulsory education, which had, on this occasion, been avoided. With regard to the capitation grants, it was alleged that the Minutes of the Education Committee were laid before Parliament, but that they attracted no notice, and that Parliament did not in fact know what the Education Committee were doing. He did not think there was much reason in that objection; and when it was said there had been no discussion upon these grants, his right hon. Friend (Mr. M. Gibson) must remember that, in the early years of these grants, many animated debates and some close divisions took place upon them. Since then the House had felt greater confidence in the Committee of Council on Education; and, if there had been no discussion, he concluded that it was because the principle upon which their Minutes were framed was generally acquiesced in. He had been asked whether the Government intended to adhere to the decision that Parliamentary aid would be confined to schools combining religious with secular instruction. In August, 1853, the Education Committee of Privy Council considered this subject; and they came to the conclusion that the distribution of the grant to such schools only as gave religious instruction in combination with secular instruction was most in accordance with the will of the country and the opinion of Parliament. That principle had always been acted upon in distributing these grants, and whatever might be the individual opinion of members of the Education Committee, they would not feel themselves justified, without the direct sanction of Parliament, in making these grants to secular schools as distinguished from those in which religious instruction was given. He was ready to agree with Mr. Morell, the inspector, when he said that many of the promoters of these secular schools were far from requiring that the children should not be taught religious instruction at all, seeing that they endeavoured to provide the means of religious instruction for them, although they did not permit it to be given in school hours. This question was fully inquired into by the Select Committee on the Manchester and Salford scheme of education, and the opinions entertained by different parties on this subject were so far modified, that the advocates of secular education endeavoured, although circuitously, to give religious instruction, and those who were in favour of religious instruction apparently wished to reduce it to a minimum; and it appeared, therefore, that the views of the two opposite parties were gradually approaching each other. The principle was one of great importance, and he could not hold out any prospect that the rule which at present prevailed would be altered. It had been alleged that a Bill brought into the other House by Lord Granville sanctioned the principle of secular instruction. This was in some degree the fact; for the Bill empowered ratepayers to rate themselves for the purposes of education, and to make rules for the management of the schools so established; so that the ratepayers themselves would decide what the character of the education should be. That, however, differed from applying Parliamentary grants to merely secular schools. A strong opinion had been expressed against the course pursued by the Government in withdrawing that Bill; but after the discussion which had taken place in that House on the Resolutions of his noble Friend (Lord J. Russell), he thought the Government had exercised a wise discretion in not pressing that Bill. It was impossible to doubt that the House had a decided opinion that it was desirable to go on upon the present system rather than to endeavour to establish a system of rating that should be either voluntary or compulsory. Nothing, therefore, would have been gained, nothing by pressing that Bill, and the wisest course was to withdraw it. The hon. Gentleman the Member for Northumberland (Mr. Liddell) had asked a question relative to a memorial from the north of England to the Education Committee. He was not aware whether that memorial had been received or not, but he would make inquiry, and would communicate with the hon. Gentleman. The hon. Gentleman had represented that the high rate of wages in some parts of the country made it desirable to increase the capitation grants, in order to attach the teachers to the schools, seeing that they were tempted away by the high rate of remuneration in other employments. But there would be a difficulty, he thought, in having a different scale of payment in different parts of the kingdom. He trusted that the hon. Member for Bolton would not think it necessary to divide the House, because he thought that Parliament ought not to refuse to give the small additional sum which was now asked chiefly to assist a class who, it was admitted on all hands, were desirable objects for the assistance of Parliament.

Motion made—

"That a sum, not exceeding £96,921, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Public Education in Great Britain, to the 31st day of March, 1857."

Question put, and *negatived.*

Original Question put, and *agreed to;* as was also—

(3.) £6,184, Compensation to Mr. Patrick Boyle.

The House resumed.

## WEST INDIA LOANS BILL.

Order for Third Reading read.

Sir JOHN PAKINGTON reminded the House that these loans were made to the West India proprietors to meet an emergency which had occurred twenty years ago. The estates of these proprietors had much deteriorated in value in consequence of recent legislation, and the proprietors deserved the lenient consideration of Parliament. In the case of Ireland, the loan of £1,000,000 had on one occasion been remitted; and he appealed both to the generosity and the justice of the Government, that they would not press unequally on different colonies for the payment of the loans. He had heard that the Government were intending to impose less favourable terms on the colony of St. Lucia than on Dominica. If such was the case he should regard the arrangement as most unjustifiable. He had heard that this inequality arose from some accident of difference in the laws of Dominica; but he protested against the Imperial Parliament maintaining such an inequality. The present Secretary for the Colonies had stated that he desired to do justice, and he appealed to him to give effect to this expression of feeling.

**Mr. HANKEY** called attention to the second clause, which provided that if one-tenth of the loans were paid up, the same terms should be allowed for the payment of the balance in ten annual payments. What he wished was that the term for repayment should be twenty years instead of ten, which would be a great boon to the proprietors, and prevent many of them losing their estates altogether.

**Mr. WILSON** observed that the loans were made in 1834, on condition that the interest should be paid annually, and that the principal should be repaid in ten years. But from 1848 to 1854 no repayments of capital had been made. In 1854, the repayments again commenced, and the object of the Bill was to extend the period for the liquidation of the balance. The matter was managed by Commissioners in the colony, who were empowered to accept any sum less than the original loan, provided it could be shown that the property on the security of which the advance had been made would not realise the amount lent; and in all cases where the property was less in value than the Government claim, this had been done, and a reduction made from 25 to 30 per cent. With regard to Dominica, many of the loans had been compromised for very small sums, but invariably on the recommendation of the Commissioners; and with regard to St. Lucia, several instances had occurred where the Commissioners were prosecuting the claims, but only one where any appeal had been made to the Government. The circumstances of that one, which it was known had been made with great pertinacity and perseverance during the last four years, were these. The loan had been advanced on the security of three estates, either of which the Commissioners reported was equal in value to the Government claim upon the whole three, and the only ques- was, whether they should proceed to recover upon the three, or upon one. The creditors on the three estates contended it was only fair that the Government should apportion its debts between the three, and to leave the remainder in each case for the general creditors. He would only say that the wish of the Commissioners, in which they were supported by the Treasury, was to enforce their claims as legally as possible, and with every due regard to the interest of the proprietors. It was of the greatest importance to the islands that this debt should be paid off, for as long as it remained it would prevent the introduction of capital, and he could assure the right hon. Gentleman that, wherever the claim of the Government was greater than the fair value of the estate, they would be prepared and ready to accept a compromise; but the right hon. Gentleman should recollect that the Treasury were acting under an Act of Parliament, and should protect the interests of the public. In answer to the appeal of the hon. Member for Peterborough (Mr. T. Hankey), he was happy to be able to state that conferring with the Commissioners, on reading a very able despatch of Mr. Hincks, the Governor of Barbadoes, the Treasury had come to the conclusion that they might extend the time for repayment from ten to twenty years, and this Bill was to enable them to grant a longer period than the existing law allowed.

**Mr. LABOUCHERE** said, that he had not answered the question of the right hon. Baronet, as he considered the matter was one for the decision of the Treasury; but he hoped the answer his hon. Friend had given would show that the Government were prepared to act in a spirit of fairness and liberality. He quite agreed with the right hon. Gentleman that it was impossible to mention the case of the West India proprietors without feeling the deepest sympathy for their sufferings; but at the same time it would be most inexpedient and unjust, after several estates had been sold to satisfy this demand of the Government, to deal differently with the few estates that still remained subject to the charge. He could assure the right hon. Baronet he had done everything in his power, in a fair and legitimate manner, to relieve the pressure on the colony of St. Lucia as a community, but he was convinced that it was for the interest of the island that those estates which are hopelessly involved should change hands. When his right hon. Friend the present Home Secretary held the seals of the Colonial Office, he had given directions that a Committee of the most trustworthy inhabitants should be appointed to consider the expenditure. The report had been sent home since he (Mr. Labouchere) had accepted the seals. He had adopted all the principal recommendations of the Committee, and had even gone further. It appeared to him that in a small island like St. Lucia, considering the improved means of communication, the services of a Lieutenant Governor might be dispensed with, and the island placed under the immediate control of the Governor of Barbadoes. He consulted Mr. Hincks, in whose energy and ability he had the greatest confidence, and as he had expressed his willingness to undertake the task, he had taken advantage of the first opportunity to remove the Lieutenant Governor, and thereby effect a saving of £1,300 a year. The right hon. Gentleman would, therefore, he hoped, be satisfied that no considerations of Government patronage had been allowed to stand in the way of any reduction which could with propriety be made in the island of St. Lucia.

Bill read 3° and *passed.*

## PEACE PRESERVATION (IRELAND) BILL.

Order for Second Reading read.

MR. HORSMAN said, this was merely a precautionary Bill, enabling the Lord Lieutenant to take such measures as he might think necessary in districts where the peace of the country was disturbed. The fact was, that the Bill was so much of a nominal one that he did not believe the majority of the Irish country Gentlemen, at the present moment, could tell him whether their counties were proclaimed or not.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. MAGUIRE thought it a strange proof of the necessity of the Bill to declare that country gentlemen in Ireland did not even know of its existence. The right hon. Gentleman had given no reason why the Irish people should be insulted again and again by such propositions as these. Was there ever a state of more perfect tranquillity than that now existing in Ireland, and was this the moment to pass an exceptional measure like the present? Why, more crime existed in England now—crime, too, of a worse description—systematic poisoning—than in Ireland, yet nobody thought of bringing forward an exceptional measure applicable to this country. If the Home Secretary would state on his responsibility as a Minister of the Crown that the Bill was necessary he would submit, though at the same time he should feel bound to divide against the second reading. The hon. Gentleman concluded by moving that the Bill be read a second time that day six months.

MR. BRADY seconded the Amendment, thinking the Bill unnecessary and unjustifiable.

Amendment proposed to leave out the word "now," and at the end of the Question, to add the words "upon this day six months."

SIR GEORGE GREY said, the pledge of the hon. Member for Dungarvan, that should he (Sir G. Grey), as a Minister of the Crown, assure the House that this was absolutely necessary he would submit, but at the same time would show his submission by voting against the Bill, was anything bxt satisfactory. He must protest against this Bill being considered as an imputation on the loyalty of the people of Ireland—it was not meant to have any political effect whatever, it was simply a continuation of an existing Act, in a milder form. In 1847 it had been his duty, as Home Secretary, to propose to the House the Crime and Outrage Bill, which was then rendered necessary by the state of Ireland. The operation of that Act had been most beneficial in the repression of crime, and no cause of complaint had ever been given by the mode of putting it in force. That Act gave to the Lord Lieutenant the power of proclaiming any districts in which crime should prevail, of restricting in such districts the use of arms, of despatching there an additional police force, the charge of which was thrown on the districts, and, further, of applying to them certain stringent clauses in the Whiteboy Act. This Bill was intended to continue the first two provisions of that Act, omitting the power of putting in force the clauses of the Whiteboy Act. The hon. Member for Dungarvan said that crime in England was of a deeper dye than in Ireland, and instanced the crime of poisoning in support of his assertion, but the crime to which this Bill was intended to refer was of an entirely different description. Two districts in Ireland were now proclaimed in consequence of two murders—the one of Miss Hinds, and the other of Mrs. Kelly—and in each case the measure had been most serviceable to the ends of justice. It was a most useful power to be vested in the Lord Lieutenant, it was most necessary for the preservation of peace and the repression of crime in certain districts, and he hoped, therefore, the House would give its assent to the second reading of the Bill.

MR. P. O'BRIEN maintained that a few isolated cases of crime afforded no justification for legislating for a whole country in the manner proposed by this Bill. There were many places now under the operation of the Crime and Outrage Act which had long ceased to afford any reason for it, and when once the district was placed under the provisions of the Act there was immense difficulty in getting rid of the ban. He should cordially support the Amendment.

MR. GEORGE said, that although he heartily concurred in the observations that had been made respecting the tranquillity of Ireland, he was nevertheless of opinion that the time had not yet arrived when the powers which this Bill was intended to continue to cease, and had no fear of those powers being unduly or improperly exercised by the Lord Lieutenant. There were districts in Ireland where the state of crime was such as to, unfortunately, still require extraordinary measures of repression.

MR. BLAND said, a barony in the county in which he resided was under proclamatin three years for an alleged offence, the shooting at a man, and though the person apprehended obtained damages for false imprisonment, the barony remained under the ban for the time he had stated.

Question put, "That the word 'now' stand part of the Question"

The House *divided:* Ayes 77; Noes 10: Majority 67.

Main Question put, and *agreed to.*

Bill read 2°.

## NATIONAL GALLERY SITE BILL.

Order for Second Reading, read.

Motion made and Question proposed, "That the Bill be now read a second time."

LORD ELCHO said, he hoped the Bill would not be proceeded with at that hour of the night—or, indeed, during the present Session. It was necessary that some explanation should be given on the subject, in order that the House might know what was the position in which it stood. The Bill was to enable the Commissioners of the Treasury to mark out a site for a National Gallery; and he was afraid that if it were allowed to pass, he feared the question of a site for the National Gallery would become a foregone conclusion, and that next Session, when the estimates for the new National Gallery came forward, the House would find itself precluded from considering the matter altogether. He wished to know if, in the event of the Bill passing this Session, the House would be precluded from afterwards discussing the question of site? He apprehended that the whole thing had been arranged at the Treasury, and that the plans might be found there ready cut and dried, or else what was the meaning of the clause empowering the Treasury to mark out a site for the gallery unless they knew the shape of the building and the spot of ground on which it was to be raised. He begged to move as an Amendment that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER was quite prepared to go into a full discussion of the subject if it were the pleasure of the House that he should do so at that hour of the morning. But as the noble Lord had made a speech against the Bill without knowing what were the views of the Government respecting it, and moved that it be read this day six months, he hardly knew what course to take. It was impossible, however, to accede to the Motion and he should press the Bill on the consideration of the House, it being his opinion that the bargain which it ratified was exceedingly advantageous to the public. Feeling the difficulty, however, of going into the discussion then, he was quite willing to postpone the second reading until to-morrow (this day), provided his noble Friend would withdraw his Amendment.

MR. STAFFORD expressed a hope that the Amendment would be withdrawn, seeing that the Chancellor of the Exchequer had consented to postpone the Bill. At the same time he readily admitted that the House was indebted to the noble Lord for having mentioned the subject.

Amendment and Motion, by leave, *withdrawn;* Second Reading *deferred* till *to-moruow.*

The House adjourned at a quarter before Two o'clock.

## HOUSE OF LORDS,

*Friday, June* 13, 1856.

MINUTES.] PUBLIC BILLS.—1ª Aldershot Camp; West India Loans.
2ª Police (Counties and Boroughs).
3ª Pawnbrokers; Mercantile Law Amendment; Mercantile Law (Scotland) Amendment; County Courts Acts Amendment.

### DISEMBODIMENT OF THE IRISH MILITIA —QUESTION.

**THE EARL OF DONOUGHMORE**, in rising to put the question of which he had given notice, said he hoped the Irish militia regiments would not be disembodied until the harvest was fully commenced. In Ireland, the month of July was generally termed "starvation month," and it was certain that, if disembodied before there was any demand for labour in the country, much distress would be occasioned among these men. One point in connection with this subject was, he thought, worth the consideration of the Government. It was well known that the relations between this country and the United States was not at this moment in so satisfactory a state as could be wished, and, while nothing was more to be deprecated than a war between the two nations, he looked upon it as excessively injudicious to disband the Irish militia regiments at a moment when a rupture was even possible. The 17,000 men who composed the Irish militia were drawn exclusively from that class of the population in the sister country which had furnished such vast numbers of emigrants to the United States. Of these militiamen there was scarcely one who had not friends in that country, and, if disbanded now, it was to be apprehended that a very large proportion would emigrate to the States. He thought he should not be overstating the case when he said it was probable that out of these 17,000 men very nearly 10,000, if the force were disembodied, would, in the course of the next two months, join their friends in the United States. If that were the case, and if there were any danger of a rupture with America, he did think it worth while considering whether a little additional expense in keeping these regiments together would not be well laid out. We had been training these soldiers and rendering them efficient for the defence of the country; but if we disbanded them, and war should break out with America, many of these men would, in the nature of things, be found in our enemy's country—perhaps fighting in her ranks against us. The noble Lord (Lord Panmure), in answering a question put to him the other night, informed their Lordships that the disembodiment of the German Legion had been for the present suspended, with a view to sending them to the Cape of Good Hope. Now, he did not know what peculiar service the German Legion had rendered to the Crown to entitle them to such great consideration, but it did strike him as extraordinary that so great a favour should be shown to a body of foreign mercenaries, who had not had the opportunity of distinguishing themselves in any way, that these men should be sent at the expense of the Crown to one of our colonies; that their interests should be looked after while the Queen's own subjects embodied in the Irish militia were dismissed with nothing but their pay, at a moment when the labour market was so overstocked as at present. He wished, therefore, to ask the noble Lord whether it was the intention of the Government to disembody any large portion of the Irish militia before the harvest?

**LORD PANMURE** said, that the noble Earl appeared to imagine that it was intended to adopt a course with regard to the Irish militia different from that adopted with regard to the Scotch and English militia; but such was by no means the case. He could see no reason why the Irish militia should not be disembodied on the same principle as the English and Scotch militia. In England, where regiments had been disembodied, the men had left their standards perfectly satisfied, and practically speaking, had been very generally absorbed into the labour-market. With reference to the Irish militia, he did not apprehend that its disembodiment would give rise to emigration to anything like the extent anticipated by the noble Earl, and he felt assured that at any rate they would not employ the knowledge and discipline which they had recently gained in the service of their country to its disadvantage. It was somewhat unconstitutional to maintain a large force of militia embodied in time of peace; but, at the same time, in disembodying the militia it was necessary to have regard to the condition of the country and the state of the labour-market. He could only add that it was the intention of the Government, using the necessary precaution, to disembody the Irish militia as speedily as possible, and on the same principle as the militia of England and Scotland. With regard to the German Legion, he would remind the noble Earl that he stated, on the occasion referred to, that it was one of the conditions of their enlistment, that they should either be conveyed back to their own country free of expense, or settled in a British colony.

THE MARQUESS OF CLANRICARDE thought that there was a distinction made between the Irish militia and the English militia, inasmuch as the English militia was raised in time of peace, thanks to the measure of the noble Earl opposite (the Earl of Derby), while the Irish militia was raised in haste in a time of war.

## OUR RELATIONS WITH THE UNITED STATES — DISMISSAL OF MR. CRAMPTON—QUESTION.

THE EARL OF DERBY: In consequence, my Lords, of the very serious character of the intelligence said to have been received within the last few days from the United States of America, and of the critical state of our relations with that country, I shall abstain from offering any comment upon the question which I feel it my duty to put to her Majesty's Government, and I hope that in so doing I shall meet with the approbation of your Lordships. The question which I wish to put to the noble Earl the Secretary for Foreign Affairs is, whether, within the last few days, the Government have received any official information from the American Minister at this Court of the intention of the Government of the United States to suspend all diplomatic intercourse with this country by dismissing Mr. Crampton and withdrawing the *exequaturs* from the three British consuls? I wish to know, also, whether, if there were any such communication, it was made in writing; and, if so, whether Her Majesty's Government object, without delay, to lay that communication before Parliament? I wish, also, to know, whether, in the event of such a communication having been received, Her Majesty's Government are prepared to state to Parliament the course which they intend to advise Her Majesty to pursue?

THE EARL OF CLARENDON: My Lords, in reply to the question of the noble Earl, I have to state, that the day before yesterday Mr. Dallas, the American Minister at this Court, communicated to me a despatch from his Government, in which it was stated that the assurances given by Her Majesty's Government were satisfactory as regarded the fact of no instructions having been sent, and of no intention having existed on the part of this Government in any way to violate or infringe the law of the United States: but that the answer given to Mr. Dallas with respect to Mr. Crampton and our consuls was not equally satisfactory, and it appeared that they were still to be considered as representatives unacceptable to the Government of the United States, and that the President had therefore determined upon sending Mr. Crampton his passports, and withdrawing the *exequaturs* from the three consuls. This despatch was read to me by Mr. Dallas, and a copy of it has been furnished to me; but Her Majesty's Government have not yet finally determined upon the course which they will recommend Her Majesty to pursue. As soon as they have arrived at a final determination it will be their duty to lay a copy of the despatch on the table of the House, and to announce to Parliament the decision to which they have come. I think it right also to mention that Mr. Dallas, at the same time, in communicating to me another despatch relating to questions with regard to Central America, informed me that Mr. Marcy had stated that there were certain points upon which it was possible that the arbitration of a third Power might be usefully resorted to; but that, at the same time, his opinion was that the whole question might be settled by direct negotiation between the two Governments.

## POLICE (COUNTIES AND BOROUGHS) BILL.

LORD PANMURE, in rising to move the second reading of this Bill (in the absence from illness of the Lord President of the Council), stated that the subject was one in which he had formerly taken a great deal of interest. When the original Bill was introduced, in 1839, it had been his duty, as Under Secretary of State for the Home Department, to pay a considerable amount of attention to the question, and he had himself introduced the Bill of 1840; so that he was not altogether without some knowledge of the bearings of the case. The adoption of the Acts of 1839 and 1840 was entirely optional and permissive. He believed that they were now in operation over about one-half of the area and among one-half the population of England and Wales. In the other half of the kingdom the old system of parish constables still prevailed. It might have been supposed that after a lapse of sixteen or seventeen years the more improved system of police provided for by those Acts would have been more generally adopted; but, although that had not been the case, he believed that it was admitted that wherever it had been applied the most beneficial effects had resulted, and that in no part of the country where it had been once adopted had it ever been abandoned. In the year 1853 the whole subject was referred to a Committee of the House of Commons. That Committee went with great care into an examination of all the facts connected with the administration of the rural police, and the Members unanimously concurred in coming to a Resolution to this effect: that the appointment of district constables under the Rural Police Act had failed to provide such a general and uniform constabulary force as was essential for the prevention of crime throughout the country; but that wherever the system had been adopted it had succeeded beyond expectation. The Committee then agreed to the following declaratory Resolution:—

> "That it is, in the opinion of this Committee, most desirable that legislative measures should be introduced without delay by Her Majesty's Government, rendering the adoption of an efficient police force on an uniform principle imperative throughout Great Britain."

It was for the purpose of carrying into effect this Resolution that the present Bill had been submitted to Parliament. It differed from the measure of 1840 mainly in this respect, that whereas the Act of 1840 had been permissive, this Bill was to be compulsory; and when their Lordships considered the changes which had taken place in the matter of punishments in this country, more especially with reference to the ticket-of-leave system, which cast a large class of the criminal population upon the community, he thought they would admit that it was clearly a matter of national importance that there should be established throughout the length and breadth of the country such a system of police as should afford an efficient protection to life and property. The Bill which he had the honour to propose did not in any way interfere with the management of the police by the local authorities in counties and boroughs. It had been introduced in the other House of Parliament, and he was happy to think, from the manner in which it had been received there, that it was by no means regarded as a political or party measure. It had been carried by the immense majority of 153 votes; and in the same lobby might have been seen both the Secretary of State for the Home Department, under the present Government, and the right hon. Gentleman who had so well administered the duties of that office under the noble Earl opposite. All parties, therefore, with some singular exceptions, seemed to be agreed that the time had come when the adoption of the Rural Constabulary Act should be made compulsory and universal. The details of the Bill, he thought, might be more usefully considered in Committee. He did not anticipate that any of their Lordships would object to the second reading. He did not pretend that the Bill would establish a perfect system—but it was a great improvement upon that which at present existed, and by leading to the more speedy detection of crime, would extend to all classes that protection for life and property which it was the duty of every well-regulated Government to provide. The noble Lord moved that the Bill be now read a second time.

Bill read $2^a$, and *committed* to a Committee of the Whole House on *Thursday* next.

## PRIVATE BUSINESS OF THE HOUSE.

LORD REDESDALE rose, pursuant to notice, to move—

> "That a Committee of Five Lords, with the Chairman of Committees, be appointed, to whom the Chairman may refer any Provision in a Private Bill during the present Session, either before or after the Report of such Bill, on which he may think it desirable that the House should have a Report from such Committee before the passing of the Bill: Three to be a Quorum."

The object of the Resolution was to give such assistance to the chairman of Committees as would enable him to examine private Bills before they passed into law, and introduce some uniform system. Many abuses now prevailed; one was the system of getting up a fictitious opposition to a Bill, and so removing it from the charge of the Chairman of the Committees; the opposition was then withdrawn, and the most important clauses never came under the consideration of the Select Committee to which it was referred.

THE EARL OF CLANCARTY asked

whether the new Committee would consider the general merits of a Bill?

**LORD REDESDALE** replied that they would only consider such provisions as would not come before the ordinary Committee.

Resolution *agreed to.*

The Lords following were named of the Committee:—The Duke of SOMERSET; the Earl of STRADBROKE; the Lord COLCHESTER; the Lord PORTMAN; the Lord STANLEY of ALDERLEY.

House adjourned to Monday next.

# HOUSE OF COMMONS,

## *Friday, June* 13, 1856.

MINUTES.] PUBLIC BILLS.—1° Seamen's Savings Banks.
2° Grand Juries.
3° Oxford University.

### THE ITALIAN LEGION—QUESTION.

**CAPTAIN O'CONNELL** said, he would beg to ask the hon. Under Secretary for War if it were true that the Italian Legion are doing, or about to do, garrison duty at Malta; and what was to be their ultimate destination or disposition? Also, if he would lay on the table any correspondence that might have taken place between the Government at home and the authorities at Malta, relative to the riots there, in which the Italian Legion were concerned, and the murder of the police director?

**MR. LABOUCHERE** said, in the absence of his hon. Friend (Mr. F. Peel), who had not as yet taken his place, he was not in a position to reply to the hon. Gentleman's first question; but with regard to the second, he might state that it was not considered expedient, for the present, to produce the correspondence.

**MR. FREDERICK PEEL** subsequently replied to the first question: he stated that he understood that a part of the Italian Legion had done garrison duty at Malta to the extent of mounting guard at Valetta. With regard to what was to be the ultimate destination of the legion, he had to state that it would be disbanded, like all the other foreign legions. He understood that half the legion had elected to return to Sardinia, being subjects of the King of Sardinia; and, with regard to the remainder, they would be offered the choice of going to the colonies, or returning to Italy; and, in case of their preferring the latter alternative, application would be made to the local Italian Governments to receive them.

### CONVICT HULKS—QUESTION.

**THE MARQUESS OF BLANDFORD** said, he would beg to ask the Secretary of State for the Home Department whether the present system of imprisoning convicts in hulk ships in the naval arsenals was occupying his attention, and whether there was any intention of assimilating the accommodation for prisoners in those places to the more modern convict establishments of the country?

**SIR GEORGE GREY** said, the subject had been under consideration for some time, and great progress had been made in the substitution of prisons on land for the hulk system. There was a prison almost ready at Chatham, which would render the two hulks at Woolwich unnecessary. There were only two other hulks, which were used for invalid convicts, and measures were being taken to find a site and erect a prison to receive invalid prisoners. When that was done there would then be no hulks used for the reception of convicts.

### MARINE OFFICERS—QUESTION.

**COLONEL BUCK** said, at the request of his hon. and gallant Friend (Colonel Boldero), he would beg to ask the First Lord of the Admiralty that, as, since the peace was ratified, upwards of sixty naval officers of every rank under that of flag officer have been promoted, why no officers of the Royal Marines have been noticed; and while, on the 6th day of June, 1856, twenty-eight majors and ninety-one captains of the army have received brevet rank, no marine officer has been included: and, if the marine force employed in the Baltic and Black Sea have done their duty to their Sovereign and country, if it was his opinion they should be excluded from favourable consideration?

**SIR CHARLES WOOD** said, he had no difficulty whatever in answering the question, but although the observation did not apply to the hon. and gallant Member (Colonel Buck), who had asked it, he did not think it was quite the form in which questions ought to be put. It was not quite fair for the hon. and gallant Member for Chippenham (Colonel Boldero) to insinuate blame without taking the trouble to ascertain the facts. The marine force had done their duty. It was not his opinion that they should be excluded from favourable consideration, and they had not been excluded from favourable consideration as a short statement would show. It was not a fair mode of stating the question—that "as so many officers in the army had received brevet rank, &c." Brevet rank was no test of merit. It might happen that officers in the army would not receive, and that marine officers would receive, brevet rank, or *vice versâ*, because brevet rank depended on the services performed by individual officers, and had not the slightest reference to the numbers engaged in the campaign. But in point of fact, for services in the Baltic, eight, and for services in the Black Sea, ten marine officers had received brevet rank. Eighteen officers of marines had, therefore, received brevet rank for their services during the last two years, and if the number of officers employed, the nature of the service, and the greater opportunities which officers in the army had of distinguishing themselves were taken into account, he thought the marine corps had no ground of complaint.

### OUR RELATIONS WITH THE UNITED STATES—QUESTION.

Mr. DISRAELI: Sir, I will now make that inquiry of the noble Lord at the head of the Government which I was prevented by his absence from making yesterday. I wish to know whether information has now reached the noble Lord that diplomatic relations between Her Majesty's Minister at Washington and the Government to which he was accredited have ceased? Whether, also, the noble Lord has learnt the *exequatur* has been withdrawn from several of Her Majesty's Consuls in the United States? And, if this information be true, whether the noble Lord is prepared to inform the House what course Her Majesty's Government are ready, under these circumstances, to take?

Viscount PALMERSTON: Sir, my noble Friend at the head of the Foreign Department received late on the evening of the day before yesterday, from Mr. Dallas, two despatches addressed to Mr. Dallas by Mr. Marcy, the Secretary of State for Foreign Affairs in the United States—one upon the subject of the recruiting question, the other upon the subject of Central American Affairs. The question of the right hon. Gentleman relates to the first, and I shall, therefore, confine my statement to that. It resulted from that despatch that the United States' Government, although perfectly satisfied with the explanation offered by Her Majesty's Government and conveyed by Lord Clarendon, with regard to the course which

*Sir Charles Wood*

Her Majesty's Government had pursued, and although they deemed that explanation as perfectly settling the question as far as the Government was concerned, nevertheless, for reasons which they allege, and upon documents of which they send copies, they do not express themselves equally satisfied with regard to the course pursued by Her Majesty's Minister at Washington and the three Consuls, at Cincinnati, Philadelphia, and New York; and they expressed to Mr. Dallas, for communication to Her Majesty's Government, their intention to deliver passports to Mr. Crampton, and to revoke—which of course every Government has a right to do—the *exequatur* of those three Consuls. With regard to the course which Her Majesty's Government deem it right to take on a matter so important as that, the right hon. Gentleman and the House will feel that until the Government have had an opportunity of giving full consideration to all the circumstances connected with the case, it cannot be expected I should say anything further.

Mr. H. BAILLIE: I wish, Sir, to ask the noble Lord whether he will fix a day on which I can bring on the Motion of which I have given notice? The Army Estimates are fixed for Monday. I can assure the noble Lord that I am not at all disposed to interfere with the Army Estimates, if the noble Lord will fix a day when the discussion may take place; and if he is disposed so to do, perhaps he will previously lay on the table the despatch of Mr. Marcy, to which he has just referred. If the noble Lord is not disposed to name a day, there will be no other course for me to pursue but to bring on the Motion on Monday next.

Viscount PALMERSTON: Sir, I desire to give every reasonable accommodation to the hon. Gentleman. Therefore, if it does not suit him to bring on his Motion on Monday, when the Army Estimates are proposed, he shall have his choice of Thursday or Friday next for that purpose.

Mr. MILNER GIBSON: I understood, Sir, the noble Lord to state that Mr. Dallas made a communication to the Government with reference to the Central American question as well as the recruiting question. May I ask the noble Lord whether he feels at liberty to inform the House whether any answer is contained in that communication to the proposal to submit the Central American question to arbitration; or whether he will state what is the nature of the second communication?

VISCOUNT PALMERSTON: Sir, as it would be necessary to enter into details to give any minute explanation of that point, I do not feel myself at liberty to reply to that part of the right hon. Gentleman's question. The general tenour of the communication, however, is, that the United States Government think the main parts of the question can best be settled by direct communication between the two Governments.

MR. H. BAILLIE: As the noble Lord has been good enough to allow me to name the day, I will say next Thursday.

VISCOUNT PALMERSTON: I hope the hon. Gentleman will give us notice of what he means to move.

MR. MILNER GIBSON: In case of direct negotiation failing, will the noble Lord state whether the American Government refuses arbitration?

VISCOUNT PALMERSTON: There is no refusal of arbitration.

MR. HADFIELD: I wish to ask the noble Lord whether, before any decisive step is taken, the opinion of this House will be taken on the subject?

VISCOUNT PALMERSTON: The practice of the Governments of this country, acting upon their own responsibility, is to take the course which they may think right.

MR. HINDLEY: As the packet goes to-morrow to the United States, I wish to ask the noble Lord if the Government are likely to send an answer to the despatch by it?

MR. DISRAELI: I was about to ask another question, when an hon. Member interfered. I may be allowed to express a hope that the noble Lord will place the despatches on the table before this debate takes place.

VISCOUNT PALMERSTON: That will depend on the manner in which the Government may reply to the despatches.

LORD JOHN RUSSELL: Mr. Speaker, I wish to say a few words with reference to the statement of my noble Friend at the head of the Government. It appears from my noble Friend's statement, that Her Majesty's Minister at Washington has been furnished with his passports and desired to leave America; that Mr. Dallas, the American Minister at this Court, has been furnished with instructions with regard to certain points connected with the Central American question, upon which it is desired that direct negotiation should take place between the two countries; and that with regard to other points an arbitration will be agreed to. I do not wish at all to find fault with my noble Friend for not giving further information to the House, but I think this is a most critical state of affairs, and that the House ought to have some information with respect to it. I do not now propose to ask my noble Friend any question, as he has stated that the Government have not decided upon the course they will take; but I shall think it my duty on Monday, before the House enters upon the consideration of the Army Estimates, to ask my noble Friend for some explanation of the course which the Government propose to pursue. It is not, perhaps, desirable that the House should require any discussion to take place upon these subjects. Although it would be somewhat of a surrender of the privileges of the House, I can conceive that circumstances may be such that all discussion and all explanation ought to be avoided; but I cannot but perceive that while the House is silent upon these subjects they have been taken up by the newspapers, and that articles have appeared in some of those newspapers rather calculated to give the Americans an impression highly unfavourable to the continuance of peace between the two countries. Now, I am so persuaded that this House and the whole nation earnestly desire the continuance of peace, that I think it is most desirable that my noble Friend should take an early opportunity of stating the views of the Government. I shall, therefore, on Monday next, before the House goes into Committee of Supply, ask my noble Friend what course the Government intend to pursue with regard to Mr. Dallas, the American Minister at this Court, and whether the negotiations proposed by the American Government will be entered into by Her Majesty's Government?

## PUBLIC AND PRIVATE BILLS—QUESTION.

Mr. BRADY said, he wished to ask the right hon. Gentleman in the chair, how the Bill introduced by him (Mr. Brady) to regulate the spirit trade of Ireland became a Private Bill, by his having altered and confined its operation to the Dublin Metropolitan Police District, when, on the other hand, the

Dublin Police Bill now before the House was a Public Bill?

Mr. SPEAKER said, that according to the practice of Parliament, a Bill having a special local operation was considered a Private Bill. The hon. Member having confined the operation of his Bill to Dublin, it therefore became a private measure. A Police Bill, when brought in by the Government, was always, upon grounds of public policy, treated as a Public Bill. The hon. Member's Bill, if it were confined to the city of Dublin, would be a Private Bill; but if its operation were extended to the counties adjoining, it became a Public Bill.

Mr. BRADY said, his Bill applied to the metropolitan district of Dublin, and he wished to know whether, under such circumstances, his Bill was to be considered a Private or a Public Bill?

Mr. SPEAKER: I am not prepared to say what the extent of the metropolitan district of Dublin is.

### ARMY REGULATIONS—QUESTION.

On the Motion for the adjournment of the House to Monday,

Sir STAFFORD NORTHCOTE said, he would beg to ask the hon. Under Secretary for War whether an officer, having served in the army more than three years, and being compelled to retire in consequence of ill-health contracted on duty, was not entitled to have his case referred to a Medical Board for examination, with a view to his being placed on the half-pay establishment?

Mr. FREDERICK PEEL said, his reply to the question of the hon. Member must be in the affirmative. With regard to the particular case which the hon. Member had in view, he apprehended that it did not come within the rule to which the hon. Member had referred, as the Government in such a case would have ample medical information from the authorities of the regiment.

### RETURN OF TROOPS FROM THE CRIMEA—QUESTION.

Lord ADOLPHUS VANE-TEMPEST said, he wished to ask the First Lord of the Admiralty the reason why so long a delay had taken place before employing ships of war for the purpose of conveying troops from the Crimea; whether a correspondence from the Admirals stationed both at Balaklava and Scutari had not long since been received by the Admiralty, advocating the transmission of troops by ships of war, and whether the First Lord objected to such correspondence being produced? The fact of such ships having at last been sent out to bring the army home naturally suggested the question, why orders to that effect had not been given at a much earlier period. He might state, that on leaving the Crimea at the end of May, the French had already sent away 69,000 men, while all that we had removed was 5,000 Sardinians and four English regiments, leaving a majority on the side of the French that had been sent home of at least 50,000 men. Now, our naval resources had always been considered somewhat larger than those of the French, and he therefore thought that some explanation was due from the Government as to the immense expense which had been incurred in retaining so many regiments for such a length of time in the Crimea, as well as so many militia regiments at Malta and elsewhere in the Mediterranean; and he might also refer to the correspondence or Admirals Grey and Fremantle, in which those gallant officers, immediately on the declaration of peace, suggested that the army should be removed from the Crimea as speedily as possible, in order to avoid the risk of being exposed to the hot season.

Sir CHARLES WOOD said, he had answered the first question of the noble Lord on a previous day. The answer to the other questions would be more conveniently given in moving the Vote for the transport service. No such public correspondence as that to which the noble Lord had alluded was in existence, but the Admirals were certainly of opinion that ships of war should be employed upon this service.

### THE IRISH MILITIA—QUESTION.

Colonel DUNNE said, it would be in the recollection of the noble Lord at the head of the Government that a deputation of which he (Colonel Dunne) had the honour of being a Member, had waited upon him in reference to the disbanding of the Irish militia. He had understood the noble Lord then to say that the militia force would not be disbanded until March. He now wished to ask if the Government contemplated any alteration in that arrangement?

Viscount PALMERSTON said, the House was aware that the harvest in Ireland was later than that of England. It was, no doubt, desirable to disband the militia at as early a period as possible, and his noble Friend (Lord Panmure) would endeavour to carry out such an arrangement as would enable the militia to take advantage of the employment which was offered during the harvest, and as would afford the men the opportunity of falling into their ordinary occupations.

The Motion for the adjournment of the House until Monday was then *agreed to.*

## ADMINISTRATION OF JUSTICE IN INDIA —QUESTION.

On the Motion that the House resolve itself into Committee of Supply,

MR. J. G. PHILLIMORE said, he wished to call the attention of the House to a petition from the Members of the Bengal Indigo Planters' Association, complaining of the abuses and delay in the administration of justice in the Company's Courts. The petitioners, not natives, but English subjects, complained of the worthlessness of the Local Courts for the enforcement of civil obligations, of the corruption and venality of the police, which was regarded by the people as an instrument of oppression and cruelty; they stated that young men were employed in the judicial capacity without training or knowledge of the language; that the Local Courts were a scourge to the Country. Yet, that no remedy for those evils had been pointed out by the Commissioners, who had recently reported upon these matters; but that they had even proposed to transfer to those Courts a portion of the jurisdiction of the Supreme Courts. In addition to all this, it had now been proved that torture was habitually practised under the sanction of the minister of English justice. When the Indian budget was brought forward he should enter at greater length into the abuses connected with the administration of justice in India.

SIR E. PERRY said, he could assure the House that the petitions presented by his hon. and learned Friend came from a most important body of men. He wished to take that opportunity of asking the right hon. Gentleman the President of the Board of Control when he intended to bring forward the Indian budget, so as to enable the matters referred to in that petition to be discussed? He also wished for information as to the power of the East India Company to grant pensions of magnitude with the authority of the Board of Control. He would also remind the right hon. Gentleman of the Resolutions agreed to last Session, to the effect that it was desirable the Indian budget should be brought forward as early as possible in the Session, so as to enable it to receive that attention which its importance demanded.

MR. VERNON SMITH said, it was quite true that the House had come to such a Resolution last Session as that alluded to by the hon. and learned Gentleman; but, unluckily, the House, in the present Session, had acted in direct opposition to that Resolution, by discussing all sorts of business before they came to it. He could hold out no hope that he would be able upon an early day, to make the Indian financial statement. He trusted, however, he could do so at an earlier period than last Session. With that view the accounts had been greatly expedited. With regard to the petition just presented by his hon. and learned Friend (Mr. J. G. Phillimore), although the petitioners were no doubt an important body, he did not think that they represented to any considerable extent the feelings of the people of India. His hon. and learned Friend ought, however, to be aware, that it would not be the most convenient way to discuss those matters, to introduce the question upon going into Committee to consider the Indian budget. He hoped that his hon. and learned Friend would alter his determination, and introduce the subject by a substantive Motion. At the same time, he could not permit those statements of the petition to pass without some notice. He quite admitted the existence of a portion of those evils. The Committee of 1853 had inquired into them, and ultimately the judicial administration of India had been referred to a law Commission. Three Reports were presented upon the subject, and were referred, in November last, to persons who were most competent to give an opinion upon them. He expected to receive their opinion shortly, when he might then, perhaps, be able to persuade the House to pass a measure on the subject. As regarded the police, the subject was at that moment under consideration; and the only reason for the Government not acting further with respect to this matter was, that they thought it but just to give the new police system, established in 1852 in the presidency of Bombay, a fair trial. He was in hopes that a better system of police would ultimately be established in that Presidency, and that it would derive much advantage from its operations.

MR. MANGLES said, he believed that the statements in the petition of the Indigo Planters' Association were greatly exaggerated; and he could add that the Indian Government were honestly and earnestly striving to improve the condition of the people of India in every way.

Motion *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee; Mr. FITZROY in the chair.

(1.) £4,500, Entrance to St. James's Park.

VISCOUNT PALMERSTON: Sir, I rise for the purpose of proposing to the Committee two Votes connected with the same matter, in regard to which the Committee this day week rejected, by a large majority, the Vote proposed by the Government. I mean that in reference to the proposed passage through St. James's Park. The Vote refers to two matters—the one is the passage from the iron gates near the German Chapel to the Mall, in St. James's Park; the other is the erection of a suspension bridge, for the passage of pedestrians, across the ornamental water. Of course it is not for me to determine the motives which actuated that Committee in rejecting the Vote which was proposed last week with a view of carrying out the object which the House had previously expressed a great desire to see accomplished. I presume, however, that the Committee objected to the expense of pulling down the German Chapel and rebuilding it elsewhere. That a new passage should be made through the park, I believe, is generally desired. In regard to the erection of a bridge across the ornamental water, some objections have been made to the plan proposed. I propose now two Votes, the one for the road, the other for the construction of the bridge. The two Votes shall, however, be taken separately, and therefore the Committee will have an opportunity of expressing its opinion upon the merits of each, and of dealing with them as they deem fitting. When the Committee had rejected the Vote proposed last week, on the ground I have assumed, Her Majesty, always anxious to make any sacrifice or arrangement conducive to the public convenience and interests, immediately consented to give up a portion of the garden of St. James's Palace, in order that a straight road might be carried from the iron gates between Marlborough House and St. James's Palace, and from thence across the bridge, to be erected over the ornamental water. The estimate for the formation of the road, for giving a large footway, for rebuilding the wall at Marlborough House, and the carrying it westward towards the Palace, for rebuilding the wall of St. James's Palace Garden, which is to be thrown back, for putting a railing at the front of what is called the Ambassador's Court, for the erection of lamps on the road leading to the bridge—the estimate for all this is £4,500, being the amount of the Vote which I now propose to take. The estimate may seem extravagant for the work to be done, but those who are professionally employed on such matters are the best judges. I can, however, assure the Committee, that my right hon. Friend at the head of the Board of Works will take every care that the work shall be done by contract, and at the lowest possible price. This sum of £4,500 shall be the maximum of the cost. Of course, if the expense be reduced, all the money will not be expended. This road will of course be made for carriages to pass over it. We are thus providing for the convenience of those who ride in carriages. There is, however, a class of people in this metropolis whose convenience I trust the Committee will not forget—I mean those who walk upon their feet. [*Laughter.*] Why, Sir, there are some who, it is said, walk upon their heads. Now, it would be a great convenience to a large portion of the community if there were a passage across the water so as to connect Westminster with the other part of the metropolis. To effect this object it is proposed to construct a bridge over the water. I believe that such a work was also much desired by those persons who frequent the gardens for purposes of amusement and recreation, who would be thus enabled to cross the water by this bridge, instead of being obliged to go a considerable way round. I should think—but this is a matter of taste—that a light suspension bridge, so far from being unsightly, would, on the contrary, be a great ornament to the park, as well as a great convenience to the public. The Committee, however, will deal with it as it deems fitting. For the construction of this foot bridge I shall propose a Vote of £3,500. That, like the other Vote for the road, will be the maximum cost.

Mr. LLOYD DAVIES said, the mode in which the noble Lord proposed the Vote almost disarmed all opposition; but he thought the noble Lord was quite justified in expressing an opinion that the sum he asked for was rather extravagant. He (Mr. L. Davies) had, however, taken the trouble of inquiring into the subject. He had applied to an eminent engineer, who caused the road work to be measured yesterday. The result was an estimate by which he proposed to make the alterations specified for a sum not exceeding £2,500, and stating that he was prepared to give the most ample security for its proper performance according to the specifications laid down, and to execute the work under the superintendence of any persons appointed by the Government. He (Mr. L. Davies) was as anxious as the noble Lord that the work should be done properly, and that it should not be spoiled by any false economy. The only difference between the statement the noble Lord and the estimate to which he alluded was the proposed railing in the front of the Ambassadors' Court. He was disposed to think that such a railing would be found to be an obstruction. He proposed to reduce the Vote to £3000, allowing £500 to cover the expenses of the railing, which he thought would be ample for the purpose.

Viscount PALMERSTON said, he hoped the hon. Member would not persevere with his Amendment. He did not propose his Vote as a fixed sum, but only as the maximum cost of the alterations. He could only say, if the person who communicated with the hon. Gentleman on the subject would undertake the performance of the work in a proper manner, he was quite sure that his right hon. Friend (Sir B. Hall) would be delighted to avail himself of the offer.

Mr. LLOYD DAVIES said, if the noble Lord would allow this gentleman to be a competitor for the work to be done he was perfectly willing to let the Vote pass.

Mr. TITE said, that in order to explain the apparent discrepancies of the two estimates, he could state that about one-fifth of an acre was to be taken from the Palace Gardens, and about two-fifths of an acre to be added to the grounds connected with Marlborough House. According to the previous scheme, it was intended, he believed, to take land from Marlborough House, but to pay for it; surely, if, under the new plan, ground were to be given, it might not be too much for the trustees of Marlborough House to enclose that land for themselves. Another item in the estimate was, the rails to be put up in front of the Ambassador's Court. That fence was not to consist of a rail, but of four gates of a very costly description. If these things were taken into consideration, the Committee would understand the apparent discrepancy between the two estimates.

Sir JOHN TROLLOPE said, he wished to know whether the two-fifths of an acre were to be added to Marlborough House, and enclosed by means of a dead wall, or whether that land was to form part of the approach to the park with an ornamental rail in front? A dead wall would be very unsightly, whereas this small piece of ground might be so laid out with a rail as to add to the beauty of the approach.

Lord ROBERT GROSVENOR said, he must express his regret after the decided manner in which the Vote was rejected last Friday evening that the same proposition should be brought before the Committee again that evening. ["Oh, oh!"] He heard sounds of dissent from that, but it appeared to him a distinction without a difference. He would remind them of the grounds on which the Vote of the previous Friday was rejected, and it was his opinion that a shorter road to Pimlico through the Stable Yard, already existed if it were only thrown open to the traffic of the metropolis. All that was necessary was to put up a board at that corner insisting upon those who went that way with carriages going at a slower pace. Cabs were at one time permitted through St. James's Park. [Sir G. Grey said: That was a mistake.] Well, at all events, cabs were allowed to go through after it was dark, which only increased the danger which was supposed to attend the passage in daylight. Besides, it was only proposed as a temporary expedient, and the season was now far advanced. At the same time he would not divide the Committee upon the question.

Mr. STAFFORD said, he wished to know whether it was intended to impose any new restrictions with regard to the passage through the Stable Yard; whether it was intended to remove the existing gates between Marlborough House and St. James's Palace, in Pall Mall; and whether hackney carriages would be allowed to go through the new entrance?

Viscount PALMERSTON said, the new road was expressly intended for the convenience of the public, private carriages, and hackney cabs, would of course be allowed to use it, but carts and waggons would be excluded. There would be no occasion for removing the existing gates, as they were wide enough, the one for going and the other for returning vehicles. The roadway referred to by his noble Friend (Lord R. Grosvenor) was only fifteen feet wide at the corner, and further round it was only nineteen feet wide; and, therefore, he must consider it a very dangerous road.

SIR JOHN PAKINGTON said, he thought that, considering the difficulty in which the Government had been placed by the Vote of the other evening, the plan they now proposed was the best which could, under the circumstances, be adopted. He begged to ask whether there was to be a lodge at the new gates?

SIR BENJAMIN HALL said, that it was not at present intended that there should be a lodge at the new gates. He promised that this work should be done under his own supervision; and that if the hon. Member for Cardigan (Mr. L. Davies) would communicate to him the names of the persons who had sent their tender to him it should receive the attention of the Board of Works, and those persons should have a copy of the specifications of the work to be done, and should be enabled to tender if they thought fit to do so. As to the ground to be taken from the Palace gardens referred to by the hon. Member for Bath (Mr. Tite), he had found by stepping that it amounted to fully a quarter of an acre, and that a few yards more would be given to Marlborough House.

SIR JOHN PAKINGTON said, he could not help suggesting that a lodge at the entrance would be very desirable.

THE MARQUESS OF BLANDFORD said, he believed it was now generally understood that it was the wish of Her Majesty that as much accommodation should be given to the public as possible. He wished to know whether the old exclusiveness of the passage at the Horse Guards was to be maintained, or whether a free road was to be made through the Horse Guards entrance?

MR. PALK said, he would beg to inquire whether the present entrance through the Stable Yard, was to be entirely closed, and if not, whether it would be opened so as to admit carriages and persons on horseback?

VISCOUNT PALMERSTON said, that the gate would not be closed to foot passengers. He thought that no equestrian would go in by that gate, except he had a very bad horse.

THE CHANCELLOR OF THE EXCHEQUER said, that in order to remove the impression that during the year of the Great Exhibition public carriages were allowed to pass through the Stable Yard Gate, he would read the letter from his right hon. Friend at the head of the Home Department (Sir G. Grey) to the Duke of Wellington in accordance with which that gate was to a certain extent opened to the public. In that letter there was a special provision that the permission to pass through the Stable Yard Gate should not extend to "stage coaches, hackney coaches, cabs, cabriolets, omnibuses, carts, waggons, or public carriages." There was, therefore, no foundation whatever for the supposition that in the year 1851 permission was given to public carriages to pass through that gate.

MR. KINNAIRD said, he wished to know whether the Stable Yard Gate was to be open while the new road was being constructed? and, also, whether the new road was to be open at all hours of the day and night?

VISCOUNT PALMERSTON replied, that the new passage would be open all day. The present arrangements would hold good till the new road was constructed.

MR. LLOYD DAVIES said, he still thought that there should be a limit to the expenditure for these new works; but he would withdraw his Motion on the understanding that the right hon. Gentleman (Sir B. Hall) would exercise a proper surveillance over those employed.

SIR WILLIAM JOLLIFFE said, he thought the Committee ought to consider not so much economy as the appearance of the works to be executed. The proposed alterations were in one of the most important parts of the metropolis. It was besides in the immediate neighbourhood of a mansion that would be long occupied by one who was the heir apparent to the Throne, and his (Sir W. Jolliffe's) opinion on this Vote was that they ought not to consider expense. He thought the plan was infinitely the more important of all the plans which had been brought forward for opening a passage into the park. He would suggest, however, that the wall to be put up should not be a dead wall, as that would contribute very little to the ornament of the place.

MR. MICHELL said, he objected to the funds of the nation being expended for the convenience of a few persons living in Belgravia or Pall Mall. He knew it was of no use to divide the Committee upon the subject: but he could not avoid recording his protest against the Vote.

MR. W. WILLIAMS said, he wished to know whether it was intended to give the public the same privilege of passing up and down Constitution Hill which they now enjoyed in St. James's Park? [Sir B. HALL replied in the negative.] He thought it was only just, as the parks were the property of the public, who paid large sums on account of them, that the gates should be opened.

Vote *agreed to.*

(2.) Motion made, and Question put—

"That a sum, not exceeding £3,500, be granted to Her Majesty, to defray the Cost of erecting a Suspension Bridge for Foot Passengers over the Water in the Inclosure in Saint James's Park, in the year ending the 31st day of March, 1857.

The Committee *divided:*—Ayes 182; Noes 95: Majority 87.

### SUPPLY—NAVY ESTIMATES.

(3.) 56,000 men, Navy.

SIR CHARLES WOOD: Mr. FitzRoy, in placing in your hands the first Vote of the supplemental Naval Estimates, I feel myself called upon to make a general statement, showing the changes that have been made in our original calculations, and explaining some important particulars with respect to two additional Votes. Hon. Gentlemen will remember that when the Naval Estimates were proposed early in the Session, the great majority of the Votes were taken in full, and only four or five on account. It is not to be expected, neither is it necessary, that I should offer any observations with regard to the former, but I will venture to make a few remarks on the subject of the Votes that were taken on account. Hon. Members have before them a statement of the Votes as originally proposed, and those which it is now intended to take. The first Vote under consideration relates to the number of men proposed to be employed in the navy during the last nine months of the financial year. 76,000 men were voted for the first three months of the year, and what I now propose is, that 56,000 shall be granted for the remaining nine months. That is an apparent diminution of 20,000 men, but it is only right to state that the actual reduction of men and boys will not be so great. The reason why so large a Vote was taken for the first quarter of the year was, that it was then apprehended a very strong naval force might be required in the unfortunate event of the war being prolonged. But almost immediately after the House had given its sanction to the Vote, the prospects of peace appeared so favourable that the Government did not think it necessary to raise the additional 6,000 men beyond the number granted the previous year—namely, 70,000. The actual reduction will, therefore, be about 14,000 men. Making allowance for a certain number of boys, the numbers of whom had not been completely filled up, the reduction, indeed, will, probably, be something less than that number. The right hon. Baronet who immediately preceded me in the office I have the honour to hold (Sir J. Graham) raised the numerical strength of the Royal Marines to 16,000 men, and I cordially concur with him in the opinion that it is most undesirable that the number should be reduced. It is to be understood, therefore, that I do not contemplate any reduction of the Royal Marines. The only change as regards the marines I contemplate has reference to that exemplary corps whose value was never more conspicuously apparent than during the late war—the Royal Marine Artillery. In accordance with a new constitution of the corps, about 250 officers and men have been transferred from the battalion companies of the Marines to the Marine Artillery, and in that proportion the strength of the former is of course diminished and that of the latter augmented, but the number of marine corps remains the same. The total number of men proposed to be granted for the service of the navy is, no doubt, larger than has been ordinarily maintained in time of peace, but I do not think that, under the particular circumstances of the present hour, it would be judicious or expedient to reduce our naval establishment below the point that I now propose. Not that I have any serious apprehension of war; on the contrary, I feel assured that the good sense and the good feeling of the country, between which and ourselves differences have arisen, will dispose them to think that war is too serious a calamity to be lightly incurred; but still there are many considerations that should be kept in view, and, having regard to them, it is by no means desirable, in my opinion, to reduce the navy below the standard I have mentioned. Even though we should be disposed to bring it down to a lower permanent peace establishment, there are other circumstances which would render it impossible for us to do so this year.

During the war our naval force in all distant stations not affected by the hostilities was considerably reduced, and, moreover, a great many ships were kept on those stations beyond the usual period of the service without being relieved. This state of things renders it necessary that double sets of ships should be employed for a longer time than is usually the case, one set to take out the reliefs, and the other coming home with the men who have been so long stationed in those remote regions. A greater number of seamen than is usual under ordinary circumstances will therefore have to be employed for some months, and the operation will, of course, extend over a longer period than is customary in years when the ships are relieved with regularity one after the other. But, independently of these considerations, I have been anxious that the reduction in the number of seamen shall be so slow and gradual that it shall not bear hardly on the men themselves. It would be most unfair and most unfeeling to neglect the comfort and convenience of a class of men to whom we have such reason to be grateful for the gallant manner in which they abandoned their previous pursuits, and came forward during the last two years to fight in the cause of their country. I have heard an hon. Gentleman say, that he considered that to reduce the number of sailors was easier than to effect a reduction in the number of soldiers. No doubt, as regarded the actual legal power of discharging the men, it was easier; but it would be most unjust, and most ungrateful, not to bear in mind the conduct of men who had come forward and served their country as the seamen of the Royal Navy had done in the late war. Those who remember the old war may recollect what distress was caused at the close of the war in consequence of the sudden discharge of men both from the army and the navy, and what great efforts were made by the benevolence of the nation to mitigate their sufferings. Warned by that sad experience, we have thought it right so to arrange the time and manner of discharge that the men shall be subjected to no similar suffering on the present occasion. If the Committee will sanction for the present a somewhat larger number of men than is usual in time of peace, that number may by judicious management, and without injury to any one, be slowly and gradually reduced to the proportions of a peace establishment.

I am aware that there have been complaints from various quarters respecting the distress said to be endured by certain seamen who have been discharged; it is as well that I should state what has been done in this respect, and to what extent it is possible that distress should have arisen. In the remarks I am about to make I shall confine myself to seamen, for there has been no diminution in the number either of boys or of marines. There were borne upon the books of the navy on the 31st of May 4,000 men less than on the 31st of the preceding March. That represents the nominal number discharged. But of those 4,000, 2,200 were either men taken from the coastguard service, or seamen riggers, who have returned to the avocations which they abandoned when the war broke out. The actual number of men reduced may be estimated, therefore, as something under 2,000. That number represents men who had served upwards of five years. The Committee are aware that when the men who had served for that period were called upon to go to the Baltic, a promise was made to them that they should receive their discharge at the earliest possible moment after the cessation of hostilities. Anxious that good faith should be kept with men who had behaved so well, the Government gave orders, as soon as the ratifications of peace were exchanged, that the coastguard men should be permitted to return to their respective stations, and that the men who had served upwards of five years should be at once discharged. But, at the same time that this was done, it was intimated that any competent man who might desire to re-enter the navy would be received. The "continuous-service" men had six weeks' leave of absence, and those who were not such were informed that it would be competent for them, if they chose, to enter their names for "general service," and after the expiration of a month's leave, during which period their pay was continued, they might return to the service. Therefore, no man who has served in the navy during the late war has been discharged, save by his own free will. A small body, consisting of those engaged in ships which have been paid off and recommissioned for foreign service, have had the option of transferring themselves to the flagship for home service, it being deemed better to man ships ordered to distant stations with "fresh entries" than to send abroad seamen whose term of three years has nearly expired, and who would probably be at the other side of the globe when entitled to their discharge. There is no pretence, therefore, for saying that any man has been thrown loose on the country unless by his own act and deed. Complaints, I know, have been made of seamen being discharged at Portsmouth without receiving their pay, and of distress being produced in consequence. No doubt there is some truth in this; but here, again, what has happened was the result of compliance with the wishes of the men, and not owing to any fault of the Admiralty. The order issued was, that no man should be discharged on shore until he had received his pay; but as there had been great difficulty in making up the pay lists that had occasioned a certain amount of delay, and as it was impossible to give them their money at once, they were allowed to continue on board their ships, if in commission, or to go over to the flagship and be victualled and paid up to the time when the books were balanced. Many of the seamen, however, being impatient—not, perhaps, unnaturally—to get ashore, preferred to be discharged without waiting till the necessary calculations were completed, and declined to avail themselves of the privilege of remaining temporarily in the flagship. Appeals being made to Sir George Seymour on the subject, that officer immediately telegraphed to the Admiralty, and a message was sent down to Portsmouth stating that the men had only to go on board the flagship where they would be retained till the pay-list reached Portsmouth, and that they would be entitled to pay up to that period. This was all that the Government could do under the circumstances. The difficulty of computing the sums due to each man was by no means slight. I took credit, in the statement I made earlier in the year, for the expedition with which the Baltic fleet was paid on its return home; but the seamen in that case had not to receive their "final pay," as it is termed, the calculations requisite to determine the amount of which constitute the difficulty of this task. A separate account has to be kept for each man, and a check must be applied to ascertain whether the proper sums have been deducted for advances. Formerly, when the men entered for three years only, the books of but one ship had to be consulted to determine the amount of final pay due to them—a process which did not occupy any great length of time; but since the system of "continuous service" has been introduced it is necessary to examine the books both of the ships which the men first enter and of those to which they are subsequently turned over. But there is another element of complexity which has been added to a matter already sufficiently involved. Besides those who merely receive the ordinary rates of pay, there are the five years' men, who are entitled to one scale of extra pay, the coastguard men who are entitled to another scale of extra pay, and the "riggers" who receive a third scale of extra pay, the calculations incidental to which are all of the most intricate description. These laborious duties have thrown a heavy burden on the Accountant General's Department during the last six weeks, and the health of a few of the clerks has unfortunately broken down under its pressure. The work, demanding the utmost care, has to be done by the more experienced of the clerks, whom the calling in of additional hands can assist to but a very limited extent. Some conception of the magnitude of the task of keeping the accounts of the navy may perhaps be formed when I mention that the Department has to distribute pay among 70,000 seamen and marines, and 30,000 women and children. This is a branch of duty from which the corresponding Department of the army is exempt. Such are the circumstances that have led to a degree of delay in paying the men which, though unexpected, was perfectly unavoidable.

I have already explained to the Committee the reasons which induce Her Majesty's Government to think that the reduction in the number of men proposed this year is carried as far as prudence permits; but I feel bound to add that the country must fairly look in the face the necessity for maintaining a larger permanent naval establishment than has of late years existed. The events of the recent war prove that we cannot hope to compete with continental nations in the strength of the armies they support; there is therefore the more reason why we should increase the efficiency of that which has ever been regarded as the right arm of England's defence—her navy. The fleets of our opponent remaining within their ports, it was impossible for our ships to engage them, as was done in former wars; and our Government, under those circumstances, had to devise measures for attacking the enemy on his own coasts. Happily, however, the means thus provided for attack can now be made equally available as a part of our permanent establishment for purposes of defence. The gunboats and floating batteries, recently constructed for other objects, will constitute a valuable and efficient armament for protecting our shores from assault. The expense incurred in their equipment will therefore be money not ill-spent. I think it required the stern experience of war to teach us the value of such a force, for I do not believe that the House of Commons could have been induced, in a period of uninterrupted peace, to vote the additional funds requisite for creating it. No great difficulty was experienced in considerably augmenting the number of our seamen during the late contest, yet the mode by which that end had to be attained is necessarily not very rapid in its operation. Should another war unfortunately break out, its operations may not be analogous to those of the struggle now happily terminated. Other nations may in the interval turn to account the lessons in warfare to be learnt from the events of the last two years. Russia at all times retains a large force of seamen, and a great portion of her artillery at Sebastopol was worked by sailors who had been moved from Cronstadt to that fortress. I sincerely trust that the cordial alliance between this country and France may long continue; but it is well known that our Ally has always the means of laying his hands on from 20,000 to 40,000 able seamen by compulsory enrolment. England possesses no corresponding power, and I would earnestly urge on the House that it is of the last and most vital importance that we should have sure and certain means of increasing our naval force on the breaking out of a war. I have already stated that the naval force of this country was very considerably increased during the late war. Between December 1853 and December 1855, there were added to the *personnel* of our naval force 16,325 men, 3,501 boys, and 3,986 marines—making a total of 23,812. The fact that this large addition was made without resorting to impressment, but by voluntary enlistment alone, is a proof of the patriotism of our seafaring population, and of their disposition to enter the naval service, a fact of which he thought they had great reason to be proud. All voluntary enlistment must, however, be comparatively slow.

The number of seamen in this country at any time cannot much exceed the number required for the Queen's service and the merchant service, and the only means, therefore, of augmenting Her Majesty's navy is by withdrawing seamen from the mercantile service, or from other avocations; and in the latter case they must be untrained men. In the late war we availed ourselves of both these means of obtaining seamen with very great success. Men entered willingly from the merchant service, and a great number of men from various districts of the country were also trained as seamen. I am happy to say that a number of novices who were obtained from the agricultural counties in the south of England became, after a short training, as well behaved, and in many respects as well educated seamen as any to be found in Her Majesty's fleet. It is obvious, however, that such training must require considerable time; and it is equally obvious, that if a greater number of men be withdrawn from the merchant service than that service can afford to lose, the owners of merchant ships will offer such terms to seamen that it will be impossible for Her Majesty's Government to compete with them. We had a curious proof of the inefficiency of the system of bounties not long ago. When the Government required a number of gunboats, the people of Sunderland, animated by a most gallant and patriotic spirit, asked that they might be allowed to man the gun-boats built at that port. Her Majesty's Government were highly gratified by this proof of zeal, and gladly accepted the offer. The authorities of Sunderland issued placards, displaying the effigy of a distinguished native of that town who signalised himself at the battle of Camperdown, and they offered a bounty to seamen who were willing to enter the naval service. Now, Sir, what was the result? One seaman only accepted the bounty, and he deserted the next day. The best mode of attracting men to the naval service is, I conceive, by pursuing that course which has been followed of late by successive Boards of Admiralty—namely, by improving to the utmost possible extent the condition of the seamen. In consequence of the measures which have already been adopted with that object, we have had no difficulty in raising the number of men for whom a Vote was sanctioned by this House, while it is notorious with regard to the army that, in spite of the high bounty, it was found extremely difficult to obtain the required number of recruits.

One of the means recommended for facilitating the manning of the navy is by drawing more largely upon the coastguard service. We assuredly did derive most essential assistance from the coastguard during the late war. An hon. and gallant Friend of mine said somewhat facetiously, that the Board of Admiralty supplied the fleet with old baldheaded men who wore spectacles. The truth is that, although many of the men supplied from the coastguard might not be very well adapted for light work aloft, they afforded excellent examples to the crews; and since the discharge of these men I have received communications from the officers of many ships in which they served, stating that the withdrawal of so large a number of steady men has had a perceptible influence upon the discipline of their vessels, for the younger men are now deprived of the examples and of the checks upon their conduct which were insured by the presence of so many experienced and steady seamen. I think provision for a reserve force may be made by the reorganisation of the coastguard and of the Naval Coast Volunteers, and, although I am aware that a naval officer of great ability, who has considered the subject with much attention, doubts whether such a scheme can be efficiently carried out, I am not disposed to abandon it until I am convinced of its impracticability. I must admit that the number of men who have come forward to enrol themselves among the Naval Coast Volunteers has not been very large, and that that force, as at present constituted, has not answered the purpose for which it was established; but I do not despair of being able to reorganise that force in such a manner as to provide a body of men available for our coast defence. It is a point of the highest importance that we should have a large reserve of tried seamen who can be at once placed on board our ships of war, and I certainly shall not relax my endeavours to obtain such a force, and the readiest means of doing so appears to me to be by taking the coastguard under the control of the Admiralty and placing it on a somewhat different footing. Another plan proposed for this purpose has been that of giving seamen small pensions after a short period of service, with an obligation to serve again in Her Majesty's navy when they may be required. Many naval officers doubt, however, whether men of good character and steady conduct will accept the pensions on such conditions, but I certainly think it worth while to give a trial to any plan which may supply us with a reserve of experienced men. A proposal has also been made for establishing a naval militia; and a gallant Friend of mine has recently published a pamphlet upon that subject. I certainly think the suggestion well deserves consideration, but it involves compulsory service, and we must be very careful what we do with reference to such a matter. The land militia is a force which is available exclusively for home service, unless it chooses to volunteer for foreign service, and during the recent war several regiments of militia gallantly volunteered to garrison our colonial possessions. Under ordinary circumstances, however, the services of the militia are confined to the United Kingdom; but if men are obtained for the fleet by ballot, they will, of course, be liable to foreign service. In former wars recourse was had to the impressment of seamen, and although I do not say circumstances might not occur in which, *salus populi* being *suprema lex*, such a measure might not again be necessary, I am convinced it would only be adopted as a last resort. It is not possible for any one to feel a greater interest in this subject than I do, and no time and attention shall be spared on my part to devise a satisfactory scheme, but I have not at the present moment a scheme so matured that I can bring it before the House.

With respect to the next Vote, which is for the purchase of provisions and victualling stores, I took a sum of £1,000,000 on account for this Vote, and no great diminution has been possible in it. The whole Vote will be £300,000 or £400,000 less than the original Estimate, and I have now to ask for £167,338 more than was taken on account. The next Vote in which there is any considerable alteration is that for naval stores, in which there is a reduction of £500,000. At the end of the war with Russia we find ourselves with a larger supply of hemp than we had at the beginning of the war. I shall, therefore, only take a nominal sum of £500 upon this Vote, in order to give hon. Members an opportunity of making any remarks they may deem necessary upon this expenditure. The next is an entirely new Vote for works and improvements in the dockyards. I stated on a former occasion that the alteration and construction of steamships and their machinery required so much greater space in the dockyards that it was impossible to go on within the old limits. The truth is, that we have not a single dockyard where we are not cramped and confined for room, and I may mention to the House that our five largest dockyards are about equal to the one dockyard of our neighbour's at Cherbourg. It is, therefore, absolutely necessary to enlarge them upon a scale better calculated to meet the exigencies caused by the increased size and length of the ships, and the means of preparing the machinery. It is impossible to repair a screw steamer without taking the ship into dock, and it is impossible to repair our large steam fleet without increasing our docks and slip accommodation. A new building for sawing machinery has been necessary at Deptford, and a sum of £40,000 will be taken for the purchase of ground for extending the dockyard at Deptford. The next item is for medical stores, the Vote for which will be about the same as last year. The next Vote, for miscellaneous services, contains a new item of rewards for services against pirates under the Act 13 & 14 *Vict.*, c. 26. It is proposed to vote £1,000 to Her Majesty's ship *Prometheus*, for services against the Riff pirates.

The last item to which I shall call the attention of the House is the Vote for the transport service, in which there is a very considerable reduction. The Committee has already voted more than, under the altered circumstances of the case, will be required, and it will be necessary to rescind the former Vote on the Report and vote the smaller sum. The original Vote was £6,971,000. The House voted £6,000,000 on account, and we think that £4,977,200 will more than cover the sum required. The estimate was framed upon the sum considered necessary for bringing home the army in the Crimea; but in consequence of the Queen's ships being employed in this service the whole amount of that Vote will not be wanted. We cannot calculate the amount to a great nicety, because there will be expenses incurred for short services, such as removing the Turkish Contingent and other troops. It will not be safe to take a less sum, but we think the amount asked for will somewhat exceed the probable expenditure. A noble Lord (Lord A. Vane Tempest) has asked me a question to-night relative to the bringing home the troops from the Crimea. I stated on a former occasion why I had not sent ships of the line sooner. It was not one reason only, but a number of reasons, which led to that conclusion. We began with a steam transport for 32,000 men. We took up all the steam transports that were fit for service, and we directed the Admiral in the Black Sea to do the same. We desired him also to fit up for troops all the cattle and store ships they could employ in that service. A good deal depended upon the information from the Mediterranean as to what they could do there, and also upon the number of horses that would have to be brought home. I did not think, also, that the ships that were at home were in a condition to be sent to the Black Sea for troops. It is not a good thing for the discipline of a man-of-war to employ such vessels in the transport of troops, and so much injury has been done to the discipline in some of the French ships thus employed, that the officers say it will be a couple of years before they can get their crews into good order again. It was desirable that the ships should be sent out in as good a state of discipline as possible. The number of men had been reduced, and the men discharged were those with whom the discipline of the vessels mainly rested. The men belonging to the coastguard had been discharged, and those left were, as I have previously stated, the least experienced part of the crew, who were left without the check derived from the presence of older men. Some little time was, therefore, required to reorganise the ships before they were ready. When this was done we sent out orders by telegraph to fit up in the Black Sea five line-of-battle ships and six large steam-vessels for troops. There were also sailing vessels for 9,000 men, ten screw steam-ships, and two frigates. What we have done is this:—About 10,000 Sardinians and 2,600 horses have been sent home. There have passed the Dardanelles about 33,000 British troops and 3,000 horses—making together 43,000 men and 5,600 horses. By the middle of the month the whole of the Turkish Contingent, amounting to 16,000 or 17,000 men, will have been removed. The number of troops removed by us is not very inferior to the number removed by the French, and it must be remembered that, if we had only to bring our men to Marseilles, our vessels could make two trips where they now make one. A great deal of this information has been received by telegraph, and I cannot be so precise in numbers as I should be if we procured them from ordinary despatches. The Committee will understand that I am speaking in round numbers, and subject to correction. There are now, as we believe, in the Crimea 32,000 or 33,000 men, and there are in the Mediterranean steam transports, including ships of war ordered to bring home men, for 33,000 troops. I entertain little doubt but that the whole of the Crimea will be cleared before the end of the month. Sailing transports are gone out for 9,000 men, and, I hope, will arrive there in June. The whole number remaining to be brought home from the East, calculated up to to-day, is under 40,000 men. There is in the Mediterranean tonnage calculated to bring home more than 42,000. Steam transports for 5,000 more are under orders to return, and I think it wise to send steam transports beyond that, probably for 4,000 more, so as to leave the sailing vessels to bring home stores. I believe the Vote for this service will be ample, but I think we should not have been justified in proposing a less sum. I have now gone through all the alterations, and I shall be very ready to afford explanation when particular Votes are proposed. The Vote I have now to put in your hands, Sir, is for the reduced number of men for the remaining nine months of the year.

Mr. BENTINCK said, that the right hon. Baronet had moved for the reduction of the number of men serving in the navy by about £20,000, but that the absolute reduction would only be about 14,000 men; and he went on further to state that, under the present circumstances, the reduction in the number of men in the navy was not so large as it might have been under other circumstances at the termination of a war. He (Mr. Bentinck) was not going to infringe upon the line which had been prudently taken by the right hon. Baronet, but he would only say that he entirely concurred in the opinion expressed by him, that in all probability England was not upon the eve of another war. But having stated that, he would also say that he had great faith in the old adage, that the best way to preserve peace was to be prepared for war. Without making any further remarks upon that subject, he would only say, he should have heard the statement of the right hon. Baronet with much greater satisfaction if the reduction in the navy had been made even smaller than it had been. He had heard with great pleasure that it was intended to maintain a larger naval force in time of peace than they had lately been in the habit of maintaining. There was no greater mistake, as a matter of precaution or of finance, than the practice of cutting down a large naval force in time of peace to the lowest possible standard. This country never ought to be without sufficient and ample means of naval defence. If the question were fairly stated, he had little doubt that, so far from those reductions in the naval estimates having been a measure of economy, the efforts which were necessary to the complete efficiency of the navy when suddenly required, led to a very much larger outlay than would have been required, if a sufficient sum had been spread over the consecutive years of peace. He hoped, therefore, that in future discussions of these Estimates, they would not have a repetition of the penny-wise and pound-foolish policy which former years had witnessed.

Mr. W. WILLIAMS said, that although he had intimated to the right hon. Baronet the First Lord of the Admiralty, that it would be desirable to furnish the Committee with fresh Estimates, he found that no attention whatever was paid to the expenditure of money for the particular purposes for which it was voted. For instance, a Vote was taken for the sailors of the navy, which might, perhaps, be expended in building the Queen's yacht, or for any other purpose under the head of Naval Estimates. He had no doubt the right hon. Baronet would receive great encouragement from the Committee, similar to that which had been given by the hon. Member for West Norfolk. He (Mr. Williams) was certainly desirous that the navy should be kept in an efficient state; but he did not take the same view as the hon. Member (Mr. Bentinck). The Estimate had been prepared for the third year of the war; and, out of the sixteen items in it, he found that there was no reduction whatever in ten of them. The number of men for a time of peace was very large, although he must admit he should like to see the atmosphere a little more clear before he advised a reduction in our naval force. But with respect to the dockyards, there had been an absolute increase of £40,000; and altogether a sum of £10,000,000 had been expended upon the dockyards from the termination of the late French war to the commencement of the war with Russia. The country, certainly, had not had, during the war, the results which they, from the use of the best materials, and a very large expenditure, had a right to expect. With regard to the organisation of the Royal Naval Coast Volunteers, for whom a Vote of £20,000 had been taken, he fully believed that the attempt to organise them had been entirely unsuccessful, and the money thrown away. The Vote ought to be struck from the Estimate altogether. He should be glad to know the amount of money expended on the transport service since the commencement of the war.

ADMIRAL WALCOTT: I fully recognise the prudence of a measure which maintains the navy in a state of efficiency and strength: vigour in the conduct of an actual war hastens its speedy and honourable termination, and the attitude of conscious power will free from apprehension of hostilities and deter the opponent from provoking war. A timid policy enervates the spirit of a nation and encourages aggression and pretensions, which, if weakly admitted or entertained, threaten its security and endanger both its fame and name. With these convictions I rejoice to see that adequate provision is to be made to maintain the navy in a perfectly efficient state, for what would be the heart of oak unless the old race of British tars were our men; but it is no less essential to that fleet to animate it with assurance of regard at home, and that can only be understood by the simple honest seamen's heart, when they find that neither private interest nor political favour shall prevail over individual merit in the race for honour and promotion; let the officer of every rank and the common seaman be convinced that service will alone command patronage, and the country will not lose its reward in the gratitude it will awaken in their breasts, and the renewed efforts they will make to prove themselves worthy of that generous care. Nor will the Board of Admiralty, I trust, fail to recognise the importance of that system (introduced by a Board which deserves every commendation for their act) on board Her Majesty's ship *Illustrious*, where lads from the age of fourteen to eighteen years are in training for the naval service in every branch of a seaman's duty, with an education eminently adapted to the requirements of their calling. On a personal visit to that ship I found admirable order, great attention to study and practical knowledge, which were only equalled by one of the happiest circumstances, a cheerful and contented crew. Let the Admiralty carry out their reforms and encourage the deserving, under no other influence, and heedful of no other claim but that of personal merit, and a similar spirit will cheer every individual in my profession, raise many a drooping head for the thousand wrongs of the past, a tardy and sincere atonement; and if my humble efforts may hasten the day, I shall not have lived in vain. I must say, I very much deprecate the constant changes which are made in the uniform of officers in the Navy and Royal Marines by the Admiralty; the results of trying their prentice hands on amateur tailoring have not been very satisfactory; it is, however, quite congenial with that strange humour which lately converted the gallant corps I have just named into Light Infantry; though, when they may have to skirmish, passes my powers of conjecture: these alterations of dress bear very heavily upon the purses of those on whom they are imposed. Another topic of animadversion lies in the system of clothing the seamen of the Navy; the number of continual-service men, I believe, to exceed 20,000 men. It becomes, then, of importance to consider their appearance and dress: this could be accomplished by two measures, one by giving the continuous-service men a distinguishing, though simple and serviceable dress which would inspire self-respect, the other by the addition of a clause in the Mutiny Act, rendering persons who purchase seamen's clothing liable to a severe penalty, as is the practice in the case of soldiers improperly disposing of their necessaries. As it is, the seaman in many instances is no sooner clothed than, if permitted to go ashore, he is exposed to the temptation of making away with his clothes and receiving as a substitute a dress of inferior material, which, within a week, leaves him in rags. These men form the national defence of the country, the irregularities of which I complain work injuriously to their comfort and is detrimental to the service. Men are brought on board and mulcted in consequence with straggling money, while they have to renew their clothes—then, having no pay to receive, they become hardened and discontented and lose their attachment to the service. I grant that this is the result of irregular conduct, but the worthless tempters of the seamen encourage them to break their leave and so profit by the offence. The seaman would thus have a pride in his clothing, be protected from imposition, and encouraged to love heartily the profession that regards his best interests and provides for his security and welfare. I will but further say, that I cheerfully concur in the present Vote, for I, in my conscience, believe no Board of Admiralty comes down to this House to ask for instalments for the enlargement of our dockyards, actuated otherwise than by the disposition to promote the best interests and to secure the perfect efficiency of the naval service.

COLONEL BUCK said, he wished to call attention to the sum asked for the corps of the Royal Coast Naval Volunteers. The proposition of forming men employed in the coasting service had been made some time ago with the service, of which the necessary period was limited to a single year. Sums of money had been asked for on that account, and officers had been appointed, but the country had up to the present time derived no benefit. He himself had asked for a return of these Royal Coast Naval Volunteers; he had asked for the number of times they had exercised, and for the number of the volunteers. The Returns stated that the number of men enrolled on the first of March was 4,819. But it appeared that there were none embodied, and in 1855 they had not once been exercised. Yet during the course of that year £50,000 had been voted for embodying the force and making it efficient. Now, how could they make the seamen efficient if they did not bring them together? Again, what were they doing with the officers? At present they were doing nothing. The men were not embodied, and the officers did nothing. Yet they were paying six captains of troops and six paymasters of troops. The salaries amounted to £1,496, and there was a multitude of extraneous expenses, while the value of the whole corps was not worth £60, the charge for the stationery. It might be supposed that some of these men would volunteer into the Royal Navy. That certainly was not the case. Out of the whole only 256 men had enlisted into the navy. He therefore could not see the least use in the corps, or in the £50,000 which had been expended. [Sir C. WOOD: The money has not been expended.] Why, then, were they called upon to vote £20,000 or £30,000 more for this force, which was of no use whatever? He hoped they would have some assurance that the money would not be thrown away, if the plan was not to be carried out. As far as experience had gone, it was a complete failure, and the Vote ought to be withdrawn.

MR. LINDSAY said, he fully concurred in much of what had fallen from the hon. and gallant Member who had just sat down, and he hoped that some explanation would be given to the Committee on the subject. He had serious objections to the system of bonuses. The system had proved a failure, and it was evident that if you could not encourage men in other ways to enter the Royal Navy, you could not do it by means of bonuses. Those bonuses were used for purposes very different from what the seamen required. He hoped that the right hon. Gentleman (Sir C. Wood) would afford them some explanation as to his views for raising the requisite number of seamen. As to those who had been already raised, the question in regard to them was, what would have happened if the Baltic fleet had actually encountered the enemy. The seamen were now wanted in the merchant service, and if they were to be kept in the Royal Navy merely as a boon to themselves, it would be much better if they were let loose. He also wished to call attention to the mode of settling with the seamen, and the delays which had taken place. It had been said that the Accountant General's Department was the most overworked of any; but he thought that if the simple system of accounts practised in the merchant service was followed, the settlements might be very easily effected. The hon. Member for Lambeth (Mr. W. Williams) had taken objection to the largeness of the Votes for the dockyards; but he (Mr. Lindsay) did not object to the largeness of Votes, but to the way in which the money was expended, and he thought that any reduction of the Dockyard Vote would be a very false economy. On the whole, he was very well pleased with the Estimates, and the statement with which they had been introduced.

CAPTAIN SCOBELL said, that the importance of manning the navy was the first consideration which ought to weigh with the Committee when it was considering the Estimates, and he must say that it was with great pleasure that he had observed the interest which the right hon. Baronet the First Lord of the Admiralty took in this question. He (Captain Scobell) thought that every man, after five years' service, ought to receive an increase of pay to induce him remain in the service. It was quite clear that, notwithstanding the auxiliary power of steam, it was most essential that ships should be manned with crews capable of furling and handling sails in a gale of wind, and therefore no means ought to be neglected for obtaining efficient men. It was said that the navy ought not to be kept at too low a standard. Now, he thought that it was very difficult to define what was a high or what a low standard, and although he thought it most desirable that the navy should be kept in such a state as to be always ready for an emergency, still he should not like to see England maintaining a threatening navy. They must recollect that if they kept up a very large navy other nations would do the same thing. He certainly wished to see an efficient force maintained, but he did not wish to see a war fleet kept up in time of peace. We commenced the last war with only large ships, and it was only after two years' experience that we discovered the gun-boat tribe. If, some time ago, we had had that magnificent fleet of gunboats which had recently been reviewed at Spithead, something would have been done in the Baltic which would have been remembered for centuries. He now wished to say a few words with regard to the transport service. Tremendous expense had been incurred by hiring steam vessels for that service. A steam vessel of 200 tons, for instance, cost the country £48,000 a year. The war had been carried on most efficiently, but the expenditure with regard to the transport service, he must say, had been most extravagant. He had, on more occasions than one, suggested the employment of men of war to bring home the army, and if that suggestion had been acted upon two months ago, a vast amount of money would have been saved. There had been some observations made with respect to giving a bonus to seamen. Those who were connected with the mercantile service of course did not like the plan of giving a bonus, because it attracted the best men to the navy. He called it a bounty, and he could see no reason why they should give it to the soldier and refuse it to the seaman. His opinion was, that if at the commencement of the war they had offered a reasonable bounty to seamen, hundreds of pounds would have been saved to the country. Allusion had also been made to the Naval Coast Volunteers. That force was established when there was a talk of an invasion on some dark night; but it had proved a decided failure, and the sooner it was got rid of the better. He now wished to say a few words relative to the half-pay of naval officers—a matter with respect to which he had given notice, and which he had hoped to have brought on that night. He wished it to go forth that it was solely owing to the forms of the House that he was prevented from bringing forward that Motion, and he begged to say that he would bring it forward on the first opportunity that those forms would permit. If, however, the Admiralty would give him an assurance that they would consider the matter, he would leave the case in their hands.

SIR GEORGE TYLER said, he thought it must be satisfactory to the First Lord of the Admiralty to find the Committee so unanimous in the expression of a favourable opinion as to his statement; but, though there might be discussion as to the expenditure for ships or other materials connected with the navy, still the great question was how to acquire the seamen in a case of emergency. During the period of the Duke of Northumberland's administration of the Admiralty, a Commission was appointed to consider the best means of manning the navy, but in their Report that point seemed to have escaped notice, though they made many useful suggestions, particularly with regard to continuous service and the employment of ships for the purpose of educating and training boys for the naval service. One of these ships, the *Illustrious*, was a most useful establishment, and the extension of the system was a matter of the utmost importance. In order that they might have a neucleus for manning the navy in an emergency, he thought that the plan of a naval militia, to which the right hon. Baronet (Sir C. Wood) had alluded, ought to be considered. He did not see why the voluntary system should not be extended, by having a militia stationed on the coast, the men of which should be exempted from service in the ordinary militia. He trusted that the right hon. Baronet would turn his attention to the subject. The Committee were well aware that the hon. and gallant Admiral opposite (Sir C. Napier), who had commanded the Baltic fleet, had stated in that House his opinion that it was not properly manned. The next war might be unlike the last, when we were occupied at a distance without any chance of being disturbed at home. He would therefore suggest that the Commission should be reappointed to consider these matters. He entirely concurred in the remarks which had been made with respect to the inefficiency of the Naval Coast Volunteers. To look to that force as a nursery for our seamen was altogether out of the question. The plan of continuous service was most excellent, and he hoped that it would be persevered in. He did not wish to prolong the discussion, but he trusted that the suggestions which he had thrown out respecting the reappointment of the Commission, and the establishment of a coast militia, would be considered by the First Lord of the Admiralty with a view to provide for the efficient manning of the navy.

Mr. J. G. PHILLIMORE said, he must congratulate the right hon. Baronet the First Lord of the Admiralty on the manner in which his statement had been received. The hon. and gallant officer who spoke last seemed to think that the best scheme would be to adopt a naval militia; but a naval militia was a contradiction in terms. It was the characteristic of a militia that it could not be ordered out of the country; and such a restriction was incompatible with the functions of a naval force. He was surprised at the hon. and gallant Member for Bath (Captain Scobell) talking about having an understanding with the other naval Powers about the naval force to be maintained by each. The sea was not to France what it was to England, for a navy was essential to the very existence of this country. As Bacon, with the prophetic genius which belonged to him, said, the sea was the dowry of England. Before sitting down he could not help expressing his regret—although it would be out of order for him to go into the question then—that the rights which had for ages past been the foundation of our maritime power—the right of search—should have been surrendered by our Plenipotentiaries at the Conferences of Paris.

Sir CHARLES NAPIER said, he was glad to hear that a respectable navy was for the future to be kept up in time of peace. The last war had taught us a lesson which he hoped would last us for some time to come. There had always been a great talk about settling some plan for the more efficient manning of the navy, but no plan had ever yet been produced. The Bill brought in by the right hon. Gentleman the Member for Caslisle (Sir J. Graham), in 1830, was the best thing that had been done in the matter, but the great defect of that measure was, that it obliged the Government, if at any time it should be necessary, to issue a proclamation offering a bounty to volunteers, and to pay the bounty likewise to all the seamen already enrolled and actually serving. Now such a provision as that was not only unnecessary, but in a time of emergency, as during the late war, it retarded the Admiralty, and therefore he would strongly advise that that part of the measure should be amended or repealed. When the navy was reduced to what was to be the peace strength, there oughr not to be less than ten ships of the line fully and efficiently manned constantly at sea, not to be allowed to lie idle in port or employed in blockading the rock of Lisbon, but to be kept sailing from one foreign station to another, so that the men and officers might learn their duty and be ready for any emergency which might occur. On each of these ships he would only embark half the complement of marines, leaving the other half on shore to garrison the seaports, and supplying their places by an equal number of ablebodied seamen, so that, if it should ever be necessary to commission additional ships, there would be a considerable reserve ready to turn over to them at any moment; and thus, with the aid of a certain proportion of landsmen, our navy might be doubled at a very short warning. It would be very much wiser if, instead of paying off the men at the end of three years, as was now the custom, they were retained for the full five years of their enrolment. He would have the steam gunboats sent to the different ports round the coast, and these should be manned by the coastguard, which body of men he would take from the Customs and put under the Admiralty. Not that they should be required to live on board, but that should be their post, where they were to be looked for when wanted. If the Naval Coast Volunteers were placed on a proper footing they might be made of great use in manning the navy. For instance, they might be made to form part of the ships' companies of the vessels stationed at the different ports. From conversations which he had had with the fishermen at various parts of the coast, he believed they would be very willing, for a small sum, to be formed into some body like the Sea Fencibles of former times, and, united with the coastguard, they might be made very serviceable. The suggestion of the hon. and gallant Member for Glamorganshire (Sir G. Tyler) to appoint a Commission was a very good one, and he hoped the Government would act upon it.

Sir JAMES GRAHAM: I trust, Sir, that the Committee will afford me its attention for a brief space while I make a few observations upon a subject in which I may naturally be supposed to feel a deep interest; and, first, let me express the great gratification which I experience at not finding myself in angry controversy with the hon. and gallant Officer below me (Sir C. Napier), but sincerely agreeing with him in many of the leading topics of the speech which he has just addressed to the Committee. In common with him I have heard with great satisfaction the speech of my right hon. Friend the First Lord of the Admiralty. At the same time I quite agree in the opinion, that, even if peace were happily and permanently established, it would be by no means expedient to reduce the naval force of the country to the extent to which it had been reduced previous to the commencement of the late war. I also have long since arrived at the conclusion, that with a view to being at all times ready, without impressment, to man speedily a large fleet, it is absolutely necessary to keep up a considerable force of marines. I, consequently, do not think that 16,000 marines for a peace establishment is at all too large a number. I consider that in time of peace it is most desirable that Woolwich, Chatham, Portsmouth, and Plymouth, should be mainly garrisoned by marines. Barracks at each of those places, capable of containing 2,000 men, ought to be at once provided; so that you should always have ready to embark on an emergency, at least 8,000 marines. That, Sir, would be a nucleus around which a fleet could speedily be formed. The marine, as he is now trained, is one of the most valuable of all armed forces. He is a perfectly well-trained light infantry soldier; he is also accustomed to several most important naval operations; he is an accomplished gunner; he can splice, knot, rig, and perform almost all the duties of a sailor except going aloft; he is, therefore, in a great many respects, both a soldier and a sailor; he realises to the fullest extent the motto of his corps, "*per mare, per terras*," and on both elements his services are invaluable. Although the system of impressment, even in the emergency of war, is, to use the mildest term, in abeyance, I agree with my right hon. Friend the First Lord of the Admiralty that the right must be maintained, and when the necessity becomes overwhelming that it can and will be exercised. Still, in the ordinary circumstances of war, we must regard the power of impressment as in abeyance. If I am right in that conclusion, I cannot be wrong in urging that preparations should be made in time of peace to meet the emergencies of war without having recourse to impressment. Now that, Sir, can only be accomplished, I apprehend, by establishing a permanent and effective naval reserve. The first mode of attaining that object is, by keeping up at all times a larger fleet properly equipped than the country has been accustomed to maintain in time of peace. In addition to that, it is absolutely necessary to obtain a permanent reserve by the mixed use of two or three measures to which reference has been made this evening in separate detail, but not in combination. I shall commence my observations with the question of pensions. I hold, with almost all naval authorities, that it is necessary to enter and maintain in time of peace a large number of boys, who, trained in the navy, become accustomed to its discipline, and who, so far from disliking it, remain in the Queen's service in most cases in preference to the merchant service. Those boys acquire a knowledge of the profession with their growth, and going out to a foreign station boys, they return top men. Well, if you persevere in time of peace in keeping up a large proportion of boys, you will be enabled to allow at an early period your A. B. seamen to retire upon small pensions. As the law now stands seamen may retire, after ten years' service, upon a low rate of pension. I certainly think it desirable in time of peace that you should allow them so to retire. See what the consequence will be. Take care every time that a man comes to receive his pensions to see him yourself; make him appear every half year, or even every quarter, if deemed necessary; keep your eye upon him, and know his whereabouts, so that, in case of an emergency, you can at once put your hand upon him. That will give you a reserve of the most effectual kind. Those men will form the very flower of your navy; they will not be above twenty-eight or thirty years of age; they will have spent ten years in the service, and they will be expert and able seamen. Here, then, to a certain extent, is an effectual reserve. Then, again, there is the force of Naval Coast Volunteers. Almost immediately after that corps was formed the Russian war broke out, and our whole naval force was then required for other purposes than the defence of our own shores; but I think, when peace is restored, that attention may well be given to the training and nurturing of that body. I believe that the whole force in Scotland which was provided in pursuance of the Act of Parliament was only 1,500 men. Unhappily, Scotland has volunteered in a less degree to the naval service than any other part of the United Kingdom; but it would be satisfactory to have in that country a force of even 1,500 men, trained as a militia, willing to submit themselves to martial law, and exercising on board ship for one month every year. As we shall now have spare line-of-battle ships, I believe that it would be most wise to execute the purpose which I originally had in view. Embody that force for a month at a time; send them out on short voyages; train and instruct them kindly in naval discipline, and I believe that they would soon become reconciled to the naval service, and would constitute an admirable and constant source of supply to the navy. What is available in Scotland is available also throughout England and Ireland. I agree with my right hon. Friend at the head of the Admiralty that we have attained a great deal by having prepared a large force of small craft impelled by steam. The war being over, I should desire to see the whole of those ships retained in harbour ready for service; or, better still, that they should be used as substitutes for the sailing vessels now engaged in the revenue service; that they should be employed in providing the whole of the coasts of Great Britain and Ireland with a defensive and revenue force at the same time; and that they should be manned by the coastguard. Now, Sir, this brings me to a subject which I wish particularly to urge upon the Government, because, to make it effectual, legislation will be indispensable. I am strongly of opinion that this is the moment in which we ought to effect a great change with respect to the coastguard. I believe that the coastguard should immediately be taken from the control of the Revenue Board and placed under the direction of the Admiralty; that not a landsman should be admitted into the force; that it should consist of prime seamen only; that entrance to it should be a reward for meritorious conduct; that it should be officered by the Admiralty; and that it should be placed under martial law. When you shall have done that — when you shall have combined with the coastguard your Naval Coast Volunteers, having the same officers commanding both, the former force being constantly afloat, and the latter embodied and under training for a month at a time —when, in addition to that, you have the pensioners passing quickly out of the service after ten years' service, ready to be re-enlisted, and their places supplied with large numbers of boys, I believe that you have a combination of measures which will provide you with a real and efficient naval reserve. I do not desire to conceal from the Committee that increased expense might be incurred in taking the coastguard from the Revenue Department and placing it in the hands of the Admiralty; but the entire cost, whatever it might be, would come annually under the view of Parliament in the Navy Estimates. The accounts for the last five years, or for any similar period, will show you exactly what the expense of the coastguard, as defrayed by the Revenue Department, has been, and I think the average charge of those years should be transferred from the Civil Service to the Naval Estimates. In that way the precise amount of the increase—if, indeed, there should be any increase, about which I venture to entertain some doubts — would be known to Parliament, the whole expense would be under our control; and that which is now a sort of hybrid service, neither naval nor revenue, would be rendered really efficient as a great arm of defence attached to the British navy. I should say that very short and simple legislation is required, and it would be impossible to conceive a moment more favourable than the present for carrying out the change I have suggested. We have a House of Commons resolved to uphold the naval strength of the country; the measure I propose is no extensive change, and there is nothing violent in the course of bringing the coastguard manned by sailors under martial law. It will not injure either the expectations or the feelings of the men, but will ensure their efficiency, and I am satisfied that if you wish to put the navy in a thoroughly effective state, and to do so with the greatest certainty, you will adopt what I have proposed. The hon. and gallant Member for Glamorganshire (Sir G. Tyler) has suggested that we should have a Commission on this subject. Why, Sir, we have had a Commission, and, without flattery, I may say that your best Commission is the Board of Admiralty. I do not believe you could find in the service more able officers than those who sit at that Board at the present moment. They understand the subject thoroughly. I know the opinions of the hon. and gallant Member for Gloucester (Sir M. Berkeley), to whom the country is under great obligations for manning the fleet promptly without impressment, and, if I am not much mistaken, they coincide with my own. And there is, fortunately, at the head of the Admiralty, my right hon. Friend (Sir C. Wood), who has great official experience in naval affairs. He has served for many years at the Board—first, as Secretary, and now as First Lord. Having been also charged with the finances of the country, as Chancellor of the Exchequer, he knows the revenue part of the question, and he is the person who can most satisfactorily, in concert with the right hon. Baronet the Chancellor of the Exchequer, effect the great object which I have in view. The difficulty of the measure does not appear to me at all commensurate with the magnitude of the benefit which I anticipate as certain to be derived from it. I know nothing like striking when the iron is hot, and there is at present a strong sense, both in Parliament and the country, of the absolute necessity of establishing, and without loss of time, that naval reserve, the want of which we felt so seriously at the commencement of the late war. Let us at once then, remedy a defect which has been proved by experience. My humble services either in or out of this House in framing such a measure would be gladly rendered. I should regard it as a duty that I owed to the public to give every assistance in my power to any such scheme, which I am satisfied would do honour to the Administration of my noble Friend at the head of the Government; and if I mistake not, be at once satisfactory to Parliament and highly beneficial to the country at large. With regard to the system of bounties, I do not wish to discuss that question adversely; but I agree with the hon. Member for Tynemouth (Mr. Lindsay) that it only involves us, after all, in a competition between the Queen's service and the merchant service. The market naturally is limited. If you bid high the merchant service will outbid you, and really, as a substitute for a permanent reserve, reliance on bounty in time of war will always be found, as it has been, inadequate and disappointing. The hon. and gallant Member for Southwark (Sir C. Napier) has done me the honour to refer to a measure which I introduced at the close of my naval administration in 1834, with the view of diminishing the necessity of impressment by giving to the Queen the power of issuing a proclamation to the effect that a bounty should be given to all seamen who should present themselves within a week, but that those who failed to do so would be liable to compulsory service. He stated, however, that there was an imperfection in that Act; and I readily admit it. It afforded too great a premium by extending the bounty, not only to those who should come in as volunteers, but also to all the seamen then in the fleet, and on more than one occasion the executive Government were deterred from using this measure on account of the very great expense that would have been incurred. But I think the hon. and gallant Admiral was not aware that it was my good fortune, induced by his demonstration at a very appropriate time—two years ago—to correct the error of 1834, and that the imperfection to which he referred is now removed. We may now try the bounty at the first outbreak of a war, without the risk of incurring too much expense; and here again is a measure which in the last extremity would altogether, in my opinion, remove the hardships of impressment, because an ample period would be given to volunteers to present themselves before the enforcement of compulsory service. Before I sit down, I must again express the hope that, notwithstanding the advanced period of the Session, it may be thought possible to introduce and pass a measure for transferring the coastguard from the Revenue Department to the Admiralty. My right hon. Friend at the head of the Admiralty has no need of a Commission. He has the valuable assistance of the hon. and gallant Member for Gloucester and of the Surveyor of the Navy, and his own good sense and experience will enable him to complete the measure more speedily than any new Commission appointed to inquire. That the change would be a good one there can be little doubt, and if carried out in a proper spirit it would, as I have already said, do honour to the Government, give satisfaction to Parliament, and prove extremely beneficial to the country.

SIR MAURICE BERKELEY said, he fully concurred in all that had been said with regard to the necessity there was for keeping up a large naval force, and the still stronger necessity that existed for forming an efficient naval reserve. With respect to the observations of his hon. and gallant Friend (Sir G. Tyler), and of the hon. and gallant Admiral (Sir C. Napier) as to whether the Baltic fleet were properly manned, and whether or not the Admiralty were right or wrong in building those line-of-battle-ships, which had been so much criticised, he would only say that the Board had taken every possible pains to man those ships in the best manner they could. The matter had often been discussed in that House, and on the present occasion he would let bygones be bygones, and not further refer to the subject. He must, however, say that he congratulated himself greatly on the speech of the right hon. Baronet (Sir J. Graham). Almost the first speech he (Sir M. Berkeley) had ever delivered in that House was to recommend the incorporation of the coastguard with the Royal Navy, and to make the coastguard the nucleus of a naval reserve. So long ago as the naval administration of Lord Minto he had written a pamphlet which contained almost verbatim the same plan as that now proposed by the right hon. Baronet; and Lord Auckland was pleased to order that that pamphlet should be published for the benefit of the officers of the navy. Many objections had been made to the scheme; but from that day to this it had been his hobby. He was ready to admit that, as at present constituted, the Naval Coast Volunteers had proved a failure; but if the force were to be combined with the coastguard he should have some hope of it. The late war had shown our weakness with regard to manning the navy; and he declared honestly that we could not have manned more ships than we did when the war broke out. We had got to the length of our tether, and what we should have done if we had had a maritime war he really did not know. He trusted, however, that the Committee would leave the subject in the hands of the Board. They were the proper, because the responsible, persons; and they would not shrink from any labour or pains to bring about what was so much to be desired—the improvement of the present mode of manning the navy.

SIR FRANCIS BARING said, he was afraid that the unanimity which now existed in the Committee could not always be relied upon. It was certainly his opinion that an efficient naval force ought to be kept up, but he considered that it ought not to go beyond that which was really efficient for service in time of peace. He concurred in the opinion that Europe had a right to expect that this country would not keep up what might be termed an aggressive force. Another reason for not fixing the expenditure at too high a sum was, that, though all agreed to-day, hon. Members should bear in mind that the war fit did not last for ever. If the expenditure was fixed beyond what the country required the time would come when the pressure would compel them to reduce the Estimates perhaps even below what was proper. Lord Auckland had kept the naval force considerably above what the House of Commons thought right, and as he succeeded Lord Auckland, he spoke from experience when he said that they were compelled to reduce very considerably its efficiency. Nothing was more unfortunate as regarded the navy itself than these ups and downs as to the number of men. With respect to the manning of the navy, he admitted that the first and most important point was, that the naval reserve should be afloat. Another point of great importance was, that gunnery ships should be kept in a state of efficiency at the chief ports. With respect to the coastguard he might be somewhat prejudiced, because he had entered the Admiralty with doubts as to the expediency of transferring the control of that branch of the service to the Admiralty, though he must admit that he had changed his opinion on that point while at the Admiralty. He looked on the coastguard as a most valuable body of men, and he should be ready to give his support to any measure for making the alteration proposed. At the same time he hoped the Admiralty would not lose sight of the suggestion of the hon. and gallant Member opposite for a naval reserve. When First Lord of the Admiralty he had obtained from the House a Vote to try the experiment of a reserve on a small scale, but his successors in office doubted the feasibility of the plan, and appointed a Commission of officers, who had reported, without giving reasons, that the plan was impracticable. With respect to the Naval Coast Volunteer force, he might observe that they ought not to despair of its future efficiency, because it had not as yet come up to the expectations which they had formed in its regard. The question of our naval reserves generally was one of the utmost importance, and one from dealing with which he hoped the Board of Admiralty would not shrink.

MR. BENTINCK said, he wished to say a word with reference to the transport service. He believed that if they had a Return showing the number of transports employed, the number of men conveyed, and the cost of their transportation during the late war, it would be easy to show that if, during the forty years of peace which we had enjoyed, a certain sum had been expended in the construction of troop ships, we should have had in time of emergency a large fleet for the conveyance of troops, and that at a much smaller cost than by hiring ships in time of war. He wished also to make a single remark on the question of the right of search. There was hardly any one who had studied that subject, uninfluenced by diplomatic considerations, who was not prepared to avow that if on the outbreak of another war this country was prepared to maintain the integrity of the declaration adopted at the Paris Conference, from that moment this country would sink from the position of the first maritime Power to that of a third-rate Power; that from that time forth all aggressive power on the part of this country would cease to exist; and that the only service to which our navy could be devoted would be the defence of our shores from foreign invasion, so long as the gallantry of the people could maintain their position in this island. He considered that when they were discussing what was to be the amount of naval power in this country they were justified in looking to the circumstances in which they would be placed by the maintenance of the declaration adopted at the Conference at Paris. The present might not be the time to go into details on that question; but he would regret if in every discussion that took place on naval affairs the subject were not mooted.

Sir GEORGE PECHELL said, that, during a long Parliamentary experience he had never heard a more satisfactory discussion. He wished to add his testimony to that of the naval officers who had preceded him, as to the high efficiency of the navy. He was old enough to recollect the miseries occasioned by the method of paying off the ships in the last war, when sailors were left to starve in the streets. Nothing of the kind could now take place. He highly approved of the suggestions that had been made for rendering the coastguard an efficient naval reserve. As it at present existed it unfortunately was of little use. It was discovered, when they were called on in the late war, that many of them were not even seamen. In 1853, a Committee had recommended that larger squadrons should be employed on the coast of Africa and at Cuba for the prevention of the slave trade. He regretted to find that the strength of those squadrons had been reduced, but he trusted that now they would immediately be reinforced, and that vessels of a smaller draught of water would be sent.

Sir CHARLES WOOD said, he felt much gratification in the general concurrence which had been expressed by the Committee at the proposal of the Government. He thought that the gunnery vessels would form excellent training schools. One had been recently established at Devonport, which he hoped would soon become as efficient as the *Excellent* at Portsmouth. Reference had been made to the necessity of dividing the marines amongst different ports. That House had already voted no less than £166,000 for providing marine barracks in places where they had not hitherto existed. It was said that a large amount was spent on the dockyards. He only regretted that that expenditure had not been made fifteen or twenty years ago, when the land might have been obtained much cheaper. As to a naval reserve, he should have been glad had he been able to state any organised plan. This he could not do; but he would say that, to be efficient, the plan must combine various measures and various forces —the coastguard, as well as others—that the gunboats must be substituted for the revenue cruisers, and that the whole must be placed under martial law. Of course the Committee must be prepared for an additional expense; but that would not be greater than what the Committee would probably think essential. He saw no advantage in reappointing the Commission, as had been hinted at by the hon. and gallant Member for Glamorganshire (Sir G. Tyler).

Vote *agreed to.*

The following Votes were then *agreed to* without discussion—

(4.) £601,922, Wages to Seamen and Marines.

(5.) £167,338, Victuals for Ditto.

(6.) £500, Naval Stores.

(7.) £40,000 (Dockyard at Deptford.)

Mr. MAGUIRE said, he regretted to say, that amidst all the unanimity which prevailed with respect to the statement of the First Lord of the Admiralty, he was compelled to be a dissentient to a certain extent; for while the right hon. Gentleman stated that the Government "required an enormous increase of space for their works," and that "there was no dockyard in which they were not confined and cramped for room," no notice whatever was taken of the capabilities and resources of

Cork Harbour, one of the finest, as well as the most important, in the United Kingdom. The First Lord of the Admiralty complained of the want of adequate accommodation in England, but he overlooked altogether that which Ireland had so long offered in vain. On a former occasion, when bringing this subject before the House, he was taunted with having taken rather a narrow view of the question, and having put it on grounds not likely to weigh with the judgment of the Government or of Parliament; but he should take care, on that occasion, not to fall into a similar error. Perhaps he was unduly surprised that while a sum of more than £3,500,000 was demanded for outlay expended and works done in the naval ports of England, and while work to the amount of more than £700,000 was executed by contract in private yards, no larger sum than £4,500 was demanded for all Ireland. Perhaps, in asking for a fair share of the public expenditure for an important portion of a common empire, he had erred; and, if so, he would now, by a ready declaration of extreme penitence, make due atonement for his grave fault. He would now deal with the question of Cork Harbour exclusively as an Imperial question, and as one intimately connected with the safety and security of the empire; and he was fortunately enabled to do so with a weight of authority on the present occasion which he could not command before. Having placed on the paper notice of a Motion which he did intend to move, but could not now, as the rules of the House would not admit of it, and having shortly after returned to Ireland, he (Mr. Maguire) made it his business to call on the distinguished Admiral who then held the command on the Irish station at Queenstown, and acquaint him that he was about bringing the subject before the House of Commons on an early day. He naturally desired to have the opinion of an officer so distinguished in his profession, and of such long experience, as Sir George Sartorius; and that gallant Admiral placed at his disposal, with full liberty for its use, a document in which that able and experienced officer deliberately expressed his opinion that the gravest imperial interests were involved in the continued neglect or immediate adoption of Cork Harbour as a place for the construction of dockyards, a steam factory—in fact, as a regular naval arsenal. He need not tell the Government who Sir George Sartorius was; but he might remind the Committee of the fact, that not only did he hold high rank in Her Majesty's service, but that he enjoyed high rank and title in the service of the Crown of Portugal, for eminent services done to that country, and that the Sovereign of this kingdom has formally granted him permission to accept and wear the insignia of orders conferred on him by the Queen of Portugal. So that the opinion, the deliberate opinion, of such a man was entitled to every consideration, especially on a question connected with the profession to which he belonged. But, before quoting the opinion of Sir George Sartorius, which ought to be quite as interesting to Scotch as to Irish Members—for Scotland was included in his plan—he would show that former Governments had promised to commence works in Cork Harbour, being fully persuaded of the importance, in a national point of view, of such a step. A public meeting was held about four months since, at Queenstown, presided over by Lord Fermoy, once a Member of that House; and at that meeting Lord Fermoy stated that a deputation, of which he was a member, had an interview with Lord Auckland in the year 1848; and so impressed was his Lordship —then First Lord of the Admiralty—with the statements and views of the deputation, that he sent for Captain James, one of the engineers of the Admiralty, in whom the Government and the Admiralty placed the highest confidence, and desired him to repair to Queenstown for the purpose of inspecting and reporting on the facilities for the establishment of docks and a steam factory, and other matters. Captain James did go over to Ireland, did inspect the harbour of Cork, and did report as to its capabilities. There was, in fact, a promise given by the Government of that day.

MR. CHAIRMAN: I must call the hon. Member for Dungarvan to order for discussing a subject foreign to the Vote before the Committee. It is competent for the hon. Gentleman, if he objects to the Vote, to move that it be reduced or wholly negatived.

MR. MAGUIRE: With all possible respect for the right hon. Gentleman, he would venture to think that he had not assumed a wider latitude than that which has been taken by other hon. Members who have spoken on a previous Vote, and which had been sanctioned, he would say most wisely sanctioned, by the right hon. Chairman. For instance, one hon. Member discussed the Slave Trade, another made most valuable suggestions with reference to the coastguard, neither of which questions was properly connected with the Vote under discussion. However, in order to make his remarks perfectly regular, and obviate the little technical difficulty in his way, he would, at the close of what he had to say, move that the Chairman report progress, in order to enable the Government to amend the Estimate, so as to embrace the object he had in view. He was about to observe that the deputation also waited upon the noble Lord the Member for London (Lord John Russell), the then head of the Government, and that that noble Lord said "They were determined to do a great deal for the harbour of Cork." To do Lord Auckland justice, an Estimate was introduced by him for a small steam factory at Haulbowline, but the right hon. Gentleman the Member for Portsmouth (Sir F. Baring), a few moments since explained how the Estimates of that period, which were committed to his hands, were cut down in consequence of the demand for retrenchment which then prevailed. At any rate, the report and the plans of Captain James have been, up to the present hour, as profitless to the public interest as the promises of Lord Auckland and his colleagues have been to Cork Harbour. Certainly, on the last occasion that he had the honour of calling the attention of the First Lord of the Admiralty to the capabilities and resources of that neglected harbour, he was kind enough to express his admiration of its natural beauties, at which he (Mr. Maguire) felt duly flattered; but he must confess that, however gratifying it was to listen to the admiration expressed by a right hon. Gentleman, of undoubted taste, as to the natural beauty of a place in which he (Mr. Maguire) felt a personal interest, he should have much preferred that the right hon. Gentleman had appreciated its capabilities with the favourable judgment of a First Lord of the Admiralty than admired its picturesqueness with the eye of a tourist. He would now take the liberty of quoting the description of that harbour as given by Sir George Sartorius, who, not being an Irishman, could not be suspected of speaking with a national bias, but was solely influenced by a broad view of the Imperial interests involved—

> "The position of Cork Harbour, on the south-western extreme of the United Kingdom, gives to this port the highest importance in military, naval, and commercial points of view. Its magnificent basin can hold any number of vessels. The entrance is well lighted and well buoyed, and can be safely entered without a pilot. Ships coming from the southward can run for it without fear; and if they should be afraid of missing the port, they will have long drifts along the Atlantic side of the St. George's Channel, and, therefore, cannot be well caught on a dead lee shore. In its immediate neighbourhood is the first and safest land-fall which is generally made on coming from the south. As a port of call, it is the most convenient and most frequented; sometimes 300 vessels have been lying here wind-bound or for orders.
>
> * * * * *
>
> The local advantages of this port as a packet station have been incontestably proved by the answers given to the Transatlantic Commissioners by the Cork Committee. Their arguments are much strengthened by the subsequent completion of the railway to Dublin and the electric telegraph. All this is independent of the reasons already given, which are as applicable to men-of-war as merchant vessels."

The gallant Admiral then proceeded to recommend the formation of a naval arsenal at Cork, and another on the north-east of Scotland, condemning, as most unwise, the present system of collecting all the great and small naval establishments in England only, and even in one portion of England. In his humble opinion, the safety of the empire might be compromised if an emergency should arise—and no one would attempt to say that it might not arise before a twelvemonth expired—by the want of the means of repairing, not to say a squadron, but a single ship, in Cork Harbour. Lord Auckland, as he had previously stated, promised, in 1848, that a steam factory should be established there; but up to that hour that promise had not been realised, and, so far as the Government were concerned, there was not in that important and much frequented harbour the means of effecting the slightest repair. On broad national grounds he asserted that such neglect was not wise on the part of the Government. Sir George Sartorius expressed his opinion that, as the rendezvous for all expeditions destined for the southward or westward, Cork was incomparably the most convenient position; and that, if it were a naval arsenal, all deficiencies could be remedied and damages repaired that might be incurred by any ships of the expedition. And for war carried on in the north and north-east, for the same reasons an efficient naval arsenal would be equally advantageous in the north-east of Scotland. He would now come to an important point, important because it dealt with a favourite delusion of successive Boards of Admiralty. The establishment of a naval arsenal at Cork had been often opposed on the plausible ground, that it was desirable to have all the arsenals nearly in the same vicinity, and as near as possible to the seat of Government in London. But the introduction and the universal use of the electric telegraph have altogether done away with that advantage, for it was now as easy to communicate with the most remote as with the nearest arsenal through that agency. He would give the Committee a case in point, to show that a complete revolution has been effected on this head by the new mode of communication. Some six weeks or two months since the Admiralty transmitted an order from their office in Whitehall to the Admiral in Queenstown, directing the sailing of two ships—the *Russell*, and another then anchored in Cork Harbour; and in two hours after the order was received—that is, in little more than two hours after the order was transmitted from London, one of those vessels was moving out of the port. The Government might believe it was of great advantage to have the naval arsenals of the empire in one place, or on the eastern and south-eastern coast of England; but there might be far greater danger than advantage from that system. On that point he would ask the serious attention of the Committee to the following deliberate opinion of Sir George Sartorius—

> "If a sudden and powerful attack were made, with the same secrecy as that of our attack on Copenhagen, by France or Russia—separately or combined—without any previous declaration of war, all the nest of arsenals from Portsmouth and on the rivers leading to London, would be in flames before we could have time to assemble means to resist the enemy. Even Plymouth might be included in this general destruction. How important, then, that the great naval establishments, upon which so much depends, should be not only in positions where they can be of the most service, but also where they would be less liable to share in any such general and unexpected catastrophe; besides which, the electric telegraph, and the certainty and rapidity of steam communication, remove all the advantages, supposed or real, which might have been claimed in other days for the contiguity of the ports."

But, perhaps, Hon. Members will say how is an arsenal to be established at Cork? Sir George Sartorius stated that of which the Government were perfectly aware—that there are about 1,300 convicts at Spike Island, in Cork harbour, who were employed in work of no real importance or necessity, and whose united labour might be fairly valued at £30,000 a year; and if that labour, so valuable and so costly, but which is now absolutely going to waste, were applied to the improvement of the harbour, a great addition would be made to the means of protecting and defending the empire in the hour of danger. Now, in order to show the Committee the present condition of the naval establishment at Cork, he would state what he knew to be the fact, that the Admiral in command has at his disposal the following force:—A small and badly-manned sloop of war, as a guardship; a pleasure yacht, a brig called the *Frolic*, for the instruction of boys—a most useful purpose, and most beneficial to the service; and a small steam tender, the boiler of which, he was told, the other day, instead of being able to bear a pressure of 12 lb. or 14 lb. to the inch, could not bear more than 3 lb. or 4 lb., and if worked at a higher pressure would most probably blow up. Now that was the grand naval establishment kept up on the Irish coast, and in the most frequented of any of the ports of the United Kingdom! Of course, it follows that the Admiral must be helpless in all cases of emergency, and that the station, as a source of strength or a means of affording succour, is a practical mockery. As an instance in point, let the Committee take the following fact:—During the recent prevalence of easterly winds, there were hundreds of ships, destined for various ports, principally of England, lying wind-bound off the south-west coast of Ireland, the crews of which were literally famishing for want of provisions. The leading merchants of Cork implored the Admiral to afford them assistance, but, as might be expected, he was unable to do so; an application was then made to the Government in London, but they were at a great distance, and it took a long time to send a letter and receive an answer—for on this occasion the telegraph was not had recourse to. Providence, however, did for the poor fellows in distress what admirals and Governments could not do; the wind changed, and the vessels were enabled to reach their destined ports; whereas had they remained wind-bound off the coast of Ireland for a longer time, deaths must have ensued, and mainly in consequence of the inefficiency of our naval establishment at Cork. There was an injury to the trading interests of the empire; but there have been cases, and within a short time, too, where vessels of Her Majesty's navy, which had put into Cork harbour in a crippled condition, had been obliged, disabled as they were, to encounter stormy and tempestuous weather, in proceeding to Portsmouth or Plymouth for repairs. There had been a discussion that night as to the best mode of procuring volunteers for the navy; but he had reason to believe, and on the best authority, that if the Admiral at Cork had an efficient staff at his command, in fact such as he ought to have, a much larger number of volunteers could be obtained than had hitherto been procured from that district. The right hon. Gentleman, the First Lord of the Admiralty, said, on a former occasion, that Irishmen did not freely enter the navy; but there must be some error in that statement, for it is computed that nearly one-third of the navy is Irish; and as a proof that a considerable number of men have been given to it from the neighbourhood of Cork, he could mention that about £30,000 a year was paid at Haulbowline and Cork to the wives and relatives of sailors serving in the navy. Now it was not because Ireland had a claim on this as on other grounds that he urged it; he did not, as he might have done before, ask for a fair share in the public expenditure — he simply asked that the advantages afforded by one of the most valuable ports in the United Kingdom should not be neglected. Before concluding, he would refer for a moment to the evidence given by a naval officer of rank, Captain Sir Robert Hagan, in 1850, when the question of the best port for a packet station was agitated; and, in doing so, he could assure Irish Members interested in other ports, that his only object was to show the value of the port of Cork. [The hon. Member then read some extracts from the evidence of Captain Hagan, with reference to the availability and excellence of Cork harbour.] From those and other testimonies he considered he was justified in asserting that it was essential to the interests of the United Kingdom that the splendid capabilities of that harbour, which presented so many natural advantages, should be fully developed. At any rate, the present state of things was most dangerous as well as discreditable; for, if one of Her Majesty's vessels were to break down off that harbour, the Admiral could render but little assistance, not even having a tug at his disposal, save the vessel of a private company that he might hire. He did not bring forward the question in any spirit of mendicancy. He asked no aid for private enterprise. The citizens of Cork, as private individuals, need no Government assistance. Besides building docks in the city, two enterprising gentlemen had constructed large docks at deep water, about seven miles further down towards the harbour. One firm, that of Messrs. Browne, had expended £100,000 in the construction of their fine docks, in which he saw, about a month since, four or five foreign vessels undergoing repairs. That firm could receive the largest vessels in the navy into one of their docks. And on the other side of the harbour, Mr. Wheeler had lately constructed docks, which were nearly completed, and which would also admit vessels of the greatest draught. All he asked was, that the Government would perform their duty, and construct docks and a factory for Government purposes, which no private individual could attempt to do. From an accidental conversation with the First Lord of the Admiralty, he found that the right hon. Gentleman had an idea that, to construct docks, the Government should purchase ground; but there was nothing of the kind required—the bank that runs from Haulbowline down the centre of the harbour offered the best possible site for their construction, and that bank was the property of the Crown. He would now conclude by respectfully maintaining that the interests of the empire rendered it imperative on the Admiralty to avail themselves, as early as possible, of the great advantages offered by the harbour which he had described; and in that belief he ventured to impress the subject, which he had dealt with in an exclusively national and public point of view, on the most serious attention of the Government.

VISCOUNT BERNARD said, he should support the Motion of his hon. Friend on the ground of the defenceless state of the Western coast of the county of Cork, and the necessity of keeping an efficient fleet in Cork for its defence. Though he trusted there would be no war, the time might come when it might be necessary to despatch a fleet in haste to the Western hemisphere. With respect to the great value of the port, he would call attention to the case of the *Atlantic* steamship, which was obliged to be towed from Cork to Liverpool when disabled. The property at Deptford, it was stated, was to be purchased for £40,000; but the ground at Haulbowline was the property of the Crown. At a time when news from America was of such importance, if there was a telegraph to the extreme point of the county of Cork, seventeen hours would be saved in transmitting that news. If we were unhappily again at war, a hostile fleet might pass the southern coast of England in a fog, and find the harbours of Ireland totally defenceless. He did not wish, nor was it necessary, to occupy the time of the Committee, as they were anxious to proceed with the Estimates; but when all parties were unanimous in increasing the naval strength of the country, he did not think it irrational to call the attention of the Committee to the defenceless state of a port of Ireland.

Mr. MONTAGU CHAMBERS said, he wished to draw the attention of the First Lord of the Admiralty to the hardship imposed upon the parish of St. Nicholas, Deptford, in consequence of a considerable portion of that parish being the property of the Crown, which threw a heavier burden upon the ratepayers. He would beg to suggest that the rateable value of the land occupied by the Crown should be ascertained, and that the Government should pay the rates upon that land, as the other occupiers in the parish were obliged to do.

Sir CHARLES WOOD said, he was quite ready to admit that the subject mentioned by the hon. Member for Dungarvan (Mr. Maguire) was one of considerable interest; but he could only say that whatever it might be desirable to do at some future time in respect to Cork harbour, it was more important to finish works now in progress than to commence new ones. With respect to the state of the fleet at Cork to which the hon. Member had referred, he (Sir C. Wood) would only say, that a line-of-battle ship was in future to be stationed in that harbour.

Sir FRANCIS BARING said, as the right hon. Baronet the First Lord of the Admiralty had not answered the appeal of the hon. Member for Greenwich (Mr. M. Chambers), he would remind him that similar injustice was going on in many other towns. The best portions of towns were taken by the Government, and then the remaining inhabitants had not only to pay their own rates, but the rates which had been formerly paid upon the land now occupied by the Crown. The suggestion of the hon. and learned Member for Greenwich was a reasonable one—that when the Admiralty took land it should also assume the burdens which that land had previously borne.

Sir JOHN TROLLOPE said, the case of Deptford came before him two or three years ago, when he had the honour of holding office, and that parish appeared at the time to be subjected to great hardship. Before the establishment of dockyards there Deptford formed one entire parish, but it was subsequently divided into two, and in the process of division the better class of houses were entirely separated from the poorer dwellings. The consequence was, that those houses which were inhabited by the working classes were so heavily burdened with taxation, that frequently it had been found impossible to obtain it from the tenants, and in some instances houses had absolutely been pulled down by the owners, having been rendered valueless by that means. The burden would be greatly increased if the Admiralty took possession of a portion of the ground, which, by becoming Government property, would be free from rates. He thought, therefore, that the proposition for retaining any houses taken in the same position as respected liability to rates, was a most reasonable one. At the same time it opened a much larger question, namely, whether Government property generally ought not to be liable to rating.

Sir CHARLES WOOD said, he fully admitted that the real question they ought to consider was the latter one referred to by the hon. Member opposite (Sir J. Trollope). In the present case the property taken was chiefly land, and its extent was four or five acres. The rating, therefore, was not nearly so large as hon. Gentlemen seemed to think. There was no doubt that the abstraction of property from a parish inflicted an injury upon the rest of the parish if the land so taken was rendered free from the imposition of taxes; still the injury in this particular case would be very slight.

Colonel DUNNE said, that in this case the grievance was merely local, while in that of Cork Harbour it was national, and ought to be at once remedied.

Mr. M'CANN said, that the people of Cork would never complain of the increase of local taxation to the amount of £1,000 a year, if the Government would expend £100,000 in making docks at Cork.

Mr. P. O'BRIEN said, the question of Government docks at Cork was entirely a national one; and if they were made there, enormous benefit would be conferred on the kingdom generally.

Vote *agreed to;* as was also—

(8.) £500, Medicines and Medical Stores, and—

(9.) £1,000, Rewards, Officers and Crew of *Prometheus.*

(10.) £4,977,200, Transport Service and Prisoners of War.

SIR HENRY WILLOUGHBY said, that one of the most astounding matters in connection with the late war was the enormous sum voted for the Transport Service. He considered, also, that he had a right to complain that the Vote was not divided into two or three distinct heads. If so large a sum as that were voted in one lump, the Appropriation Act would be entirely useless, and the usual check on the improper expenditure of money removed. He could not at all understand how so large a sum was required, and he wished to know whether it was contemplated to purchase any of the transports. The sum of £5,000,000 was equal to the whole revenue of many kingdoms, and he was at a loss to know how it could be expended in that service alone. At all events it ought to be placed under one or two heads.

SIR CHARLES WOOD said, he must beg to explain that the money was principally required for the hire of transports, and therefore was not susceptible of the division desired by the hon. Member. He had already explained the various items of which the Vote was made up.

SIR HENRY WILLOUGHBY said, he was not at all satisfied by the explanations of the right hon. Baronet. He certainly should like to know why this Vote of nearly £5,000,000 could not be divided under two, three, or more heads?

SIR CHARLES WOOD said, it was really impossiblo to effect any such division. The great bulk of the Vote was taken up with payments on account of transports which had been taken up at so much per month.

Vote *agreed to.*

(11.) £2,000,000, Expenses beyond Grants, Military and Naval Services.

THE CHANCELLOR OF THE EXCHEQUER: Mr. FitzRoy, in the financial statement which I made to the House I reckoned upon a deficiency arising from the taxation being below the estimated expenditure, as calculated upon the Estimates for the military, naval, and civil services, as well as the charges upon the Consolidated Fund. That deficiency I calculated at somewhat less than £7,000,000 sterling. I proposed to supply that deficiency by a loan of £5,000,000, which has since been effected, and I also stated that in the event of the produce of the taxation not proving greater than I estimated, it might be necessary to recur to a further loan by Exchequer bonds or bills of £2,000,000 sterling. I hoped that by those means the deficiency of £7,000,000 would be supplied, but I likewise added, that that provision for the service of the year simply supplied the estimated deficiency, and made no allowance for any unforeseen defalcation of revenue or excess of expenditure. I stated at the same time that I had no reason to calculate upon any deficiency of revenue below that which I have mentioned, the estimates of revenue having been made on moderate and not on sanguine grounds; and I also stated that the Estimates for the naval and military service were framed on such a principle that they were, I considered, likely rather to exceed than to fall short of the actual expenditure for the year. Taking into account, however, the difficulty of calculating the expense of moving a great army from the Crimea, I ventured to intimate, and it is my opinion still, that it would not be prudent to leave the finances of the country without some margin to meet a possible excess of expenditure, and that it was my intention to ask the House for a Vote of Credit to the extent of £2,000,000, and also to enable me to cover that Vote of Credit by giving me the power of issuing Exchequer bonds or bills to meet an excess of expenditure which, under circumstances that we are unable at present to foresee, might possibly occur. I now ask for the assent of the Committee to a Vote of Credit not exceeding £2,000,000 sterling to defray the expenses beyond the ordinary grants for the years 1855-56 and 1856-57 for the military and naval services occasioned by the late war.

SIR HENRY WILLOUGHBY said, he was certainly somewhat surprised at a demand for a Vote of Credit of £2,000,000, after the House had already sanctioned an expenditure of no less a sum than £77,000,000. If a further sum of £2,000,000 were required by the Government, why did they not come down with a demand for additional Ways and Means to that extent. He certainly saw no reason why the House of Commons should deprive itself of the exercise of its opinion as to matters of expenditure. There was not the slightest objection to paying any great account that might arise; but there was the strongest possible objection to the dangerous power that was now asked for. The principle upon which Votes of Credit were allowed was that of urgent necessity; but in the present instance no such justification had been or could be urged.

MR. W. WILLIAMS said, he quite concurred in the observations of the hon. Member for Evesham (Sir H. Willoughby). Would the Chancellor of the Exchequer state whether this Vote would cover all the expenses of the war?

THE CHANCELLOR OF THE EXCHEQUER: I intended to state to the Committee that the Vote which I have proposed is a Vote taken simply from abundance of caution. It is not intended to cover any anticipated expenditure, and I may answer my hon. Friend the Member for Lambeth (Mr. W. Williams) by saying that, so far as the expenses consequent upon the war are concerned, such as bringing home the troops and other costs of the war, which can be made the subject of Estimate, they are independent of the £2,000,000 for which I now ask. This Vote is simply to meet any unexpected expenditure that may arise, but which I trust and expect will not arise. It has always been the practice of this House, when a large expenditure has been incurred, to intrust the Executive with the power over a fund of this kind to meet any unexpected expenditure. I can assure my hon. Friend and the Committee that we shall not relax in our efforts to bring the expenditure within the narrowest limits, and that this Vote of Credit will not encourage the Government in permitting any expenditure which they can by any possibility avoid.

MR. HADFIELD said, he felt very unwilling to leave so large a sum of money at the discretion of the Government. If a necessity should arise for the Government having money, let them call Parliament together for that purpose. [*Cries of* "Divide, divide!"] Yes, he would say, let their attention be called to whatever question that might arise that necessitated any extraordinary outlay on the part of the Government. He would divide the Committee on the Vote if the hon. Baronet opposite (Sir H. Willoughby) would support him. If the Crown had its prerogatives, the people had their representatives, and they were there to discuss those grants of public money. It was not out of disrespect to the present Government that he started any difficulty to the Vote; but it was because he was uniformly opposed to Votes of Credit, and particularly at a juncture like the present.

MR. GLYN said, he thought that the association of this Vote with any difficulties now supposed to exist in our foreign relations was an idea which ought not in common decency to be put forward at a moment like the present. He would recall to the recollections of the hon. Member for Sheffield that the right hon. Gentleman the Chancellor of the Exchequer, in his annual financial statement, announced then his intention to call upon the House for a Vote of this kind, and it was therefore quite unfair to mix up anything which might recently have occurred with the motives which led to the proposal of this Vote.

Vote *agreed to.*

## MORNING SITTINGS.

On the question that the Resolutions be reported,

MR. WALPOLE said: Sir, before the House resumes, I wish to call the attention of the noble Lord at the head of the Government to what took place this morning. I understand that two Bills connected with Ireland were appointed for Tuesday morning—the first day on which we are to have a morning sitting. Now the noble Lord will recollect that I have already given up two occasions that offered for bringing on my Motion with reference to National Education; I forbore bringing it on when I was entitled to do so, for the convenience of the Government, and I forbore as well taking a Supply night for the purpose. I therefore took my chance of the ballot, and it fell out that my Motion stands for Tuesday evening. I need scarcely, however, point out to the noble Lord, that if we are to have a morning sitting upon Tuesday, which will occupy several hours, Members will have become far too exhausted to enter upon a second debate in the evening. I therefore put it to the noble Lord whether the first of the morning sittings ought not to be postponed until Thursday.

MR. FITZROY said, that the question before the Committee was "that he should report progress."

MR. WALPOLE: I only raised the discussion which the right hon. Gentleman has suppressed after having previously consulted Mr. Speaker as to the proper moment for calling attention to the subject.

Motion *agreed to.*

House resumed.

VISCOUNT PALMERSTON said, in reply to the observations of the right hon. Gentleman, he must state that it was usual about that period of the Session to have morning sittings, and what the Government proposed was not only to have sittings on Tuesday and Thursday mornings next week, but to continue them to the end of the Session. A morning sitting did not preclude the possibility of discussion in the evening; the House could meet then an hour or two later; and if the right hon. Gentleman's objection were allowed, the hon. Member for Inverness-shire (Mr. H. Baillie) might equally object to the morning sitting proposed for Thursday next. The right hon. Gentleman must feel, on reflection, that his argument would do away with morning sittings altogether, and deprive the Government of the means of bringing the Session to an end at a reasonable period.

MR. DISRAELI said, he thought the noble Lord rather misapprehended the cause of complaint of his right hon. Friend the Member for the University of Cambridge. It certainly seemed to him that his right hon. Friend had a claim to secure a fair opportunity for the discussion of the important Motion which he was about to bring forward, he having already lost his opportunity in order to facilitate the course of public business, and to afford convenience to the Government. But the cause of complaint was not confined to that. They were now about to adopt morning sittings without the fair and ample notice which was usual when such a change in the conduct of public business was about to take place. Besides it appeared to him that they were commencing the practice rather earlier than usual. There might be reasons to justify the Government in having recourse thus early to morning sittings, but then sufficient notice should have been given of their intention to do so. As regarded the Motion of his hon. Friend the Member for Inverness-shire (Mr. H. Baillie), he should say the very fact of that and any other important Motions having been fixed for Tuesday and Thursday next was a very good reason why the Government ought to have postponed the morning sittings until after the next week at all events. In any case he thought it would have been more courteous and convenient if a notice of, say a week, had been given of the intention to commence morning sittings so soon as Tuesday next.

MR. SPEAKER: I must inform the right hon. Gentleman that there is no question before the House.

## PAROCHIAL SCHOOLS (SCOTLAND) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

MR. WALPOLE said, he must ask for some distinct intimation from the Government on the subject to which he had just alluded.

VISCOUNT PALMERSTON said, that the right hon. Gentleman (Mr. Disraeli) seemed to think morning sittings were being commenced earlier than usual. Now, the fact was, that last Session they began on the 12th of June, and next Tuesday would be the 17th. [Mr. DISRAELI: But due notice was given.] Well, notice had been given yesterday (Thursday), and if five days were not enough for hon. Members to summon up courage to come down to the House in the morning, he did not know what period would be considered sufficient. If the arrangement preferred by the Government really encroached upon the evening which was at the disposal of the right hon. Gentleman, he would have a fair right to complain; but that was not the case.

MR. M'CANN said, he thought that, after all, as it was only two Irish questions that were to occupy them at the morning sitting on Tuesday, that there need be no fear of the Members generally being too exhausted to attend to the evening's debate.

MAJOR CUMMING BRUCE said, he would now move as an Amendment that the House resolve itself into Committee upon the Bill on that day six months. He entertained the strongest objection to the principle of the Bill, but he had not divided against it upon the second reading, because a division at that stage would not have been conclusive of the question, by reason that many hon. Gentlemen approved as he did of some of the clauses of the Bill, and because the right hon. and learned Lord Advocate appeared willing to give a fair consideration to the suggestions which had been thrown out by hon. Gentlemen on both sides of the House for the introduction of clauses which would have the effect of preserving the connection between the

Church of Scotland and the schools. But no such clauses had been introduced and he was, therefore, compelled to press the Amendment of which he had given notice. The General Committee of the Assembly of the Church of Scotland had published a Minute giving their reasons for dissenting from the Bill, and he entirely concurred with them in objecting to it on the ground that it did not require schoolmasters to belong to the Church of Scotland. The whole question turned upon the maintenance of the existing relations between the Church of Scotland and the schools. He contended that the problem of the connection which ought to be maintained between religious and secular education, had been successfully solved in Scotland, and he deprecated any interference with that solution. They now knew what doctrines were taught in the school, but if the Bill were carried they would have no security as to their religious teaching. He would refer hon. Members to a Report of Mr. Horace Mann, which had been laid before Parliament, to show that many of the Presbyterians of England had become impregnated with Unitarian doctrines. Now, that was not only the case with regard to the Presbyterians of England, but also with regard to those of Ireland, and of the continent. He did not wish to question or interfere with the freedom of conscience of Unitarians and Socinians; but, at the same time, he should not like to see Socinian principles taught in the parochial schools of Scotland. The right hon. and learned Gentleman who had charge of the Bill had talked of the present measure as a concession, but the fact was that it was an adroit delusion. The original Bill had no doubt been divided in two, but not in the manner which was required. The object which he (Mr. C. Bruce) had in view in suggesting that the original Bill should be divided was, that one Bill should be directed to the improvement and maintenance of parish schools in connection with the Church of Scotland, and the other to extending the means of education where they were deficient, upon such principles as the peculiar circumstances of the case might render expedient. The present Bill, however, did not meet that object, and he believed that its effect would be to hand over to the Free Church those schools which had hitherto been part and parcel of the Established Church of Scotland, and to prevent a reunion taking place between the two great Presbyterian bodies in Scotland, whose disagreement he regarded as one of the greatest calamities which had befallen his country. His right hon. and learned Friend appeared to entertain a holy horror of all tests, and he had spoken of tests as being doomed. The right hon. and learned Lord Advocate said that there was an end to the test, and seemed to think his decision on that point could not be questioned; but he (Mr. C. Bruce), in the exercise of his right as an independent Member of that House, must question that decision, and declare his determination to support that great principle which gave the only valid security for the union of religious and secular education. In discussing the present Bill, the House could not put out of consideration the other Bill with respect to schools in boroughs, for if the principle of compulsory rating were adopted in regard to the latter it would, without doubt, re-act on the parish schools, and he therefore, most earnestly implored the House not to inflict on Scotland that which, when the noble Lord the Member for London (Lord John Russell) proposed his Resolutions, it refused to sanction for England. A desire to extend the means of education was professed by the promoters of the Bill, and yet no new school could be introduced by the proposed change. The only reason for pressing the Bill on the House was, that it was desirable to remove a grievance which those connected with the Free Church in Scotland suffered under. It was alleged to be a special hardship that that body, though substantially adhering to the doctrine and standard of the Established Church of Scotland, should, as Dissenters, be excluded from all management of the schools. But if that claim were recognised, would not an unjust distinction be established between them and all other Dissenters who did not adhere to the doctrine and standard of the Established Church of Scotland? The members of the Free Church were Dissenters, because they refused to submit to those equitable conditions which the State had thought fit to impose as a foundation for an Established Church, and he was surprised to find the present Bill supported by the Government of the noble Lord the Member for Tiverton (Viscount Palmerston), who had declared it to be the duty of the State to maintain an established religion, and that the support of the establishment should not be determined by the consideration of fluctuating majorities one way or another. He opposed the measure because he thought that it would prove ruinous and destructive to the parish schools of Scotland, because it would put an end to all valid security for religious teaching in those schools, and finally, because it would tend to introduce difference and dissension in every parish. At the same time he was ready to come to some amicable arrangement on this subject if the right hon. and learned Lord would adopt an Amendment which would prevent the teaching in the parish schools of any opinion opposed to the Scriptures or subversive of the Established Church.

Mr. W. LOCKHART, in seconding the Amendment, said, he wished it to be distinctly understood that he took no exception to that part of the Bill which was calculated to improve the position of the parochial schoolmasters of Scotland, but he greatly regretted that Her Majesty's Government had sanctioned the introduction of clauses containing the same objectionable provisions which had compelled them to abandon their Bill of last year, and even to vote against it in another place. The ostensible object of the Bill now under consideration was to improve the parish schools—but its real design was to separate them from the Established Church. The accomplished leader of the Scottish Bar had shown that it was practically unworkable, and would throw everything into confusion. It must cause discord in many parishes, and would entirely destory the uniformity of the existing system. The Bill was dexterously drawn, but on examination it would be found that it takes from the Church the substance, and leaves it only the shadow. The connection between the Church of Scotland and its schools was the foundation of the parochial system in that country, which was for ever guaranteed to it by the Treaty of Union, and the test which it sought to abolish formed the link of that connection. It was also the sole security for the maintenance of that system of religious instruction in those schools which had been of inestimable value to the people of that country. It had been argued, that as the Church of Scotland was no longer the Church of the majority, the schoolmaster ought to be selected without any regard to his religious opinions, but the parochial schools were not the only schools in Scotland. In point of fact, they did not exceed one-fifth of the whole. The Presbyterian Dissenters, the Episcopalians, and the Roman Catholics had schools of their own. The Free Church alone had upwards of 600 schools, aided by Government grants, the teachers of which were bound by a test, and he would ask hon. Members if the Church of Scotland ought to be the only Church without schools in like connection with it? The hon. Member for Edinburgh (Mr. Black) in a former debate, had thought proper to stigmatise the heritors who were the patrons of these schools as the opponents of all reform. The hon. Member no doubt would wish to see the union between Church and State dissolved. He would consider that a salutary reform. Every argument he had now—indeed, every argument which had been used in favour of this Bill, might with equal justice be applied to the overthrow of the Church, but the great body of the heritors of Scotland thought otherwise. Two years ago, in a remarkable document, they almost unanimously protested against even this first step towards the attainment of that object. They still consistently opposed the severance of these schools from the Church, and who were better entitled to express their opinions than those who, without aid from the Government, paid for their support? Under the existing system, they had been brought to a state of acknowledged perfection, and it was on the understanding that they are not to be interfered with that the heritors were prepared to submit to an increased assessment. In the present Session, many petitions of similar import had been presented from the Church courts, from county meetings, and from the rural districts. The numbers already recorded were 296, with 14,500 signatures; while in favour of the Bill there were only seventy-five, with 8,650 signatures; and it was worthy of notice that upwards of 7,000 were the signatures of inhabitants of towns to which the parochial system did not extend—who had no interest in, and were practically entirely unacquainted with those schools. Such petitions ought to carry no weight with them, and, with regard to those which came from a portion of the Free Church, they relied on securities for the maintenance of the existing system of religious instruction which the proposed Bill did not afford. Last month Her Majesty had assured the Church of her continual favour. After that declaration, and under all these circumstances, he hoped that the noble Lord at the head of the Government would consent to the withdrawal from the Bill of its obnoxious clauses, so that its proper object—in regard to which there was no difference of opinion —might be attained, and a deserving class relieved from the state of painful uncertainty in which they had been placed for the last three years.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

SIR JAMES FERGUSON said, he should support the Bill, believing that on the whole it would strengthen the hands of the clergy of the Church of Scotland in the matter of education. It would raise the standard of the schoolmasters, and would make a better provision for their remuneration for the future. The temporary Act under which the schoolmasters had been paid having now expired, it was absolutely necessary that some measure should be passed by which those most deserving persons should be prevented from being thrown back on their old salaries, which it was acknowledged on all hands were perfectly inadequate to support them in their station. It would be very much to be regretted if they were left in doubt for another year, as to what their fate was to be. He considered that the best results in the improvement of education in Scotland might be expected from the appointment of district inspectors. If the schoolmasters were to be placed under inspectors, he hoped that they would be eligible for the rewards which were offered by the Committee of Privy Council. He did not deny for a moment that the Church of Scotland had up to the present time had the entire management and control of the parochial schools; but he did not see how the proposed Bill would separate the schools from the Established Church. He believed that the severance of the schools from a Church which for 200 years had conducted the education of the people with success would be a national misfortune and a great injustice to that venerable Church. There could be no security for the religious character of the masters to be appointed, unless the body who appointed them were of a definite religious persuasion; and upon that he owned that he thought that the Bill was defective. He, therefore, hoped, that some measure would be adopted to secure that the schoolmasters should not lead away youth from the Church to which they belonged; and, for that purpose, it was his intention to propose a test by which the schoolmaster should declare that he would never endeavour, directly or indirectly, to teach or inculcate any opinions opposed to the Divine authority of the Holy Scriptures, or to the Westminster Confession of Faith, as ratified by law in the year 1690; and that he would not exercise the functions of the said office to the prejudice or subversion of the Church of Scotland as by law established, or the doctrines and privileges thereof. He trusted that the right hon. and learned Lord Advocate would assent to that test; and that, so doing, he might succeed in carrying a measure which was so anxiously looked for by the friends of education in Scotland, and which he had no doubt was calculated to effect much good.

SIR ARCHIBALD CAMPBELL said, he was at a loss to know whether the speech of his hon. Friend who had just sat down was in favour of, or in opposition to the Bill before the House. It must be admitted that the Established Church of Scotland was the trustee of those schools. In that capacity she had, for upwards of 200 years, discharged her trust well and faithfully; and he contended, therefore, that any measure which was calculated to deprive her of the superintendence which she had hitherto exercised, and for which she had shown herself so fit, ought not to be encouraged. It was admitted by every one that it was necessary to improve the position of the schoolmasters. But that the Government might have easily effected three years ago, when they first mooted the subject, had they been content with that; instead of which, however, they had made it the pretext for a vital change in the position of the Church of Scotland with regard to the schools. That was an illustration of the mania for "comprehensive systems," which spoilt so much of our legislation. It was said that the present system of education in Scotland was unjust to the teachers belonging to Dissenting denominations. Now, he must deny the accuracy of that statement; but, admitting the fact to be so, what they had to consider was, not the creation of situations for schoolmasters, but the provision of instruction for the young. The time had arrived when the vexed question of education in Scotland should be settled one way or the other. Large concessions had been made with that view by the friends of the Established Church, but he was sorry to say they had not been met in a corresponding spirit by the other side. No adequate provision was made in the Bill for religious instruction in the schools; and, as matters now stood, if he and those with whom he acted agreed to abandon the connection between the school and the Church, there would be no security for the religious character of the teacher. He could not approve the negative test proposed by the hon. Member who spoke last, and should prefer that which required the schoolmaster to profess his belief in the Confession of Faith.

MR. MACKIE said, he was not opposed to the Bill as a whole, but he would suggest the omission of the 10th clause, which virtually placed the appointment of the schoolmaster in the hands of the inspector. The heritors had hitherto discharged that duty satisfactorily.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 126; Noes 90: Majority 36.

Main Question put, and *agreed to.*

Bill *considered* in Committee.

House resumed.

Committee report progress; to sit again on *Thursday* next, at Twelve o'clock.

The House adjourned at a quarter after Two o'clock till *Monday* next.

## HOUSE OF LORDS,

*Monday, June* 16, 1856.

MINUTES.] PUBLIC BILLS.—2ª Joint-Stock Companies; Sir William Fenwick Williams's Annuity.

### MESSAGE FROM THE QUEEN—THE SARDINIAN LOAN.

THE LORD CHANCELLOR read the following Message from Her Majesty:—

"VICTORIA R.

"HER MAJESTY thinks it right to acquaint the House of Lords that She has concluded a Convention with His Majesty The King of Sardinia, by which She has undertaken to recommend to Her Parliament to enable Her to advance, by way of Loan, to His Majesty The King of Sardinia, a Sum of One Million Pounds Sterling, contemplated by a Convention made between Her Majesty and His Majesty The King of Sardinia on the 26th January, 1855, in like Manner, Instalments, and Proportions, and subject in all respects to the same Conditions as if the late War had not been brought to a Close at the Expiration of Twelve Months from the Payment of the first Instalment of the Sum of One Million Pounds Sterling under the last-mentioned Convention:

"THE Government of His Majesty The King of Sardinia engages to accept the Advance of this additional Sum on the same Conditions in all respects, especially as to the Calculation and Payment of the Interest, as if such Advance had been made under the last-mentioned Convention:

"HER MAJESTY has directed a Copy of this Convention to be laid before the House of Lords, and She relies on the public Spirit of the House of Lords for enabling Her to make good the Engagement which She has thus contracted:

"V. R."

*Ordered,* That the said Message be taken into Consideration on *Thursday* next; and the Lords Summoned.

### OUR RELATIONS WITH THE UNITED STATES.

THE EARL OF DERBY: My Lords, I have waited to the last moment in the expectation—I think not an unreasonable one, considering the question put to the noble Earl on the last meeting of the House, and the reply which he then gave to me, that Her Majesty's Government would take into consideration the course they should think it advisable to pursue with respect to our relations with the United States of America—I have waited, I say, until the last moment, in the expectation that the noble Earl would not have waited to be again questioned on the subject, but that he would volunteer that information on a subject concerning which he must know that the House and the country are most anxious to possess. It is impossible to overrate the position in which the country at present stands, or the serious responsibility that rests on Her Majesty's Government with regard to the advice they may give to the Crown with regard to the course to be pursued at this juncture; and I should have thought that the noble Earl would not have required me to put to him this question—namely, if Her Majesty's Government, since the House last met, have come to any conclusion as to the course which they would advise Her Majesty to pursue, and if they were prepared to state what that course may be?

The Earl of CLARENDON: My Lords, I stated the last evening the House sat that it was the intention of Her Majesty's Government to lay before your Lordships, at the earliest period, the papers which have been communicated to us by the American Minister. Those papers have since been laid before the Senate of the United States, and they are in the possession of the people of this country. They are now in the printer's hands, and will be laid before your Lordships as soon as the answers to these despatches have been returned. Your Lordships must be aware that these answers will require some time and mature deliberation, and it is because they are not as yet prepared I did not take the initiative which the noble Earl thinks I should have taken. It is the duty of Her Majesty's Government to satisfy the very natural anxiety which is felt by the country in general with respect to our relations with the Government of the United States of America, and I therefore do not hesitate on this occasion to inform your Lordships, and through your Lordships the country, that it is not the intention of Her Majesty's Government to advise Her Majesty to suspend our diplomatic relations with the United States.

The Earl of DERBY: In the absence of the papers mentioned by the noble Earl, it would be extremely premature to enter into any discussion with respect to the announcement just made. I myself personally rejoice at that announcement, for this reason—because I believe that, although I deeply regret the course pursued by the United States Government, yet it is impossible for us to vindicate the conduct of our own Minister, and of those under whose authority he acted; and believing the United States Government have a just cause of complaint against us, I rejoice that Her Majesty's Government have sanctioned, by their acquiescence in the withdrawal of Mr. Crampton and the Consuls, the opinion which I myself entertain, that America has a just cause of complaint against this country. At the present moment I will not enter into the merits of the case, but I rejoice that we have acknowledged our error, even though by acquiescing in that which I must say is humiliating to have to submit to on the part of this country—namely, the removal of our Minister from his position by the authority of the United States.

The Earl of CLARENDON: My Lords, the noble Earl said, that at present it would be premature to enter into any discussion with respect to the announcement which I have made to your Lordships. It is true that he has not entered into any discussion in respect to it; he has, however, pronounced a most positive judgment upon the matter, and I can only appeal to your Lordships, and through your Lordships to the country, not to follow the example of the noble Earl, and prejudge the case.

The Earl of DERBY: I have formed my judgment from the papers supplied by the Government themselves, and laid by them on the table of your Lordships' House.

## JOINT-STOCK COMPANIES BILL.

Lord OVERSTONE *presented* Petitions from the Directors of the Chambers of Commerce at Manchester and Glasgow against the Joint-stock Companies Bill; and said, that in presenting these petitions it was unnecessary to remind their Lordships of the great importance of the two commercial bodies from whom they proceeded. It was their peculiar function to watch over the interests of the greatest commercial communities of the empire; and, considering the high position they maintained in those important districts in which they resided, it could not be doubted that they were in every way competent to form a sound judgment upon any proposition in which a change affecting the interests of trade and commerce was contemplated. The petitioners stated their opinion to be that the measure which would come under their Lordships' consideration that evening was a most unwise and dangerous measure, and would, if adopted, be subversive of the best interests of commerce, and they prayed their Lordships not to give their sanction to its becoming law. In these views of the petitioners he most cordially concurred, for he believed the Bill to be based on principles which must tend to call into existence every species of fraud and trickery, and ultimately to destroy the high commercial character of this country. Connected with the petition from

Manchester, there was a circumstance to which he would call the attention of their Lordships. When the Government issued a Commission to inquire into the state of mercantile law, thinking it their duty to put on that Commission some persons of practical experience, and who understood the wants and interests of the commercial community of this country, they very properly selected the President of the Chamber of Commerce of Manchester. That Gentleman had joined in the Report of the Commission, condemning the principle upon which this Bill is founded, and the Members of that Chamber approved and confirmed the views which their President entertained and the course he had pursued. It was said that this Bill only carried out the principles of free trade to their legitimate conclusion. Now, no person had given a more steady and devoted support to the free trade policy than he had; but he certainly should never have thought of advocating that policy if he had understood that it involved such consequences as would, he believed, result from the measures now brought forward by the Government. It surprised him that the principles of free trade should be supposed to have any bearing upon this Bill, and he trusted there would be no reference to these principles in the course of that evening's discussion; but if there were, he hoped Her Majesty's Government would have the goodness to explain how it was that they reconciled it with freedom or with equal justice to all parties to introduce a measure which gives the privilege of unlimited liability to bodies of persons seven or more in number, while they withheld it from smaller associations of individuals, thereby holding out a great artificial inducement to the transfer of concerns now carried on as private concerns to Joint Stock Companies. Perhaps the Government would also have the goodness further to explain how it was, if the principles of this measure were of such value and were worthy of universal application, that they excluded from the operation of the Bill all companies engaged in banking or insurance. Besides the petitions to which he had alluded, he was intrusted with one on the same subject from the Trade Protection Society of Bristol—a society of traders, instituted for the purpose of protecting themselves from those frauds and deceits to which they were exposed. All these petitioners complained of the partiality and unfairness of the measure; they pointed out the injustice of conferring upon bodies of more than seven individuals privileges which were withheld from trading bodies less in number; and they stated that private parties engaged in trade on their own responsibility would be exposed to an unfair competition with companies formed under the proposed enactment, because the former would be liable to their creditors to the full extent of their property, while the liability of these companies would be limited. He would now intrust these petitions to their Lordships' serious consideration. They were not mere ordinary matter-of-course petitions; but they expressed a deep sense of the dangers to which such legislation would expose those great commercial and trading interests which had hitherto been so prosperous and had justly enjoyed so large a share of credit and of the public confidence. Speaking as men of great practical knowledge and experience, the petitioners solemnly declared to their Lordships their conviction of the injurious consequences which would result from this legislation, and their belief that Parliament was about to try a formiable and dangerous experiment, and to imperil that great commercial system which had hitherto secured to this country an unexampled degree of credit among all the nations of the world, and which, if there was either prudence or gratitude in man, it was the duty of Parliament to cherish and preserve.

Lord WYNFORD thought that the Government had no reason to fear the opposition of the noble Lord, because his general practice appeared to be, in cases of a similar kind, to present a petition and to make a speech against the principle of the measure proposed, but then to offer no further opposition to its progress. The noble Lord had acted in that manner with regard to the Limited Liability Act of last Session, and also with regard to the Mercantile Law Amendment Bill, passed a few evenings ago, on which occasion the noble Lord, after speaking against the Bill, left the House. He did not know whether the noble Lord intended to act in a similar manner on the present occasion, but he believed that if he continued his opposition to the Bill he would receive support, since it was diametrically opposed to the Report of the Commission of 1853.

Lord OVERSTONE wished to explain that on the occasion of the passing of the Limited Liability Bill at the close of the last Session, he was absent in Germany, and, with regard to the Mercantile Law Amendment Bill, he had acted with the full concurrence of those for whose interest he was contending, and in the manner which they deemed best calculated to ensure the final success of their resistance to the measure.

Order of the Day for the Second Reading, read.

Lord STANLEY of ALDERLEY moved the second reading of the Bill. He said, that he would first advert to the petitions which had just been presented, and to the observations which the noble Lord had founded upon them. He would, then, remind their Lordships, that the principle upon which the Bill was founded had been under the consideration of Parliament for a considerable period, and that although Manchester, Glasgow, Liverpool, and other large commercial towns possessed active, energetic, and intelligent representatives in the other House, they had not expressed any apprehension by the mouths of those representatives; and the inference, therefore, was, that the apprehensions expressed by the noble Lord were shared in by a small and exclusive class, and were not felt by the large body of the community. It had been stated on a former occasion, that the Bill of last Session had been hurried through the House with indecent haste; but he would remind their Lordships that, when he asked their consent last Session to the Limited Liability Bill, he had stated that it was only a temporary measure, and he then pledged himself that a Bill should be introduced in the present Session to amend the Joint-stock Companies Act. In pursuance of that pledge, two measures had been introduced into the other House of Parliament—the Joint-stock Companies Act Amendment Bill, and the Partnership Amendment Bill, designed to meet the case of individuals and small partnerships. In asking their Lordships on the present occasion to assent to the former of those two Bills, he would shortly refer to the circumstances connected with the Joint-stock Companies Act. Not many years back Joint-stock Companies were looked upon as being out of the pale of the law, and were viewed with the utmost apprehension by commercial men. It appeared, however, so necessary in certain cases that such companies should be legalised that an Act of Parliament was passed in 1844 legalising such societies; but under certain provisions which, it was imagined, would prevent fraud. That Act provided for a provisional registration and, after certain conditions had been complied with, for a complete registration, and it required the establishment of a registry. Those provisions had been found totally useless, because scrip in provisionally registered companies was as negotiable in practice as scrip in completely registered companies; and one of the main objects of the present Bill was to do away with the inconvenience and delay which now attended the formation of a Joint-stock Company under that Act, by abolishing preliminaries which were found to have no practical value. He begged to remind the House that this was no new matter, but that the question of limited liability had been under discussion for many years. It had engaged the consideration of several Committees of the House of Commons, and in 1853 a Commission had been issued to inquire into the whole subject. That Commission was composed of men of great eminence, including lawyers and commercial men. Now their Lordships were told by the noble Lord opposite, that the Bill was founded upon principles diametrically opposed to those recommended by the Commission. He (Lord Stanley) could not allow that that was an accurate representation of the fact. That the Report was not a satisfactory one, he admitted. In fact, the Commission, as a Commission, made no report at all; but each member reported his own individual opinion, and a great quantity of valuable evidence was contained in the appendix. He ventured to say, however, after a careful perusal of the proceedings of the Commission, that those whose opinions were entitled to the greatest consideration, were in favour of the introduction of some such Bill as that now proposed; while the evidence, based upon the practice of foreign countries, clearly showed that the principle of limited liability was very generally in force, without danger, and with great advantage to the commercial intarests of those countries. In 1854, after the Commission had reported, the subject was brought before the House of Commons, and a Resolution was unanimously carried to the effect that the law of partnership ought to be altered, and that limited liability ought to be adopted. That opinion having been expressed by the other House two years ago, no one could be said to have been taken by surprise by the passing of the Bill of last Session, or by the introduction of the present one, further amending the law. He would not repeat what he had said last year as to the importance of settling this question; but he might remind their Lordships, that for more than two years the Board of Trade, which was being constantly asked to grant charters of incorporation to great commercial undertakings, had suspended its functions, and had felt that the time had come for Parliament to interfere and to pass some general Act. The Bill passed the House of Commons without a single division upon its principle; and the alterations which were made in Committee were calculated to extend rather than to narrow its provisions. That was the state of things when he brought up the measure of last year and asked the concurrence of the House to it; but at the same time he stated that it must be regarded more in the light of a provisional than of a permanent measure. He admitted that the Bill now before the House did not contain many of the restrictions and safeguards, as they were called, which were to be found in the Act of last year. [Lord OVERSTONE: Hear, hear.] The noble Lord cheered that statement; but what, he asked, was the value of those restrictions? He (Lord Stanley) contended that they operated as a mere delusion, that they were of no real value whatever, and that they only tended to prevent persons from exercising due caution as regarded the character of the promoters of public companies, and the nature of the schemes recommended to the public. In proof of this assertion, he would quote from an authority which he was sure would be received with respect by the noble Lord. Mr. M'Culloch, in his pamphlet entitled, *Considerations on Partnerships with Limited Liability*, referring to the Act of last year, said—

> "And notwithstanding the laudable care that has been taken, in the compilation of the late statute, to guard against the machinations of such parties, we are well assured that the security which it endeavours to establish against fraud will be found to be of no real value. A, B, and C, may allege that they have each paid £1,000 or £10,000 to the stock of a limited liability association; but, as was formerly stated, you can have no security that such sums have been or will be paid; or, supposing them to have been paid, that they have not subsequently been withdrawn, or wasted, or lost in unprofitable speculations. ...... As to official returns, oaths, declarations, and so forth, they bind those only who do not require to be bound; but whenever they become necessary they are good for nothing. Honest managers would act honestly though they did not exist; and dishonest managers easily evade them and set them at defiance. The pretended security which they afford is really worse than nothing, for it begets an undeserved confidence on the part of the public, and makes them trust to what is wholly unworthy of any trust whatever."

Confirmed by that opinion, he had come to the conclusion that all those conditions and restrictions which were imposed upon companies were of little or no value—in point of fact, that they did more harm than good, and that they only tended to perpetuate and increase that fraud which they were supposed to be calculated to repress. In discussing this matter, however, it was desirable that they should go a little beyond the mere consideration of limited liability, which was only one ingredient of the question. Many persons objected to public companies altogether, because all joint-stock associations were to some extent an interference with the private trader, and the aggregation of capitals placed single individuals at a comparative disadvantage. He (Lord Stanley) contended, on the other hand, that in strict justice Parliament had no right to interfere with the application of any man's capital, and to say that he should not employ it in any way he thought fit. This Bill gave a man no privilege, but it was calculated to prevent an undue and unjust interference with him in the disposal of his capital. According to the old law, people might limit their liability with respect to individual transactions if they stated their limited liability upon every such transaction beforehand; and such was not only the law but the practice with insurance companies at the present moment. He proposed now to enable persons to do that by a general publication of the intention of the company to confine itself to a limited liability, which by law at present they could do with regard to each individual transaction. It was for those who objected to limited liability to justify the invasion of every man's natural right to employ his capital as he might think fit. He did not think he need say more on the general subject. In the first place, the Joint-stock Companies' Act, the Act amending the same, the Winding-up Act, and the Limited Liability Act of last Session, were repealed with the view of being consolidated into a regular code for the government of joint-stock companies, whether limited or unlimited. In the next place, banking and insurance companies were excepted from the operation of the Bill. The business transacted by banking companies was of a peculiar nature, and required to be regulated by a law of its own; while insurance companies, although it might be right to deal with them upon a future occasion, and although practically they were conducted upon the principle of limited liability, had been omitted in accordance with the recommendation of the Committee of the House of Commons which sat two years ago. In the third place, the Bill proposed that all companies consisting of more than twenty persons should of necessity come under the operations of the Act, and that all companies consisting of between seven and twenty persons might avail themselves of its provisions or not, as they pleased. When seven persons or more desired to form a company, the Bill required them to make a memorandum of association, stating the object of the company, the amount of the shares, the amount of the capital, and whether the company was to be limited or unlimited. They were then required to prepare for themselves articles of association—a form of which was appended to the Bill, to be used or not, as parties pleased—but if the company was formed with limited liability, the fullest publicity was to be given to that fact, that all persons dealing with them might know the conditions upon which they traded;—and when these articles had been executed, and a registry established, they were entitled to complete registration, and became a fully formed company, authorised to exercise all the functions of a partnership. Great complaints had been made against the system of registration under the Joint-stock Companies' Act. It was therefore proposed under the present Bill to require all companies to establish registers, to be kept at their own offices, open to inspection at all reasonable hours. Registration was to be evidence of liability. By another provision of the Bill, which he thought would operate beneficially by preventing improper management, power was given to one-fifth of the shareholders of any company to apply to the Board of Trade for the appointment of an inspector, whose duty it should be to inquire into the affairs of the company, at the expense of the applicants, and make a report thereon, such report to be the property of the parties so applying. The provisions for the winding up of companies were very important, and he believed would remove many of the difficulties which had been experienced under the existing Act. Companies would, under the new law, be instantly wound up whenever they became insolvent and unable to pay their debts. The principal conditions for the winding up of a company were—failure to commence its operations within a year after its formation, suspension of its business for a whole year, expenditure of three-fourths of its capital, and neglect or inability to pay its debts within three weeks after demand. In such cases the members might petition the Court, which would immediately proceed to wind up the affairs of the company. Such were the more important provisions of the Bill, and if their Lordships admitted the principle of limited liability—which he maintained they had done—they were bound to allow it to be tried in its integrity. He was satisfied that if they did so the event would not justify the apprehensions which were at present entertained in some quarters. That we should continue to have periods of excitement and over-speculation, though, perhaps, not to the same extent as before, he did not doubt; but that excitement and over speculation would not be fostered or encouraged by limited liability, which, on the contrary, would have a less injurious effect than the existing system of unlimited liability. If a scheming body of directors wished to form a company for fraudulent purposes, they would prefer a company composed of men unlimitedly liable, rather than one conducted on the principle of limited liability, because they could not avail themselves of the funds of the latter to the same extent; while from the fact of its being supposed that limited liability gave less security to the public, every one who dealt with such a company would feel it necessary to inform himself of its real character; the effect of which would be that, instead of those wild and extravagant schemes which had been so rife under the existing system, there would be much greater caution in the establishment of trading concerns, as well as greater circumspection in those who transacted business with them. The principle of the Bill was to allow every man to employ his capital as he pleased, but at the same time to require that the public should be fully informed as to the nature of the partnerships into which he entered, and the terms upon which they conducted their business. The provisions of the Bill had been framed with the view of carrying out that object, and he believed that, while permitting the utmost freedom to capital, they would afford sufficient security to the public without imposing any of those so-called restrictions which experience had proved to be worthless.

*Moved*, That the Bill be now read $2^a$.

LORD MONTEAGLE said, that he could not allow the Bill to be read a second time without addressing a few observations to the House. He was glad that their Lordships had not heard to-night a repetition of that most absurd and senseless of all fallacies—a fallacy which he had observed was not entirely out of fashion in another place—that the principle of free trade was involved in the present Bill. The noble Lord had alluded to exceptional cases in which the law now recognised limited liability; that proved but little on behalf of this Bill, for nobody denied that there were some enterprises which required the application of that principle;—no doubt we could not have had our canals and railroads and other great works completed except through the principle of limited liability,—no one ventured to deny that in such enterprises the principle of limited liability was rightly adopted; but that admission afforded no argument in support of the principle of this measure. The present was the third of a series of measures on the same subject which had been brought forward by the Government, all differing from each other; but this Bill realised to an incalculably greater degree than either of its predecessors all the evils he (Lord Monteagle) so much dreaded from them, without giving the protection which the other Bills afforded. His noble Friend said that the opponents of the Bill had been wrong on the former occasions in advocating that protection; but, even if that were so, what security had the House that they were right now in abandoning all precautionary measures whatsoever? The noble Lord said this Bill was especially for the benefit of small capitalists and traders. On the contrary, he (Lord Monteagle) believed that there was no class of the community likely to suffer so much from a Bill of this description as the humbler classes, who would be the most readily induced to invest their savings in speculations over which they would have no means of control, and who would thus be made the dupes of designing parties. Under this Bill any number of persons not less than seven, with a paid-up capital not exceeding 1*s.* a share, might establish a company to undertake any trade except that of a banking or insurance company. He might be permitted to doubt whether such a proprietary was likely to furnish instruments capable of conducting industrial pursuits, but however this might be, of one thing he was sure, that whilst such companies might be unsuited for ordinary trade and manufactures, there was one enterprise they would be well fitted for, and that was the manufacture of shares and the establishment of a spirit of gambling. He was told that their Lordships were not bound to protect people against imprudence by Act of Parliament, but that was not an accurate mode of stating the case. He would rather argue, as against the present Bill, that their Lordships were bound not to ruin people by Act of Parliament. He apprehended serious mischief from the Bill on the table, and therefore he entreated their Lordships to hesitate before they gave sanction to a measure that, so far from being required for the legitimate trade of the country, could not fail to be detrimental to those engaged in it. They had had experience enough in England of the great suffering and inconvenience produced by the establishment of joint-stock companies, even when the application of limited liability was legitimate and necessary; they all knew the amount of misery and ruin, and he might add, the disgrace and crime, which the railway mania had produced. The manner in which all classes, even the highest, had engaged in the traffic in shares had been most disgraceful; but how much more would this be the case under such a Bill as the present, when gambling shops would be established at the corner of every street, and enterprises carried on for the benefit only of the small fraternity who organised them, and prosecuted so long only as suited their fraudulent purposes, leaving their dupes without a remedy? His noble Friend the President of the Board of Trade had not attempted a reply to the impressive speech of his noble Friend near him (Lord Overstone); nor had the noble Lord ventured to refer to the Report of the Royal Commission to seek arguments in support of his Bill. Indeed, with regard to that Commission it was of importance to remember, that it had given no sanction to such a Bill as the present, and that the most influential and experienced mercantile members connected with the inquiry were entirely opposed to such enactments. The noble Lord had referred to the example of foreign States; but he (Lord Monteagle) thought foreign countries were much more likely to benefit by the experience and practice of England than we were in adopting the system of commandite and limited liability. But he (Lord Monteagle) denied that on the present occasion we were adhering to foreign experience, if it were admitted to be a safe guide. His noble Friend had indeed stated that the principle of this measure was recognised in almost every foreign country, but he (Lord Monteagle) challenged the noble Lord to mention any country in which it was adopted. Had such a legislative monster as the Bill now before their Lordships ever been produced in America, in France, or in any other part of the world? Wherever in foreign countries limited liability had been established, the principle had been coupled with safeguards and limitations, all of which were wanting in this Bill. They had been told that they ought not to attempt to regulate private interests by Act of Parliament, but should leave people to take care of themselves; but that was no reason why they should encourage a host of adventurers with shilling shares and five pound capitals to start such useless and mischievous companies, to the injury of their neighbours. He asked the House to consider the unfair and partial consequences this measure—upon which his noble Friend relied for the development of trade and commerce in this country—would entail upon persons who in employing their own capital had to encounter the risks of ordinary trade. Mushroom companies in competition with them would be established under the auspices of plausible secretaries and of gentlemen learned in the law; and he feared the term "limited liability," instead of being regarded as a warning and an indication of danger, would rather operate as a bait. And even if there was no fraudulent intent, the whole of the small capital of one of these undertakings, not being carried on upon true mercantile principles, would be wasted in extravagant competition with the legitimate trade. After the conclusive opinions which had been expressed by the noble Lord (Lord Overstone) in presenting a petition to-night, and also in a previous debate, supported as those opinions were by his great ability and experience, he (Lord Monteagle) was unwilling to occupy their Lordships' attention further upon this subject; but he must say that if any indifference existed in the public mind with reference to this question, it arose partly from the great pains which had been taken to argue the case in such a manner as to lead the middle and humbler classes to believe that the measure would extend to them advantages which had hitherto been confined to the wealthy. He would feel it his duty, even if he should stand alone, to say "Not content" to the second reading of the Bill.

THE DUKE OF ARGYLL said, that he could not allow some observations of his noble Friend to pass without reply, although there was no intention of taking a division on the Bill. His noble Friend had congratulated the House on the circumstance that the Government had entirely abandoned what he considered the absurd argument that this measure had any connection with the abstract principles of free trade. But the Government had not done so. He (the Duke of Argyll) must, for himself, repeat the opinion he had before expressed, that there was a very close and intimate connection between the principles upon which this measure was founded and the principles of free trade. He conceived the doctrine of free trade to be, not merely that they ought not by any artificial restriction of law to prevent men from obtaining from abroad such commodities as they required, but that, as a general principle, it was unwise to prevent individuals from investing their property in what they deemed the most profitable manner. The principle of limited liability was objected to; first, because unlimited liability was necessary for the security of creditors; secondly, because it was requisite for the security of individual traders, who would be exposed to undue competition from companies established under a system of limited liability; and lastly, on the ground that the adoption of the principle of limited liability would give an undue stimulus to speculation. But the Bill would not deprive creditors of their security; for under the present law each individual or company could bargain with his or its creditors as to the extent to which his property should be liable. That principle was admitted even by those who were opposed to limited liability; and yet those who admitted it wished to throw all kinds of impediments in the way of a legal application of it. However, he would submit to noble Lords who agreed to that principle, that, with regard to the present Bill, all they had to do was to assent to the second reading, and then in Committee to see that proper securities for publicity and full knowledge to creditors of the terms upon which they were to deal were provided in the Bill. It had been admitted on all hands, including the noble Baron (Lord Overstone) himself, that any attempt to substitute legislative protection for individual prudence must necessarily fail. Then, again, as the usury laws had been repealed, and the creditor had been permitted to make his own terms with the person with whom he dealt, it was no longer necessary to retain the obstructions of the present state of the law; but, on the contrary, Parliament was bound, in consideration of the shareholders, to remove all those impediments. A creditor was now permitted to measure the rate of interest he charged by the extent of risk which he imagined he was about to run, and, consequently, could protect himself in his dealings with individuals or companies, by exacting thirty or forty per cent, and after he had drained away all the profits by his exorbitant interest, he could still claim his capital like any other creditor. Then, with respect to the remarks which had been made as to the protection at present afforded to certain trades carried on by individuals, the meaning of that doctrine was simply "protection." It was admitted that in certain trades or businesses limited liability could be usefully granted, and it was said that in such cases the Board of Trade had power to grant charters to effect that object; but it must be remembered that in granting those charters, no consideration was given to the probabilities of success, or to the security which would be afforded to the creditors or the shareholders. With respect to the most important argument which had been urged against the Bill—that it would give an unnatural and unhealthy stimulus to speculation, he (the Duke of Argyll) could not believe that any apprehension need be entertained upon that head. If the State were able to distinguish between good and bad speculations, it would be the duty of the State to encourage the one and discourage the other; but it was admitted by all persons that the State could not attempt to exercise such power with advantage to the public. At the same time that the opponents of limited liability admitted the impossibility of discrimination on the part of the State between good and bad speculations, they called upon the State to offer a general discouragement to all speculations alike, whether good or bad. Such a course would not be advisable upon any principle, and in order to remove that evil the present legislation was required. It could not be denied that, in the present state of the law, all speculations, whether good or bad, were alike impeded, as was admitted even by those who were opposed to the present measure. His noble Friend said that every man who entered upon a speculation should be held liable to the whole extent of his means; but he (the Duke of Argyll) held that every man should be held bound to the full extent to which he bargained to be bound, but not beyond. There were degrees of confidence with regard to the remunerating character of mercantile undertakings, and, if a man entertained sufficient confidence in a concern to risk £1,000 in it, why should you prevent him from embarking in it at all unless he risked his whole fortune? If every man were to be held liable to the whole extent of his fortune, why not go further, and say to the extent of his life? [Lord OVERSTONE: Oh, oh!] His noble Friend cried "Oh!" but he would remind the noble Lord that there were times when the matter would have gone to that extent; and by the Bubble Act persons were subjected to the penalty of a *præmunire.* It was said that the legislation now proposed would lead to rash and dangerous speculation. Now, had the present law secured caution on the part of the public? The manias of 1825, 1834, and 1845 had been alluded to. Well, all these manias had happened under the existing law, and no proof had been given to show that such manias would now be increased. On the contrary, it appeared to him that there were several modes in which the proposed change in the law might operate favourably in preventing rash speculation. He did not believe that any law would entirely prevent these periodical manias; but was it not possible that the change now proposed might induce greater caution on the part of the public? The Committee which sat to investigate this subject spoke of the evils at present created by the use of the names of persons of great wealth and reputation in the formation of public companies. At present, if a man saw the name, for example, of his noble Friend in the prospectus of a new company, he would say, "Lord Overstone is a man of great wealth and prudence; he is liable to the full extent of every farthing he possesses; he must therefore have inquired fully into the probable success of this undertaking, and I can have no hesitation in joining the company too." But, under the law of limited liability, a man would say, "Lord Overstone is a man of great wealth; it is very well for him to play at ducks and drakes with his money, and to risk £2,000 or £3,000; but the loss of such a sum would ruin me; I must be more cautious." Another cause of the speculative mania was the facility with which money could be obtained on loan; and it seemed to him to be an advantageous change if people were induced to invest their surplus capital in taking shares instead of being forced to lend it from the want of a law of limited liability. He had heard various warnings given as to the danger of trusting too much to abstract principles in a complex state of society. Now, this was almost precisely the language which they had always heard used when changes in the law which had turned out of the utmost benefit to society had been opposed by unreasoning prejudice. He felt confident that this objection would be equally unfounded in the present case, and that, by carrying out practically the abstract principle that a man had a right to invest his money on what terms he pleased, their Lordships would be adopting a system which would neither weaken our credit nor encourage rash speculation, but which would be recognised as a great boon by the country generally.

LORD DENMAN said, that he thought the restrictions introduced into the first Bill brought forward by Her Majesty's Government, by a noble Earl who had come from near the German Ocean to be present at its discussion, were highly salutary. He could refer to a case in 1827—in which a noble Lord, now high in the councils of his Sovereign, had suffered by joining the Devon and Cornwall Mining Company; and he did not think it useless to take precautions to prevent less sagacious persons from being deceived, and wished that a clause could be introduced to show the actual price given for the patent or other object of any speculation to the founder of the company. He thought the present Bill contained useful clauses in simplifying registration and facilitating the winding up of companies, and therefore would vote for the second reading; but if those in whose judgment he had confidence, and who had proposed restrictions before, should again bring them forward, he should feel bound to support them.

LORD OVERSTONE said, that in the present state of the House he would not trouble their Lordships with a lengthened argument, but hoped to convince them of the inexpedience of the measure upon a future occasion. At all events, he recorded his protest against it.

THE LORD CHANCELLOR asked whether it was a reasonable course upon a Bill consisting of 116 clauses, among which were provisions of the greatest importance, not merely to traders under limited liability, but to those under unlimited liability, to oppose the second reading because objections were entertained to one portion of the measure only? The proper course, he thought, would be to allow it to go into Committee, and to oppose in Committee the clauses which were considered to be injurious in their bearing.

LORD OVERSTONE replied, that it was quite a new doctrine that they should not record their votes against the principle of a measure, because that principle was only embodied in some of the clauses.

On Question, their Lordships *divided*:—Content 18; Not Content 5: Majority 13.

*Resolved* in the *Affirmative*; Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

---

## PROTEST.

*Die Lunæ*, 16° *Junii*, 1856.

*Against the Second Reading of the Joint-Stock Companies Bill.*

DISSENTIENT.—"1. Because the measure is wholly unnecessary; inasmuch as every concern has the means of limiting its liability by trading upon its own capital, and not upon the borrowed capital of others. Liability is not necessarily incident to trading or to the application of capital to the pursuits of industry; it is the result of taking credit or trading upon borrowed capital. Limited liability, therefore, is a measure of protection, not to the capitalist, great or small, but to the speculator, who wishes to trade for his own profit but with the capital, and at the risk of others.

"2. Because the principle of limited liability is antagonistic to, and will probably prove seriously destructive of, the sober and substantial virtues of the mercantile character. By weakening in the mind of the trader the sense of full responsibility for the consequences of all his actions, and limiting the obligation which now rests upon him to return in full all that he has borrowed from others, the general tone of commercial morality must be deteriorated. By limiting the unfortunate consequences of failure, while no corresponding limitation is placed upon the gains which may attend success, the due equipoise between the restraints and the stimulants to enterprise and speculation, upon which depend the solidity and safety of the commercial system, must be disturbed. By enabling parties to put a fixed limit to the amount of possible loss the chief incentive to caution or vigilance in the conduct of business will be taken away or seriously weakened, while by leaving the hope of gain unrestricted and indefinite, a gambling principle will be introduced into commercial transactions, and the risks of trade will assimilate themselves to the chances of the lottery-wheel rather than to what they now are, the legitimate results of hopeful industry and cautious enterprise.

"3. Because the measure in its present form, unaccompanied by safeguards or any attempt to obviate the clear and acknowledged danger of abuses to which the principle of limited liability must be exposed, is not only in opposition to the

Report of the Royal Commission appointed to inquire into the subject, but is contradictory to the practice and experience of every country in the world which has admitted the principle of limited liability into its commercial code.

"In every other country the privilege of limited liability is surrounded by restrictions which are intended to guard against the danger—first, of excessive and reckless enterprise, naturally generated by the sense of strict limitation of risk; and, second, of fraudulent abstraction under the form of interest or profits, of that specific and fixed amount of capital which is alone appropriated as the security of the honest creditor.

"These restrictions indicate the universal conviction of all other countries that against these sources of abuse it is necessary that some proper safeguard be provided. If it be deemed impossible to render such safeguards efficient and satisfactory, the conclusion necessarily arises that a measure ought not to be persisted in which does not admit of effectual protection against injustice to the honest creditor and injury to the public interests.

"4. Because the effect of the Bill will be to give legal protection, and, therefore, to hold out moral encouragement, to dishonest practices in trade.

"Profits in trade consist of interest upon capital, remuneration for labour and skill, and premium of insurance on risk. In proportion as the risk in any business is great profits are usually high; but of these high profits a large share is by every honest trader set aside as the premium reserved against high risks. An unfortunate tradesman coming before the Bankruptcy Court would not be very leniently dealt with should it appear that, carrying on a very riskful business, he had year by year spent all the great apparent profits, making no reserve out of them to meet the high risks he was incurring. Now, this is the very practice which this Bill directly sanctions, and therefore encourages.

"The object of the measure is to enable concerns to limit their liability to a certain fixed sum, which has no reference to the varying magnitude of the risks which they incur, or to the high profits which, through those risks, they are appropriating to themselves, but not reserving for the honest protection of their creditors.

"They are, in fact, appropriating and misapplying the premium of insurance, which, under the form of high profits, they year by year receive; and in this immoral course they will have the authority and sanction of the Bill.

"5. Because the tendency of the measure must be to encourage and promote the transference of capital from trading concerns now constituted, and conducted with the caution and prudence which the sense of unlimited liability necessarily generates, to joint-stock companies, trading with small paid-up capitals, and embarking, under the protection of limited liability, upon risks which no person would otherwise venture to encounter. When loss occurs a heavy portion of it will be made to fall upon the unfortunate creditor, who deserves our sympathy, whilst the adventurers who ought to be the victims of their own reckless speculations will remain comparatively safe under the ægis of limited liability. Meanwhile the sober calculations and legitimate transactions of real trade will give way to a general spirit of speculation, in hazardous enterprises, and jobbing in shares—a state of things of which the history of 1824 and 1825 affords a practical illustration, and, at the same time, holds out a warning example.

"6. Because many very important advantages arise from the high moral character and commercial credit founded upon the full and punctual discharge of all its obligations which this country at present enjoys throughout the world. If the effect of the measure shall be, as is predicted by its supporters, to restrict rather than to increase credit, by filling the community with a mass of concerns notoriously undeserving of public confidence, the consequence must be serious injury to our commercial character abroad—a diminution of the confidence which other countries repose in the engagements of our merchants and traders—an interruption to the ease and freedom with which all our trading intercourse with the world is at present conducted—and, in the end, absolute pecuniary loss to the country.

"7. Because the measure is singularly inappropriate to the present state of this country as regards capital and enterprise.

"There is abundance of capital in this country. We are the lenders of our surplus capital to every nation of the world. Any sudden demand, any new opening for speculation is at once supplied with inexhaustible funds; whilst we are subject to the frequent recurrence of periods of undue and dangerous inflation of credit and speculation. When these periods occur, the tendency of the measure must be to extend and intensify these evils, by giving facility for the widespread introduction of Joint-stock Companies, reckless in their procedure because protected by limited liability, and filling the community with the instruments of gambling in the form of shares upon which little or nothing has been paid up. The real want of the country is competent and duly qualified men (in whom confidence is duly blended with caution, and the spirit of mercantile enterprise is regulated by experience and the sense of responsibility) to wield successfully the vast resources of capital and credit which the country is prepared to place at their command.

"The evil to the correction of which the Bill is apparently directed—namely, insufficient supply of capital to meet the demands of industry and enterprise—does not, in fact, exist; whilst the real difficulty is one which legislation cannot effectually remedy.

"8. Because the period chosen for the introduction of this measure is peculiarly unfavourable to the safety of the experiment. After a long-continued heavy drain of the precious metals from this country, the reflux has apparently commenced; a great accumulation of bullion may be reasonably anticipated. Under such circumstances, credit and a blind spirit of speculation are always developed to a dangerous extent. On the present occasion this danger will be rendered more formidable by the effect, the character and extent of which is yet to be ascertained, of the recent extraordinary discoveries of gold. The time is therefore approaching, according to all probability, at which the prudence and firmness of the community will, through the natural course of events, be subjected to a severe trial.

"At such a moment it is eminently inexpedient and dangerous to introduce a change in the law seriously affecting the mutual relation of the debtor and creditor interest, and which must, in the first instance at least, exercise a powerful influence on credit and speculation. Important changes of the laws which affect our monetary or commercial system, however sound may be the principles on which they rest, are almost invariably followed by rapid and excessive development, leading to temporary, but serious embarrassment.

"The crisis of 1825 was preceded by, and was intimately connected with, the rapid development of the warehousing system which resulted from the Acts passed in 1822.

"The crisis of 1837—9 was closely connected with the sudden and excessive expansion of the Joint-stock banking system which occurred in the years immediately preceding.

"The crisis of 1847 followed closely upon the extensive reduction of import duties introduced by Sir R. Peel and the sudden outburst of the railway system.

"Experience, therefore, compels us to anticipate a similar crisis as the necessary result of the first development of that great change in our monetary and commercial system which is involved in this abrupt and unqualified introduction of the principle of limited liability.

"If this crisis occurs simultaneously with the effect of a strong influx of the precious metals on the return of peace, and of the recent extraordinary addition to the total amount of the precious metals through the gold discoveries, the firmness and prudence of the country may be subjected to a trial too powerful to be withstood, and an artificial expansion of credit may ensue, causing monetary embarrassment and great mercantile disasters.

"OVERSTONE,
"MONTEAGLE OF BRANDON."

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Monday, June* 16, 1856.

MINUTES.] PUBLIC BILLS.—1° County Courts Acts Amendment; Mercantile Law Amendment; Mercantile Law (Scotland) Amendment; Hay and Straw Trade.
2° Stock-in-Trade Exemption; Drainage (Ireland); Survey of Great Britain, &c.
3° Annuities Redemption; Transfer of Works (Ireland).

### MEDICAL OFFICERS FOR THE POOR—QUESTION.

SIR JOHN TROLLOPE said, he wished to ask the right hon. Gentleman the President of the Poor Law Board whether he was prepared to adopt the recommendations of the Committee of 1854 upon medical relief to the poor, namely:—1. That medical appointments should be permanent. 2. That the remuneration should be revived and increased. That the districts should be examined?

MR. BOUVERIE said, that the recommendations of the Committee were threefold. The first was that the Poor Law Board should direct their attention to the extent of the medical districts which were in some cases inconveniently large. That, however, was a recommendation which could only be carried out from time to time. The Board would, whenever occasion offered, direct their attention to the reduction of the area of the districts. The second recommendation had reference to the permanency of the appointments of those medical officers, and that had been in a great measure complied with. The third was with reference to the inadequacy of the salaries of the medical officers. Half of those salaries were paid out of the Consolidated Fund. The first year that that arrangement was entered into the total amount expended for those salaries was £155,700, and for the year ending March 31st, 1855, the sum had increased to £172,200, which showed that something had been done to increase those salaries where they were inadequate; but it was impossible to do so in any case without the consent of the Boards of Guardians.

### THE ABERDEEN UNIVERSITIES—QUESTION.

MR. THOMPSON said, he would beg to ask the right hon. and learned Lord Advocate whether he was prepared to bring in a Bill for the union of the Aberdeen Universities?

THE LORD ADVOCATE said, he was anxious to aid in the union of these two Universities. It appeared that the time had come when that union might be effected by a legislative measure, and he had a Bill in preparation. If the business of the Session permitted, he should be glad to lay the Bill on the table, and to carry it if possible.

### DIPLOMATIC ESTABLISHMENT AT HANOVER—QUESTION.

MR. AYSHFORD WISE said, he would beg to ask the First Lord of the Treasury whether it was the intention of the Secretary of State for Foreign Affairs, on Mr. Bligh's intended retirement from the mission at Hanover, to act in conformity with the Resolution passed by the House of Commons in 1855, and to adopt the recommendation made in 1850 by the Select Committee on official salaries, with reference to the diplomatic establishment at Hanover?

VISCOUNT PALMERSTON said, that the recommendation to which the hon. Gentleman referred was that there should be only one representative of this country stationed at Frankfort, and that our representatives should be withdrawn from Hanover, Stuttgardt, Munich, and Dresden. It was not the intention of Her Majesty's Government to adopt that recommendation. He thought that they were entitled to expect that confidence should be placed in them to this extent—that they who carried on the diplomatic communications of the country must be deemed to be better judges as to what was useful to the public interests than those who had no knowledge whatever of them. With all deference, therefore, to the opinions of the Select Committee, he had to State that Her Majesty's Government were of opinion that it would not be conducive to the public interest to withdraw our diplomatic representatives from the places referred to.

## INCUMBERED ESTATES COURT (IRELAND)—QUESTION.

Colonel HIGGINS said, he wished to inquire of the right hon. Gentleman the Chief Secretary for Ireland whether the attention of Her Majesty's Government had been called to the recent decision of the Court of Queen's Bench in Ireland, in the case of "Errington *v.* Rorke," in which it was held that a purchaser under the Incumbered Estates Court was bound by a previous lease not mentioned in the conveyance to him from the Commissioners; and whether it was the intention of Government to introduce any measure to set at rest the doubts created by that decision as to the indefeasibility of the title conferred by the Commissioners?

Mr. HORSMAN said, the attention of the Government had been drawn to the recent decision in the case referred to, which they deemed one of great importance. Hitherto it had been supposed that an estate purchased in the Incumbered Estates Court brought with it a title good and valid against the world. It certainly was the intention of the Legislature and the understanding of the public that such should be the case; and on the faith of that understanding large purchases were made in that Court. The decision referred to was, however, at variance with that intention, and was calculated to create apprehension and alarm amongst those purchasers. The Government had had their attention called to the subject with a view of taking such course as would obviate the alarm consequent upon that decision.

*Viscount Palmerston*

## COMMON LAW COURTS (IRELAND)—QUESTION.

Mr. GEORGE said, he would beg to ask the right hon. Gentleman the Chief Secretary for Ireland whether it was the intention of the Government to introduce a Bill, or to insert clauses in any Bill now before the House, to make the offices of town registrars (to the Chief Justices and Chief Baron) or clerks of *Nisi Prius* in the three superior Courts of Common Law in Ireland permanent, and to authorise the appointment of a clerk by each of said officers, in analogy to the provisions of the Act, 15th & 16th *Vict.* c. 73.

Mr. HORSMAN said, the same question had been put a few days ago by the hon. Member for Louth to his right hon. and learned Friend the Attorney General for Ireland. His right hon. and learned Friend then stated that it was not the intention of the Government to introduce any Bill, or to insert clauses in any Bill before the House, to that effect.

## THE AUSTRALIAN MAILS—QUESTION.

Lord NAAS said, he wished to ask the hon. Gentleman the Secretary of the Treasury what would be the latest period at which the Government would consent to receive tenders for the conveyance of the Australian mails?

Mr. WILSON said, that the latest period originally intended for the reception of tenders was last Thursday. In consequence, however, of the noble Lord's suggestion for the postponement of that day he (Mr. Wilson) said the Government would have no objection to do so until Wednesday next, upon an application being made to that effect. No application had, however, as yet been made for any postponement of the time. However, as parties who wished to tender might imagine that the contract was still open, in consequence of that postponement, he had given orders that no tender should be opened until the latest period fixed, because it might be said that the time had already expired. He wished then that all those tenders should remain un-opened until Wednesday next, and if no further tenders were presented, they would take it for granted that all who wished to tender had done so.

## KARS AND ISMAEL—QUESTION.

Sir DE LACY EVANS said, he wished to ask the First Minister of the Crown whether he had heard a rumour that the fortification of Kars were to be blown up by the Russians?

VISCOUNT PALMERSTON: Sir, no authentic information has been received by Her Majesty's Government, but a report has reached us, through the usual channels of information, that a part of the fortifications of Kars is to be blown up, and that some parts of the fortifications of Ismael will also be destroyed.

## SARDINIAN LOAN.

Order for Committee on Queen's Message [12th June], read.

House in Committee. Mr. FITZROY in the Chair.

Queen's Message read.

THE CHANCELLOR OF THE EXCHEQUER: Mr. FitzRoy, it will doubtless be in the memory of the Committee, that in making the financial statement of the year, a short time since, I announced, on the part of the Government, that they intended to propose a loan of an additional £1,000,000 to the Sardinian Government, in fulfilment of the spirit, although not of the letter, of the Convention of last year. That Convention was entered into in December, 1855, it was signed at Turin, and the ratifications were sent over to this country. By some accident a short delay took place at Paris in the transmission of those ratifications, and the consequence was, that the Bill founded on the Convention was not introduced into Parliament quite as early as may have appeared consistent with the date of the signature of the treaty. It was not supposed at the time that that accident would be attended with any material consequences. No blame, however, attaches on account of it to the Sardinian Government; if there is any responsibility in the matter Her Majesty's Government are responsible. However, the Convention having been signed at Turin in January, 1855, the Bill founded upon it was introduced, I think, at the end of March or the beginning of April, and received the Royal Assent on the 26th of April. The stipulations of that Convention were, that £1,000,000 should be advanced as a loan to the Sardinian Gevernment within a year after the payment of the first instalment, and that, if the war should not be brought to a conclusion within a year after the payment of the first instalment, then a second £1,000,000 should be advanced under the like terms and conditions as the first. I will now, Sir, beg to call the attention of the Committee to the precise dates of these transactions. The Act of Parliament giving effect to the Convention received the Royal Assent on the 26th of April 1855, and the ratifications of the treaty of peace were exchanged on the 27th of April, 1856—that is to say, one year and one day after the day on which the Act received the Royal Assent. The application on the part of the Sardinian Government for the first payment was, I believe, received on the day, or even before the day, on which the Royal Assent was given to the Bill, but the actual payment of the first instalment from which, according to the stipulations of the Convention, the year was to be reckoned, was made on the 3rd of May, six days subsequently; therefore, according to the strict interpretation of the treaty, the second sum of £1,000,000 did not become payable; whereas if the payment of the first instalment had been made one day before, instead of six days after—the 27th of April—the faith of this country would have been engaged to advance the second £1,000,000. I have now stated the facts with regard to the literal obligations of this country. With regard to the spirit of the treaty, it is to be observed that it was made for the purpose of enabling the Government of Sadinia to carry on the war in which she and her Allies were engaged. The Government of Sardinia sent over troops which were engaged in the last campaign; they also made preparations for a second campaign, in the event of peace not being concluded at Paris; and, although the actual terms of the treaty do not bind Her Majesty's Government to issue a second sum of £1,000,000, unquestionably the contingency contemplated by the treaty has arisen—that is to say, preparations for a second year of hostilities have been made by the Sardinian Government. I may also state that it appears from an authentic document, communicated by Count Cavour to Lord Clarendon, at Paris, and laid before the Sardinian Parliament, that the expenses of the expedition, not later than the close of last year, had amounted to no less than 75,000,000 francs, a sum which considerably exceeds the £2,000,000 proposed to be lent to the Sardinian Government in the shape of a loan. I trust, after this explanation, the Committee will see that, consistently with good faith and the spirit of our engagements with the Sardinian Government, Her Majesty's Government cannot do otherwise than propose this additional advance. Considering, too, the friendship which the Sardinian people entertain towards this country, as manifested by the gallanty and fidelity of their army, and by the uninterrupted amity and good faith with which their Government has acted towards the Government of Her Majesty, I hope the Committee will not hesitate to set their seal on this contract, and, without any difference of opinion, to assent to the Resolution I have placed in the hands of the Chairman.

*Resolved*—"That the Commissioners of Her Majesty's Treasury be authorised to issue, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the sum of One Million Pounds sterling, during the present year, by way of Loan, to the Sardinian Government, in accordance with the terms of a Treaty concluded between Her Majesty and the King of Sardinia."

Resolution to be reported *To-morrow.*

House resumed.

## OUR RELATIONS WITH THE UNITED STATES.

On the Motion that the House resolve itself into Committee of Supply,

LORD JOHN RUSSELL: It appears to me, Sir, that the House of Commons ought not to go into Committee upon the last remaining military estimates of the year without asking the Government for some explanation as to the position in which we at present stand with regard to the Government of the United States of America. If there were negotiations going on at the present time the Government would rightly say—and, according to all former practice, the House would listen to them—that, during the continuance of those negotiations, it would be inconvenient to the public service to raise anything resembling a discussion on the subject. But the question now is, whether there are to be any negotiations with the United States Government or not? The state of facts, I conceive, to be this:—Despatches have been received by Her Majesty's Government, declaring, according to the explanations given in both Houses of Parliament, upon the authority of our Minister (Mr. Crampton), that with respect to the question of recruitment the Government of the United States are satisfied with the explanations of Her Majesty's Government, to the effect that they had no intention whatever of violating the laws of the United States, and that they had heard with great regret that anything which could be construed into a violation of those laws could be alleged against them. The question, therefore, with respect to the recruitment appears to me to be at an end. But the Government of the United States, not giving the same credit to Mr. Crampton which they have given to Her Majesty's Government, state that his conduct has been such that they cannot usefully, in regard to the maintenance of amicable relations between the two countries, recognise him any longer as our Minister, and they have accordingly declared that they can no longer transact the business of the nation with him. They have accompanied this communication with various declarations, and very positive declarations, of their wish to continue on terms of amity with this country. The United States Government have, with regard to a second question, which has for a long time been the subject of negotiation between them, this country, and various States of Central America, professed their willingness to enter into direct communication with Her Majesty's Government upon any points of difference which now exist; and, having gone through those points in great detail, they have declared their opinion that, with respect to some of them, an arbitration might be resorted to with a view to the attainment of an amicable result. Now, Sir, I do not ask for any explanation with regard to one or other of those questions. The hon. Gentleman the Member for Inverness-shire (Mr. H. Baillie) has given notice of his intention to bring the recruitment question before the House, on Thursday next. If the hon. Member should think proper to bring that question forward, and if the House should entertain it, then any Member of this House, and I among the rest, may declare our opinions on that question. With respect to the second question—that relating to Central America—the real point is, whether negotiation is to be entered into or continued on that subject. If such negotiations be broken off, then, no doubt, it would be necessary to bring that question before the House, and I should expect some Member to do so; but, if negotiation is now to take place, I think, then, upon that question, and I should also say on the other, that it would be most desirable that no further discussion should take place until Her Majesty's Government could inform us of the result of that negotiation. But, Sir, there are two other very important points, independent of any detail of the merits of the two great questions I have just alluded to, on which I think the House of Commons ought to receive information. The first is whether, as the American Government have desired Mr. Crampton to cease his relations with the United States, it is the intention of Her Majesty's Government, after the mature deliberations they have now been able to give to the subject, to desire that Mr. Dallas should likewise withdraw, and thus put an end for a time to any diplomatic communications between the two countries. The second point is, whether that course is pursued or not, pending the negotiation respecting Central America, and until the negotiation should be brought to a close, what are the intentions of Her Majesty's Government with respect to any force that either now may be stationed or may be sent to the coast of Nicaragua and Costa Rica? Sir, to these two questions I shall shortly apply myself. With respect to the first point, it appears to me that Her Majesty's Government may have means of judging which neither I nor any Member of this House may be in possession of; that, besides the ostensible despatches, there may be ground, on which their judgment has been formed, on which they can give intelligence to the House, but which we are not at present possessed of. It certainly appears to me that their Resolution should be formed in this respect, that if they have reason to believe that the removal of Mr. Crampton is a wanton and determined insult on the part of the Government of the United States, Her Majesty's Government can adopt no other course than to resent that insult by breaking off all communications with the Minister of the United States in this country. If, however, there are no circumstances which lead them to that conclusion, then I should say that not only former examples, but the present peculiar circumstances of this case, make it most desirable that they should accede to the invitation of the Government of the United States, and enter into negotiations upon any points of difference which, though not serious at the present time, may lead to most serious results. With respect to former examples there are many, I think, on this subject. There are cases in which both France and Great Britain have found that the Ministers they have appointed were not acceptable to the Government of the United States. There is the well-known case in 1793 of M. Genet, the Minister sent by the Republican Government of France, who not only fitted out privateers, and had the prizes brought to New York, and thus violated the neutrality of the United States, but likewise in a most offensive and improper manner endeavoured to raise seditious attempts against General Washington's Government. General Washington, who was then President of the United States, acting with that wisdom for which he was remarkable, and joining to it calmness and firmness, which likewise formed part of his character, in declaring to the French Republic that the conduct of M. Genet was intolerable, and that he could not any longer be permitted to continue as Minister from the French Republic to the United States, did not break off diplomatic relations with France. General Washington, through his Secretary of State, set forth the details of M. Genet's conduct, and stated that he was not acceptable to the American Government. Upon this the French Government disapproved the conduct of M. Genet and recalled him, appointing another Minister who might be acceptable to the Government of the United States. Thus the diplomatic relations between the two countries were not interrupted. Again, in 1809, Mr. Jackson, the Minister for Great Britain at Washington, made himself personally unacceptable to the President of the United States, and he was informed that no further communication could be held with him. Mr. William Pinckney was then the American Minister in London, and he continued at his post, so that there was no interruption of the diplomatic intercourse between the two countries; Mr. Maddison at that time being President. Then, so lately as 1850, M. Poussin, the French Minister at Washington, having used language in one or more diplomatic notes which was considered disrespectful to the Secretary of State, had his passport sent to him, but there was no interruption of amicable relations between the two countries. Mr. Rush, the American Minister at Paris, was at the time *en route* to the United States, but his successor, Mr. Rives, was received without obstacle, and a new French Minister was sent to the United States, General Zachary Taylor being at that time President. These examples show that the dismissal of Mr. Dallas need not, according to usage and international practice, immediately follow the course pursued by the American Government in respect to Mr. Crampton. I now come, Sir, to the question, in which negotiation is practicable. That question is one of very considerable difficulty, being involved with ancient obligations on the part of this country, and ancient and what we consider honourable relations between us and certain tribes of Indians on the coast of Central America, and being involved likewise by various interpretations in respect to a recent treaty, and by matters relating to Nicaragua and other States. I may mention likewise that an Act of 1851, carried into effect by the Government in 1852, is likewise matter upon which a difference of opinion has arisen. In regard of these matters, involving, as they do, most important consequences, it appears to me, from the hasty perusal I have been able to give it in the newspapers of this day, that Mr. Marcy has written a very dispassionate despatch, maintaining, as he was sure to do in opening a negotiation of that kind, all the positions which the American Government have hitherto maintained. Yet he seems to admit that each of them might be discussed, and to assent that these points, on which arbitration would be useful, should be referred to arbitration. Now, Sir, it has been suggested that, though Mr. Dallas were to receive his passports, and all diplomatic communication were to be suspended, yet that negotiation on all these various points might be carried on in some other place and by some other means. Sir, I cannot think that such a course would be either befitting the dignity of this country, or that it would tend to conduce to any satisfactory results. I cannot think it would be befitting the dignity of this country, because, if we are to negotiate with the United States, I hardly think it would be right to commence an indirect negotiation, or that it would conduce to any good end. If the negotiation is to be carried on, I cannot conceive that it could be better carried on than by Mr. Dallas, a gentleman universally respected, and who, during the short time he has been here, has received the good will of all classes, and by the noble Earl at the head of the Foreign Department, who is acquainted with all the circumstances of the case, and whose talents would in such a negotiation be of the highest service. I hope, indeed, that he, who has recently signed the treaty of Paris, will be the person to bring to a termination these disputes with the United States. With respect to the second point to which I alluded, the present state of affairs in Central America, it is but too obvious that an accident might occur, a collision might happen on some unforeseen question, or in some unexpected case, which would seriously compromise the amicable relations of the two countries. We have hitherto had a question which has rolled on for a long time, and for a great part of this century has been, as it were, in abeyance, without any active participation of our arms or of those of the United States in the dispute. The States of South America, so far from realising the anticipations of Mr. Canning, that he had created a new world to restore the balance of the old, have hardly been able to maintain order within their own limits. Still less have they been able to attempt any great conquests; nor has the stronger among them been able so completely to vanquish the weaker as to form any great and powerful State in Central America. The State of Nicaragua, great as her pretensions were to the dominion of the Mosquito coast, and little as she regarded the obligations with us which had descended to her in consequence of our former treaties with Spain, has not been able either to fix herself upon the Mosquito coast or to overcome that colony of various Europeans—Englishmen and others—and citizens of the United States, which has been established at Greytown. We see now, however, that an enterprising military chief of considerable energy, who is likely to attract many followers to his standard, by taking the part of one faction against another, has obtained very considerable power in the State of Nicaragua, and it is very possible that President Rivas, having his assistance, may make an incursion on the Mosquito coast, and may attack the inhabitants of Greytown. The question, therefore, is, what will be the course of Her Majesty's Government in such a contingency? I have no doubt, Sir, that they would think it their duty to protect the persons and property of British residents in such a case; and I cannot wonder, therefore, that they should wish to have a sufficient force in the neighbourhood of Greytown for that purpose. Whether they would think fit to interfere with respect to Nicaragua and Greytown, I know not, but I think that it is a question upon which we ought to have some information. I say this the more because the reports on this subject are very conflicting. I saw in a newspaper to-day that the ships of the United States were allowed to carry men and even military stores, who, no doubt, were going to swell the forces in Nicaragua. It seems to me that such a course would not be consistent with the respect which is due to the flag of the United States. I have also seen what was stated to be a telegraphic despatch, to the effect that Her Majesty's ship-of-war *Eurydice* was in the habit of interfering with the ships making for the port of Greytown, and of overhauling them before allowing them to enter. Some explanation, I have no doubt, can be given on that subject, but I think it is right that the anxiety which exists with regard to it should be as far as possible removed. These are the two questions, then, upon which I should wish to have some explanation from my noble Friend at the head of the Government—first, whether it is the intention of the Government, after the course which has been taken with respect to Mr. Crampton, to pursue a similar course in regard to Mr. Dallas, and to break off all diplomatic intercourse with the Government of the United States; and next, whether, supposing that should not be the case, measures have been taken, after due deliberation, by the Government, in order to prevent, as far as possible, any collision between the ships and forces of Her Majesty's Government and the ships and forces of the Government of the United States. For my own part, I should hope that the commanders of the ships-of-war of this country and of the United States will receive such orders that they will act completely in concert; and that they will not allow the miserable States in Central America, with their rivalries and their squabbles, to commit these two great nations to hostilities with each other. Sir, I need not dwell upon the misfortunes which would flow from a war between the two countries. They are obvious, and must be felt by everybody. If these dissensions should lead to any serious quarrel, or, still more, to active hostilities between this country and the United States, the miseries which would arise to both nations are incalculable; they are of such a nature as no man in this country, and I should hope no man in the United States, could contemplate without the utmost fear and repugnance. The power of the two countries would, no doubt, be very signally displayed if a war were unhappily to arise, but it is obvious that the cause of humanity, the cause of peaceful commerce, and the cause of civilisation would greatly suffer from such a course. It is equally clear that throughout all the continent of Europe every man who has a feeling for liberty, every man who desires to see the cause of freedom flourish, would deplore such a contest between the two great free States of the world; and it is equally clear, I think, that all those who wish oppression to continue in those countries of Europe which are oppressed, would rejoice at the breaking out of a war between England and the United States. Such being the feeling which I know must animate every one, and having heard from my noble Friend at the head of the Government similar sentiments at an earlier period of the Session—sentiments which did him the highest honour—I cannot doubt that everything which can be done consistently with the position of this country, with its honour, and with its engagements to other nations, will be done to preserve peace between the two countries. Let me only add, Sir, that if the Government are about to enter into these negotiations, I do hope that from the moment that declaration is made, this House, imitating the example which it set itself (and it can imitate none better) during the last war, of forbearance with regard to negotiations, will abstain from any party discussions, from any rival imputations, and from doing anything which can induce any party in the United States to think that, if at last we should fight, and if negotiations, instead of leading us to an amicable settlement, should only lead us further from peace, this country would not be united in resisting pretensions which might be deemed inconsistent with our national honour. I believe such must be the universal opinion. We are, however, Sir, in such a position that some explanation is needed from the Government, and I wait anxiously to hear what my noble Friend has to say. There is imposed upon him a great responsibility, but I trust that the issue of this will be conducive not only to the interests of this country, but also to the maintenance, for a long period to come, of the relations of amity between us and the United States. I have seen that after former negotiations new questions have arisen between the two countries. I have been very much grieved to see that, although the question of the north-western boundary line and the question of the *Caroline* were amicably and skilfully settled by diplomacy, others speedily arose, from which it was sought to create dissensions and bad blood between the two countries. I am convinced that there are no two countries whose interest and duty it is more to cultivate friendly relations with each other. There is room for us both on the globe. We have a great empire to rule and great duties to fulfil; the United States are no doubt destined to great empire and to great duties, and let us both use the power which God has given us for the benefit of the human race.

VISCOUNT PALMERSTON: It is perfectly natural, Sir, that in the present state of affairs between this country and the United States, this House should expect from Her Majesty's Government at the earliest possible moment, an explanation of the condition in which our mutual relations stand. I cannot, therefore, feel any surprise that my noble Friend the Member for the City of London, whose position in this House so well entitles him to be its organ on such an occasion, should avail himself of the present opportunity to require from Her Majesty's Government an explanation in regard to our present position with the United States. Indeed, Sir, if no hon. Member had expressed a wish to hear such an explanation from the Government, I think it would still have been our duty not to allow a day to pass without putting the House in possession of our intentions on the subject to which my noble Friend's questions relate. Sir, it is unnecessary for me to enter into any explanation whatever of those communications which my noble Friend at the head of the Foreign Office received a few days ago from the American Minister at this Court. These communications having been presented to Congress, and having already been published in the newspapers, every hon. Member is as fully in possession of them as is the Government of Her Majesty. To lay them upon the table of this House officially, it would be necessary that we should be able to accompany them with such answers as—upon full consideration—and upon due deliberation, such as the importance of the subject-matter requires—we should have thought it fitting to return to them. Sir, we have not yet been able to frame those answers, and therefore we are not in a position to lay these papers officially before Parliament. But, Sir, I am ready to answer the question of my noble Friend as to the intentions of Her Majesty's Government with regard to the diplomatic arrangements between this country and the United States. Now, it is to be observed, Sir, in the first place, that, although the United States Government have thought fit to intimate to Mr. Crampton that they cannot continue their relations with him, in consequence of which he has left Washington, that intimation did not go to the extent of suspending diplomatic relations. On the contrary, it was accompanied, in another despatch, by the expression of a desire to continue, through the American Minister at this Court, diplomatic intercourse upon another matter. Now, Sir, Her Majesty's Government, duly considering all the various bearings of the matter, and attending to those considerations upon which my noble Friend has dwelt, have not deemed it their duty to advise Her Majesty to suspend diplomatic intercourse with the American Minister at this Court. We are, therefore, prepared again to enter into communications with him upon any matters which concern the interests of these two great countries. Sir, I think the House will feel that I am best performing my duty by abstaining on the present occasion from entering into any discussion beyond this answer to the question. My noble Friend (Lord J. Russell) has, however, expressed a hope that the instructions which Her Majesty's Government have given to the naval force which was recently despatched from this country to the coast of America, are not such as are likely to bring about any unnecessary collision between the American and British squadrons. Sir, I can assure my noble Friend, and I can assure the House, that it is the most anxious desire of Her Majesty's Government to avoid anything which might bring about such a collision; that the instructions which have been given to the commander of that force relate to the protection of British interests, of British subjects, and of British property; and that there is nothing in those instructions which would tend to a collision between the British and American forces. We certainly have thought it right, considering the uncertain—uncertain as it then undoubtedly was—position of our relations with that great naval Power, that our force in those seas should be placed in such a condition that it might not be liable to any accidental disaster. We thought it right to be strong; but, being strong, we shall not abuse our strength, we shall not be the aggressors. Upon that subject also—the question about Central America — I am sure the House will not at present wish me to go into any details. I concur with my noble Friend in the opinions which he has so well expressed, to which I also gave expression on a former occasion, that it would be lamentable in the extreme, if two countries which have so many interests in common should, through the perverseness of any man, be brought into a state of hostility with each other. With regard to the conduct of Her Majesty's Government, I think I may be permitted to say that, as on the one hand this country was never in a better position to carry on war, so, if war were forced upon us, that very strength and that very preparation of which we may boast is also a reason why we may, without derogation from our dignity, act with calmness, with moderation, and with due deliberation upon a matter of such great importance as one which bears upon the relations between this empire and any foreign country whatever, more especially one between which and ourselves there are so many causes of union and so many mutual interests as between Great Britain and the United States of America.

MR. DISRAELI: Sir, questions of this kind, bearing upon a subject so important as a misunderstanding in our relations with the United States, must impress upon the mind of every Member the expediency of treating them with the utmost moderation, and in a spirit of forbearance. Sir, the noble Lord who has just addressed the House has touched very lightly indeed upon the immediate cause of the retirement of Her Majesty's Minister from Washington; but I was glad to hear from the noble Lord that, so far as the Government of the United States was concerned, this could not be looked upon as a complete rupture of diplomatic relations. I could not help feeling, however, that, although the Government of the United States has drawn a distinction between the conduct of Mr. Crampton and the conduct of Her Majesty's Government, I trust the House of Commons will not follow in that respect the example of the States. I was glad to hear that the noble Lord himself does not by his authority sanction this distinction. I am perfectly willing to accept as expressed the statement of Mr. Marcy that, so far as Her Majesty's Government is concerned, the Government of the United States is completely satisfied with the explanation respecting the assumed conduct of Mr. Crampton, and that of Her Majesty's consuls, with regard to the recruiting in the States; but I am quite sure that the House will not for a moment adopt the distinction which the United States Government has made upon that subject. I trust, Sir, that the House of Commons will hold Her Majesty's Government responsible, if responsibility has been incurred, and that it will not in a moment of extreme difficulty, if not of peril, announce to this country, to Europe, and to America, that the House of Commons is prepared to affix to Her Majesty's Minister at Washington—an individual who, at all events, attempted to do his duty to his Sovereign and to his country, and who has apparently acted upon the instructions of his superiors —a responsibility which should attach to the Government whose agent he was. I trust, Sir, that the House of Commons will not, on such an occasion, declare that Her Majesty's Minister to America is to be accepted as the scape-goat of ministerial sins. I have expressed myself ill if, in what I have said, I have seemed to offer any opinion upon the conduct of the Government. This is not the occasion on which I would express such an opinion; but I wish to guard myself against being supposed to accept without demur the distinction which the United States Government has made between the conduct of Mr. Crampton and that of Her Majesty's Government in this matter. Sir, I must distinguish between the two questions with the United States which have so much interested this country. Following the example of the noble Viscount, I am not about to enter into a discussion upon either of these subjects; but I must, to prevent being misunderstood, be allowed to make one or two observations. Whatever may be its ultimate decision upon these questions, I wish the House of Commons would take an opportunity of inquiring calmly what is the cause of these painful and frequently recurring misunderstandings between this country and the United States; because, Sir, I fully agree with both noble Lords who have addressed us, that between that country and ourselves there ought to be constant sympathy and cordial alliance. Sir, it is impossible to suppose that the actual recruiting, or the mode in which it was conducted—especially after the apologies which have been offered by our Government—can really be the cause of the misunderstanding of which it is said to have been the occasion. I want to know why the United States Government, even admitting their case to be a good one, is so prompt, if not eager, to insist upon immediate reparation? It will be well if we take this opportunity—I do not mean this evening, but before these great questions are settled—of arriving at some definite result upon this point. I think, Sir, it would be wise, if England would at last recognise that the United States, like all the great countries of Europe, have a policy, and that they have a right to have a policy. I observe in the papers which have been laid upon the table of the House, that the American Minister who was here, commenced his communications with Her Majesty's Government by saying, that he thought it right to announce that the President had adopted the Monroe doctrine as the foundation of his system of government. Now, Sir, the Monroe doctrine is one which, with great respect to the Government of the United States, is not, in my opinion, suited to the age in which we live. The increase in the means of communication between Europe and America have made one great family of the countries of the world; and that system of government which, instead of enlarging would restrict the relations between those two quarters of the globe, is a system which is not adapted to this age. In making that observation, however, I would say that it would be wise in England not to regard with the extreme jealousy with which she has hitherto looked upon it any extension of the territory of the United States beyond the bounds which were originally fixed. I hold that that is not a sound policy which is founded on the idea that we should regard with extreme jealousy the so-called "aggressive spirit" of the United States. I am of opinion that the treaty concluded by Lord Ashburton was one of the wisest diplomatic acts that has been accomplished in modern times, at least in this country; that it was the indication of a sound and liberal policy, and that those who opposed it are the supporters of a policy which is regarded by the Government of the United States as one hostile to the legitimate development of their power. Moreover, I am persuaded that it is the belief on the part of the United States that the British Government is animated by such sentiments in their regard which has excited the feeling that has seized upon the enlistment question as a means of expressing their dissatisfaction and distrust. It is through no desire to introduce controversial questions on the present occasion that I venture to offer these remarks, but simply because I wish to impress upon the House my conviction, at least, that such is the feeling which prevails in America; and that, if it is always to be impressed upon England that she is to regard every expansion of the United States as an act detrimental to her interests and hostile to her power, we shall be pursuing a course which, while it will not prevent that expansion on the part of the States, will involve this country in struggles that may prove of a disastrous character. I remember what extreme jealousy existed a few years ago in this House, in consequence of the conquest of California by the United States. I remember that that was an event which was looked forward to with the gravest alarm, and one from which the most calamitous results were anticipated. Have any of those gloomy forebodings been realised? I would ask the House whether the balance of power has been injured by the conquest of California by the United States, and whether there is any event since the discovery of America which has contributed more to the wealth, and through the wealth, to the power of this country, than the development of the rich resources of California by means of the United States? These things are worthy of consideration; for, believe me, sooner or later we shall have to adopt clear and definite opinions on this subject; and, indeed, I cannot hesitate to express my belief that if sounder views with respect to it had prevailed in this country, Her Majesty's Government might not have felt themselves obliged to take a course with regard to the enlistment question which, whatever may be its immediate consequences, certainly has not terminated in a manner flattering to the honour of this nation, or grateful to the feelings of any class of Her Majesty's subjects. These are the two points to which the noble Lord to whom we are indebted for this discussion has particularly referred. For my own part, I look on all that has happened with regard to the enlistment question as indicative of a feeling of distrust in the United States, and which has its origin in the conviction that the policy of this country is hostile to the legitimate development of their power. Sir, it is my opinion that all that the United States have fairly a right to expect they may obtain, without injury either to Europe in general or to England in particular, and that it is the business of a statesman to recognize the necessity of an increase in their power, and at the same time to make them understand that they will most surely accomplish all the objects they propose to herself by recognizing those principles of international law which in civilised communities have always been upheld, and to impress upon them that, instead of vaunting that they will build their greatness on the Monroe doctrine, which is the doctrine of isolation, they should seek to attain it by deferring to the public law of Europe, and by allowing their destiny to be regulated by the same high principles of policy which all the European communities that have a political system have invariably recognised.

## COMMISSIONS OF DECEASED OFFICERS.

Mr. GROGAN said, he would now beg to propose the Motion of which he had given notice—

> "That this House do resolve itself into a Committee to consider of an humble Address to Her Majesty, praying that she will be graciously pleased to direct alterations to be made in the rules of the Military Service, and in the Warrant of March, 1856, to the effect that the regulation value of the Commissions of Officers in the Army, who shall have died of cholera or fever, in active service during the late War, may be paid to their representatives, and deemed part of their personal estate, and to assure Her Majesty that this House will make good the same."

He would not go over the grounds of justice and of right which, he maintained, the widows and families of officers who had fallen in the service of their country during the late war had upon the generous consideration and liberality of that House; but he held that the warrant issued from the War Office in March last operated most grievously and unjustly against them, and contrary to the desires of the House, as indicated when the hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam) brought forward his Motion on the subject. On that occasion the noble Lord at the head of the Government promised that steps should be taken for enabling officers to make such a disposition during their lifetime, that their families might either receive the amount of the value of their commissions in actual money, or by way of pension or gratuity. But the warrant of March confined the beneficial intentions of Her Majesty to two classes of officers only—namely, those who had fallen in the field of battle, and those who had died of wounds received in battle; and altogether excluded a third class, whose claims were certainly not less deserving the attention of the House—he meant those who had fallen victims to disease or pestilence, fever or cholera, contracted in the service of the country, and who might have left their wives and families in the same position as officers who had fallen at the head of their regiments on the field of battle. Upon what grounds of justice such a distinction as this was made he was utterly at a loss to imagine. He held in his hand a copy of the *Gazette* which contained the despatch of the late Lord Raglan, giving an account of the battle of the Alma. In that despatch the noble Lord described the gallant behaviour of Colonel Tylden and Major Wellesley on the occasion, and added the expression of his deep regret that both officers had subsequently fallen victims to cholera. Now, under the terms of the warrant of March last, the families of those two brave men were precluded from claiming that remuneration for the large sums of money they had invested in the purchase of their commissions, which if it had been the will of Providence that they should have been struck down on the field of the Alma, they would have been entitled to receive. But these he could inform hon. Members were not the only cases of the sort. Quite the contrary. He (Mr. Grogan) had himself had the honour of knowing a gallant officer, now no more, who also distinguished himself at the battle of the Alma. He had the fortune to escape the bullet and the bayonet on that occasion; but it was, nevertheless, his lot to fall a victim to cholera afterwards—he alluded to Lieutenant Colonel Hoey, of the 30th Regiment. That gallant officer was only thirty-nine years of age at the time of his death. He joined his regiment in time to march with it to Varna. He had purchased all his commissions with the exception of his lieutenancy; consequently, according to the regulation price of the army, he had invested at least £4,000 in commissions. He went to Varna in full possession of his health and vigour; but there he became sick with fever; still, with the spirit of a true soldier, he refused the advice of his medical attendant to seek the ease and comfort which the then state of his health would have warranted him in seeking; and, when the order came for the army to move, he passed over with his gallant corps to the Crimea. Again, on the landing of the troops at Eupatoria, he refused to delegate the command of his regiment to another, and was present at the battle of the Alma, where, as Major-General Pennefather stated in a letter which he had written to him (Mr. Grogan), Colonel Hoey led on his corps against the Russians, and organised his line under fire after passing the river in the most gallant manner. That brave officer served in the division of the hon. and gallant Member for Westminster (Sir D. L. Evans), who, he doubted not, would also bear testimony to his exemplary conduct. Well, he survived that conflict, only to fall a victim to the cholera, brought on by exposure to the weather, and the severity of that dreadful flank march on Balaklava, nine days after. Yet his family, too, were excluded from the operation of the warrant of March; and he (Mr. Grogan) again asked, upon what grounds of justice or honour a distinction could be drawn between the cases of officers who had gallantly sacrificed their lives in the field of Alma or Inkerman, and those who, like Colonel Hoey, had behaved with equal gallantry at both, but subsequently fell victims to a disease against which it was impossible to guard. For his part, he saw no difference whatever between them. The officers he had mentioned had all of them spent considerable sums in the purchase of commissions, and the hon. Gentleman (Mr. F. Peel) had, in a former discussion, admitted that the Government derived a benefit from the sale of commissions, and he had also stated that the Government had taken advantage of the vacancies thus occasioned to confer commissions, without purchase, on such persons as non-commisioned officers, sons of distinguished officers, and young men who had passed creditable examinations at the military colleges. Now, all that was very good in itself; but it ought not to be done at the expense of the families of individual officers. He complained, moreover, that the warrant of March 1856 had not fulfilled either the terms of the Motion of the hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam), or the promise which the noble Lord (Viscount Palmerston) had given in accordance with the obvious wish of the House on that occasion. The debate on the Motion of the hon. Member for Newcastle-on-Tyne was a very interesting one; and after that hon. Gentleman had consented to leave the question in the hands of the Government, the noble Lord the First Minister of the Crown rose and, explaining some observations he had made previously, said that what he meant to have said was, that he thought it would be right for a regulation to be made by which, as was correctly stated by his hon. Friend the Member for Newcastle, it should be optional with the officer to determine in his lifetime whether, in the event of his falling in action, the family should receive the allowance or pension now given by the regulation, or in lieu of that receive the value of his commission. A more distinct promise than that they could not have, and he now would beg to ask the hon. the Under Secretary for War if any warrant had been issued to that effect, and if so, when? Would the hon. Gentleman say that the warrant of March fulfilled that engagement? If he did, he (Mr. Grogan) begged to differ from him, and to tell him that so far from that, he considered that it had completely evaded and frustrated the expectations not only of that House but likewise those of the army. He observed with some surprise that the words "distressed circumstances" were used in the warrant; and that, he felt assured, was as contrary to the wishes of the House as it was to the engagement which the noble Lord had expressly entered into. An officer falling in battle left, say two, three, or four sisters, who applied to the authorities for repayment of the purchase money which their brother had invested in his commission; but in order to obtain that they must state that they were mainly dependent upon their brother for subsistence. Suppose the officer to be an ensign in the army. His pay was *5s. 3d.* a day, and if those ladies applied for the repayment of the £450 he had paid for the purchase, they were required to state that they had been mainly dependent upon him for maintenance and support. Now hon. Gentlemen must be well aware that it was perfectly notorious that the pay of an ensign was not even enough to enable him to keep up his position in the army, much less afford assistance to the members of his family. Why, such a requirement as that was nothing short of an absolute denial of justice. But the noble Lord declared that an officer should have power to direct in his lifetime whether, in the event of his falling in action, his family should receive the allowance or pension now given by regulation, or, in lieu of it, receive the value of his commission; but by the warrant of March the wishes of the House and the country, and the expectations of the army, as he had already observed, were completely frustrated, whilst the cases in which the purchase-money was to be returned were only those in which the widows and families of officers dying on the field of battle were in distressed circumstances. It should also be borne in mind that the hon. Under Secretary for War himself, when speaking on this subject on a former occasion, stated that the large sums which officers were compelled to pay for their commissions were, as it were, a sort of "caution money." Caution for what? For the faithful, honourable, and gallant discharge of the duty which their Sovereign and their country had imposed upon them. Now surely when they had performed their share of the engagement by laying down their lives, it was only right that the country should return the "caution money" to their families, and that even upon the interpretation of the hon. Gentleman himself. He did not like to use the word "misconduct" in connection with officers of the British army; still it was well known that there had been cases in which, from some circumstances or other, it was considered desirable to dismiss officers from the service; but even in those cases the parties had been allowed to sell out, and receive the regulation value, if not a great deal more, of the commissions they had previously purchased with their own money. The officers in behalf of whose relatives he (Mr. Grogan) now raised his voice, however, had not committed acts which warranted their dismissal from the army; on the contrary, to the last hour of their existence they had discharged their duty to their Queen and country to the best of their ability; yet they were denied the right which was conceded to those who were considered no longer worthy to continue in the service. The injustice had not escaped the notice of the late Duke of Wellington, who, writing to the late Lord Hill, said, in substance, that it was idle for officers in the British army to expect promotion without money, and the interest of money so invested was infinitely less than any annuity office would give them. He (Mr. Grogan) complained of the warrant also, because it was not interpreted retrospectively. It was true that officers already dead could not elect between the increased allowances and the return of the value of the commissions; but their widows and families were able, and ought to be permitted, to make that choice. Now, how had the restriction imposed by the warrant of March operated? Let him refer once more to the case of the late Colonel Hoey. There the widow, for the benefit of her children, proposed to forego the increased pension offered to her for her husband's gallant conduct, on condition of receiving the purchase-money paid for his commissions, and was refused. That was the way the warrant was carried out in that instance. He (Mr. Grogan) believed that the number of officers killed in the service of their country in the last war was 179, with about 100 additional officers who lost their lives in the service of their country. Out of that number, however, the cases of only sixteen were deemed worthy of receiving the bounty of Her Majesty under the provisions of the warrant in question; while of the Guards, whose gallantry all persons knew, there was only one officer included in the warrant in the whole brigade, the late Lieutenant-Colonel Brooke, although twenty-six lost their lives during the contest. The object of the Motion was, on the principle of justice, to extend the principle of the warrant to the cases of all officers who lost their lives in the service of their country. It should be borne in mind that numbers of officers who had distinguished themselves in the late campaigns, were at the present time suffering under latent disease contracted in consequence of the cantonments selected for the army. No just ground could be shown why the widows and orphans of officers who had perished from fever or from cholera should be exempted from the operation of the warrant; and he therefore hoped to hear from the Government that the narrow interpretation which had been put on it would be extended to such cases.

MR. SPEAKER said, the Motion of the hon. Member was informal, and could not be put in the shape in which it stood.

MR. GROGAN said, under those circumstances, he must withdraw his Motion, but in doing so he must express a hope that his object would not be lost through a mere technical irregularity.

SIR DE LACY EVANS said, he entirely concurred in the views of the hon. Gentleman on the whole question which had been brought forward by him, and would even be in favour of extending the consideration of Government much wider than the hon. Gentleman had proposed. He could not understand why the State should not refund the money expended by officers on entering the service merely because they had not died in action. That was one of the anomalies of the system of purchase, and nothing but long usage could have induced the Government, while continuing such a practice, to deprive the relatives of gallant officers, at the time they were deprived of those they depended on, of the money they had embarked in the service. The warrant of March last had created great disappointment in the army; and, indeed, it had been surrounded by so many restrictions and exceptions as to have scarcely operated at all in favour of the army, except in a very few cases. He therefore trusted that the noble Lord at the head of the Government would see that this was a question of feeling and of equity, and that he would return an answer on the present occasion which would be satisfactory both to the House and the army. Those persons who died of disease died in the camp, and were just as well entitled to the consideration of Government as those who had died on the field. The whole case was one that deserved the attention of the Government, and not merely of the War Department, and the more especially at present as the system of purchase was in a state of semi-condemnation.

Colonel DUNNE said, that he, like many other Members of the House, had been spoken to by the relatives of several of the officers who had fallen by disease, and who had been reduced to great distress by their death. It was highly necessary, therefore, to see whether anything could be done to relieve the sufferings of these individuals by the addition of some words which would clear up a warrant that had received a very different interpretation in the army from that put upon it by the Government. He thought that between the cases of those who had fallen in front of the enemy, and of those who had fallen by fatigue or disease, almost in the field, and often in the very camp itself, there was but little difference, and the smallness of the distinction might well excite a doubt of its propriety. There was another subject he was desirous of mentioning to the House in connection with the army, and that referred to the pensions which were granted for distinguished services. These were not conferred for life, it would seem, but if the officer who had got such a pension afterwards realised his commission, the pension was immediately withdrawn. As an instance he would mention the case of Colonel Simmons, of the Ceylon Rifles, who had distinguished himself so much that he got a pension of this description; but as that officer sold out and retired, the pension, to his great annoyance, was withdrawn from him at the same time. He thought that a very hard thing, that an officer could not retire from the service but he must be deprived of the reward of his own previous distinguished services.

Colonel NORTH said, he wished to bring under the consideration of the House the injustice inflicted upon old and distinguished officers by the retrospective action and practical working of the army warrant of the 6th of October, 1854, laying down the rules regulating the future promotion of the army. He thought the case of officers' families alluded to by the hon. and gallant Member who had preceded him was one of very great hardship, especially their having to sign the certificate necessary for obtaining the advantages of the warrant of last March. In the case he would suppose of a sister of a subaltern officer applying, before she could derive any advantage from the application she would be obliged to swear, in the terms of the certificate, that she was unmarried, in distressed circumstances, and mainly dependent upon her deceased brother for support. Now how any Government could call upon a lady to swear that she was mainly dependent for support upon a brother whose pay amounted only to 5*s*. 3*d*. a day was inconceivable. It was, moreover, a positive insult to the lady to ask her to do so. The same was the case in respect to other relationships, and, therefore, he hoped the noble Lord at the head of the Government would act upon the promise he had made in the matter. With regard to the warrant of the 6th of October, 1854, previous to the issuing of that warrant, officers who had attained the rank of lieutenant-colonel in the army could not be passed over except by an officer who had been aide-de-camp to the Queen. The number of general officers, moreover, was unlimited. By the warrant in question, however, they were limited to 234, and its working was such that the number of general officers at present exceeded that number by about fifty-four, and no general officers could be appointed until three of the senior officers of this number had died.

It was no doubt intended that the higher commands in the army should be held by younger men—a view in which he fully concurred; but in carrying that object into execution, every possible care should be taken that the interests of those who had a right to promotion should not suffer. In the present instance, however, many distinguished officers had been passed over by men who had entered the army long after they had attained some military rank; because, to be a full colonel, the warrant made it imperative that an officer should have served in command of a regiment for three years, or, rather more strictly speaking, for two years and nine months; a month in each year being allowed for leave of absence. But the consequence of that regulation had been, that those who had obtained the rank of lieutenant-colonel previous to the 20th of June, 1854, had been passed over by a great number of officers who were juniors to them in the service and in promotion. For instance, Colonel Dargan, who held a majority in 1846, in the war of the Punjaub, and for distinguished services, was afterwards promoted to be lieutenant-colonel, had been passed over by his juniors in the rank of colonel. Again, Colonel Smith had had fifty-four officers passed over his head, although he had been ten years a field officer, a major of brigade in Affghanistan, and been promoted to the rank of lieutenant-colonel in 1842, fighting afterwards at Mooltan and Guzerat. Colonel Inglis had also distinguished himself in the Punjab, at Mooltan, and at Guzerat, and had been promoted to be lieutenant-colonel in 1845. Among others were Colonel Lord West—one of the most rising officers of his time; and Colonel Hay, who had thirty-nine officers placed over his head, though he served as military secretary to Lord Gough; and of several whose names he would not take up the time of the House by reciting. Those officers that he had alluded to felt that younger officers were continually passing over their heads, though the Commission had recommended that the system of promotion which existed anterior to October 6, 1854, should not be immediately, but gradually, discontinued, and that there should be a certain fixed establishment of general officers. The promotion of those officers, situated as he (Colonel North) had stated, would cost nothing to the country, while it would give the greatest satisfaction in the army. It would, moreover, afford the Government an opportunity of performing a graceful act towards those gallant old soldiers to whom the country was so deeply indebted, if they even promoted such of them as have stood on the list previous to the 20th of June, 1854, to the rank of full colonels in the army. The next subject to which he desired the attention of the Government to be directed was the gazetting of officers for distinguished services. It was painful, no doubt, but it was sometimes necessary, to pass over officers, but it was just as necessary to reward brilliant services. The Commissioners recommended that brilliant services in the field only should be noticed in that form; and the army hoped that that rule would have been strictly adhered to. The next subject was the recommendation that staff appointments should be held only for five years. To subaltern officers that, perhaps, was no great disadvantage, as they had their regiments to fall back upon; but to officers holding higher commands, for instance, to colonels of regiments, it was the contrary. Staff appointments could not be held by such officers contemporaneously with these commands; and if a colonel or lieutenant-colonel was named to a staff appointment, he was obliged to give up his regiment. At the end of five years, however, by this recommendation he would be obliged to give up his staff appointment, and then he would be without either staff appointment or regimental command. No man with the least vestige of common sense could be expected to accept a staff appointment under those circumstances; and the effect of the recommendation, therefore, would be to affect injuriously the interests of officers entitled to staff appointments, and to affect also injuriously the interests of the country by limiting the field of selection and curtailing the number of superior officers eligible for such appointments. The next question he should call attention to was connected with the full pay retirement of calvalry officers. The 68th paragraph of the warrant proposed to give such officers a step in rank, with only the pay of the rank from which they passed, and a right to retire. As long, however, as the system of purchase existed, and the present rate for commissions was sanctioned by the Government, it was unjust to pay the infantry officer the same retirement as the cavalry officer, unless the difference in the cost of the two commissions was given to the latter—namely, £1,675. He therefore argued, that the cavalry officer—colonel, for instance—should have

£1 3*s*. a day instead of 17*s*., as was proposed; and he was fortified in this view by having been informed that it was the intention of the Commission to have recommended the full pay of the rank of the cavalry officer on his retirement. Unless that was done the boon granted to cavalry officers by Her Majesty would be rendered nugatory, as officers were not allowed to retire until they had served twenty-one years, unless they were wounded or disabled in the service. He wished to make one more remark before he resumed his seat; it was as regarded substantive rank in the army. It was his opinion that in the cases in question brevet rank ought to be converted into positive rank. The warrant had been justly objected to as not regarding officers anterior to 1854; and an officer who had applied to the War Office had been informed that the warrant was not retrospective. In such case it was not quite fair to blow hot and cold with the same breath, and he thought that provision should be amended. In conclusion, he would wish to call attention to the certificate required from the military medical officers as regarded sick officers desirous to retire on account of ill-health. It was a certificate that no medical officer should be called upon to give, and that no sick officer should be subjected to, as a single glance at its terms would show. [The hon. and gallant Member then read the certificate.] He therefore hoped that the Government would lose no time in relaxing the rule as regarded promotion to the rank of general officers in the case of those gallant officers whose interests were so deeply and so injuriously affected by the warrant of the 6th of October, 1854, more especially as it would cost the country nothing, while it would gratify the feelings of those brave and distinguished men now considerably excited at seeing so many younger officers put over them.

Lord NAAS said, he had learned that at the conclusion of the war in 1815 very great hardship was inflicted on officers by the course then pursued, and he hoped the Government would be able to give an assurance that the same course would not be followed now. He, therefore, wished to know what were the intentions of the Government with respect to those gallant officers who had been in command of brigades in the Crimea during the late war? Many of them had been in command of brigades for a considerable time, some indeed throughout the whole period of the war, and others had had separate command, which they conducted with great credit to themselves and benefit to the country. He conceived, then, that the country would think that those officers, if they were to be sent back to their regiments without receiving that promotion which was their due, would be treated with great neglect by the Government. The hardship, too, with regard to the second lieutenant colonels, who, it was said, were to be put on half-pay, was equally great. They would actually be in a better position if they had never gone to the Crimea at all. He also wished to know what course was to be taken with regard to the officers of the Land Transport Corps, and whether any man who has served as an officer of that regiment is to be sent back to serve as a non-commissioned officer in regiments of the line. The officers of the Land Transport Corps had been taken from the non-commissioned officers of the line; and it would be an injustice now to send them back to that rank. It would be an injustice to these gallant men if they were placed in any disadvantage in consequence of their services during the war.

Mr. FREDERICK PEEL said, that the hon. Gentleman who had introduced the question of the compensation warrant had argued it as though the Government received the money paid by officers on obtaining their different steps of promotion, while, in reality, it was paid by one officer to another and never reached the hands of the Government at all. Certainly, when an officer died holding a commission, the Government took advantage of commissions thus becoming vacant to bestow them upon the sons of old and deserving officers; but that arrangement he had always understood was held to be the most advantageous to the general body of the officers of the army. No doubt many cases of hardship arose under the application of the warrant of last March that had been so often alluded to in the course of the discussion, but neither of the two cases cited by the hon. Gentleman (Mr. Grogan) could be said to come within this category, so far as to constitute an accusation against the Government. The noble Lord the Secretary for War, when explaining the concession which he was about to make, distinctly stated that it was only to apply to the families of officers killed in action, and that was not the case with Colonel Hoey. With regard to Brigadier Tylden's case, the hon. Gentleman seemed to have forgotten that he was an officer in a scientific corps, and that, not having paid for his commission or for his promotion, his family were not entitled to receive any compensation which was a return of the money laid out by a deceased officer in purchasing his various steps. The hon. Member stated that, though between 200 and 300 officers had lost their lives in the course of the late war, the families of sixteen only had received compensation; but he overlooked the fact that the families of many officers had made their claims under the pension warrant. In fact, no less than seventy widows of officers had received pensions, and forty-one of these were at the highest rate. There seemed to be some misunderstanding on the part of the hon. Member also as to the language held by the noble Lord at the head of the Government on this subject. What the noble Lord said was, that he was willing to concede that officers should be allowed to decide whether their families should have returned to them what had been expended in the purchase of their promotion, or should have the benefit of a pension; but it was never intended to allow compensation in any cases but those in which, according to the ordinary rules, a pension would be granted. Though the hon. Gentleman professed to be able to see no distinction between the case of officers who were killed in action and of officers who died of fever or cholera contracted in the field, yet such a distinction was recognised and acted upon by the rules of the service. A higher rate of pension was given to the widow of an officer who had been killed in action than to the widow of the officer who had died from disease, and certainly, if an equal compensation were to be granted in the two cases, the rules of the pension warrant must also be altered in the same manner. Where an officer was killed in action there could be no possible doubt that he had met his death in the discharge of his duty, but where an officer died from fever or cholera it was impossible always to say how far that might have been contracted in the discharge of his duty, or how far it might have proceeded from his own indiscretion or from causes which would equally have produced death had he been in another place. But if equal compensation and pensions were to be given in the cases of officers dying from disease before the enemy as would have been given had they been killed in action, there was no reason why the alterations should not also be extended to embrace the cases of officers dying from disease at home or in the colonies. The object of the warrant of the 6th of October, 1854 was to enable the Government to introduce into the list of generals a moderate number of comparatively young officers, and, at the same time, to select from the colonels young officers for commands usually held by general officers. The machinery by which those objects were carried out was requiring officers to serve a certain number of years upon particular staff appointments, or in the command of regiments before they attained the rank of colonel, and enabling the Government to confer temporary rank. But for that warrant it would have been impossible to make such suitable appointments to the commands of brigades and divisions as were made during the late war. As to the difficulties in the way of the attainment of the rank of colonel by field officers, the hon. and gallant Gentleman (Colonel North) had fallen into some errors. A captain or a major not in command of a regiment might obtain that rank either by holding certain staff appointments, or by serving for six years with the brevet rank of lieutenant-colonel. As to the hardships of old colonels, who were passed over by young ones, let the House see in what a difficulty the Government were placed by the contrary representations made to them. The hon. and gallant Gentleman complained of the injustice done to the old colonels by junior ones, who had held temporary rank, becoming generals; while directly afterwards the noble Lord (Lord Naas) urged upon the Government the hardship which would be done to officers who had commanded brigades, and held the local rank of brigadier-generals, if they were not made major-generals.

COLONEL NORTH said, that the hon. Gentleman had mistaken what he had said. He was aware that the warrant had been beneficial to many colonels, but he maintained that by virtue of it many old colonels had been passed over in promotion by younger officers.

MR. FREDERICK PEEL: Although in time of war it was necessary and indispensable that the Government should avail itself of the power of promotion given by the warrant of 1854, and should give to gallant Officers who had commanded brigades or divisions, and had performed distinguished services, the rank which they had earned, in time of peace their exercise of that power ought to be more abstemious. It was not the intention of the Government, as a general rule, to convert the rank of brigadier-general into that of major-general. The number of the generals' list was limited to 234, and so long as there were supernumeraries on that list, vacancies were filled up in the proportion of one appointment to three vacancies alternately from the supernumerary and colonels' lists. If those brigadiers, to whose case the noble Lord had called attention were made supernumerary-generals, the chances of a colonel's promotion to the rank of general would be much reduced. At the same time, he hoped that those brigadier-generals who had done such good service would suffer from no hardship, because they would have at least a strong claim to fill those appointments usually held by general Officers, which would be required by the new organisation of the army in brigades and divisions. That arrangement would also meet the case of the second lieutenant-colonels; because, if the senior lieutenant-colonel were appointed a brigadier, a second lieutenant-colonel would be required to command the regiment during his absence. As regarded the remainder, it would be necessary that they, as well as the supernumerary captains and subalterns, should go upon half-pay. But that, he apprehended, would lead to nothing like what occurred at the end of the last war, when nearly 7,000 officers retired upon half-pay. The number who would now have to retire would not be more than 800. The Land Transport Corps consisted of two parts, one of which was organised in this country, and the other was added by General Codrington, and was composed of men belonging to regiments in the field, with officers acting temporarily. The officers and men of that latter portion of the corps had, upon the conclusion of the war, rejoined their ranks, and were thus disposed of. Officers appointed in this country and gazetted would not return to the ranks, but would be entitled to be placed upon half-pay under the terms of the warrant of 1854.

Mr. HEADLAM said, the hon. Under Secretary for War had simply made use of a set of technical arguments in his reply to the remarks of the hon. Member for the City of Dublin (Mr. Grogan) and the hon. and gallant Member for Oxfordshire (Colonel North). He (Mr. Headlam) must also complain that the Government had most unfairly departed from the solemn promise with regard to the compensation which was made by the noble Lord at the head of the Government (Lord Palmerston). That promise was given in clear and precise words. He (Mr. Headlam) had, after some months' notice, brought forward a Resolution, saying that the family of an officer who died in the service should, as far as pecuniary circumstances were concerned, be in precisely the same condition as if he had sold out; every officer should, during his lifetime, be allowed to determine whether he would take compensation or the regulation price of his commission. That Motion the noble Lord accepted without any condition, and it was unfair afterwards to introduce qualifications. The loss to the country would not be great, because, although it was true that on the death of an officer the nation did not receive hard cash for his commission, yet the knowledge that death vacancies were filled up without purchase acted as an incitement to the performance of distinguished services. The requirement that the relations of an officer should declare that he had contributed to their support rendered the whole of the Government regulation an absolute absurdity. A sum of money might be paid by the friends of a young man to purchase him an ensigncy, and it was well known that on his pay a subaltern could not keep himself, still less contribute to the support of his relations; so that to require in case of his death that his relations should, before receiving the price of his commission, declare that he had contributed to their support, rendered what at first might be considered a benefit utterly nugatory.

Colonel BROWNLOW KNOX said, he thought that the Motion of the hon. Member for the City of Dublin was too important to be got rid of on account of an informality, and he should therefore move as an Amendment that the House do to-morrow resolve itself into a Committee to consider the topics adverted to in the Motion of the hon. Gentleman. He fully agreed with the hon. Member who had just sat down as to the effect of the declaration required from the relatives of deceased officers. He could very well understand why only a small number of persons had applied for compensation, instead of pension, for no lady would probably take advantage of the regulation, hedged round as it was with such vexatious and humiliating restrictions.

Amendment proposed, to leave out from

the word "That" to the end of the Question, in order to add the words—

"This House will, To-morrow, resolve itself into a Committee, to consider of an humble Address to Her Majesty, praying that She will be graciously pleased to direct alterations to be made in the rules of the Military Service, and in the Warrant of March, 1856, to the effect that the regulation value of the Commissions of Officers in the Army who shall have died of cholera or fever in active service during the late War may be paid to their representatives, and deemed part of their personal estate, and to assure Her Majesty that this House will make good the same," instead thereof.

COLONEL LINDSAY said, that all the present difficulty arose from the relaxation of the old rules of the service. If, however, the Government did relax those rules, it was but just to include not only those who died in the field, but those who died in consequence of climate or of disease contracted in the discharge of their duties. The recommendation of the Commissioners, as contained in the 52nd clause of their Report, was to the effect that all change should be carefully considered, so as in no case to run the risk of injuring officers already in the service. In consequence of that recommendation, a warrant had been issued to the effect that the new regulations should not apply to officers made lieutenant colonels before the 20th of June, 1854. By the old rules it was understood that lieutenant-colonels should not have other officers put over their heads, unless in consequence of a distinct recommendation from Her Majesty. Now, the House was possibly not aware that the new rules established a totally different order of things, and the sudden intervention of those new orders had been the cause, that lieutenant-colonels who had received their brevet rank in consequence of distinguished services in the field, lost their reward altogether. The warrant intervened—made the benefit they had received utterly useless—and threw them back into the position which they had occupied before it was issued. There was another class of officers also who had reason to complain of those new regulations. It was those who were unable to purchase, and who had risen from the rank of captain to that of brevet-major and then to the rank of brevet-lieutenant-colonel. Those were men who had seen much service, and the entire advantages which they had received from their promotion were suddenly and entirely thrown away. A new rule was brought forward, which placed those officers precisely in the same position as if they had never been lieutenant-colonels at all.

LORD HOTHAM said, that, as a distinct decision of the House was about to be taken on the Motion originally introduced by the hon. Member for the City of Dublin, he felt it incumbent on him to explain the grounds on which he should give his vote, and the more so as that vote would be in direct opposition to the opinions expressed by all the other military Members who had spoken in the course of the debate. The question before the House was, as the hon. and gallant Member for Westminster (Sir D. L. Evans) had remarked, altogether a question of feeling, and nothing could be more dangerous than to decide a public question with regard to such considerations. For his own part, he could not see that the present system entailed on officers any such hardships as some hon. and gallant Members had described. He (Lord Hotham) was anxious to say a few words on the subject, as he was unfortunately absent last Session when the hon. and learned Member for Newcastle made his Motion. He regretted not being present on that occasion, for so strongly did he feel the injustice of the Resolution, that he should have voted against it even if he had stood alone. For his own part, he was free to say that he thought there was nothing in the hardship of which the hon. and learned Gentleman complained. It should be remembered that no officer was compelled to purchase. His doing so was a voluntary act, and it conferred upon him great advantages—increased rank, increased emolument, and, better than all, increased opportunities of distinction. To say that those officers should enjoy all the advantages of their position, and at the same time escape from its attendant disadvantages, was totally to invert the indisputable but homely proverb, that "You can't eat your cake and have it too." It was asked, "Why should not the State refund the sum paid for the commission?" Now, that question assumed that the State received the money, which was quite a fallacy; the fact being that the purchase money went to the officer who retired, and created a vacancy for the person buying the commission. Without entering into the merits of the system of purchase, which was still undergoing investigation before a Commission, it was manifest there would be no justice, while maintaining that system, in exempting officers who had all the benefits of increased rank, increased distinction, and other advantages, from the corresponding disadvantages of their position.

SIR DE LACY EVANS said, he must contend that, as the purchasing system relieved the State from having to pay pensions, there were grounds on which they might properly call on it to "refund."

MR. MONTAGU CHAMBERS said, he hoped that there would be no division on the Motion, the scope of which he regarded as far too limited. The families of officers who had been banished to distant stations, and, after a life of involuntary inactivity, had fallen victims to an unhealthy climate, had a stronger claim upon the country than the relatives of those who had perished gloriously in the Crimea. One of the many difficulties which beset the question was the danger that, by giving the friends of deceased officers the option of either accepting a pension or taking their compensation in one sum, a temptation would be offered to improvidence. Many would prefer to get hold of a large amount of ready money, and would then probably squander what was meant to be a permanent provision for their families. The position of second majors and second lieutenant-colonels, who had endured all the hardships of the late war and highly distinguished themselves, was calculated to cause deep dissatisfaction in the service. Those officers were to be discharged upon half-pay, which, after all they had undergone, was regarded, not unnaturally, as a great grievance. Far better would it be for these second lieutenant-colonels and second majors to be first majors and first captains respectively. It was idle to say that they had their reward in the medals and clasps which they had so honourably won, because, under the arrangements of the Horse Guards, they would have no opportunity of wearing those decorations. The juster course would be to retain that class of officers in employment.

CAPTAIN BELLEW said, he regarded the question before them to be, whether the warrant of which they had heard so much was to continue, and so to annul the promise which the noble Lord at the head of the Government gave on the subject last year. If the noble Lord would give an assurance that the warrant would be altered so as to meet the Motion before them he should vote with the noble Lord.

VISCOUNT PALMERSTON said, that many hon. Gentlemen who had spoken had given an interpretation of what he had stated last year which was totally at variance with what he had said. The Motion before the House was to the effect that the regulation for granting to the families of deceased officers the value of their commissions in lieu of pensions should apply to the case of officers who died during the war from fever, or cholera, or any other disease. Now, if there were one thing upon which he was more particularly explicit than another last year it was, that the arrangement which was contemplated should apply only to the families of those who were killed in action. He most distinctly, and over and over again, stated that it would not apply to the families of those who died from disease; and he gave this reason for it—that, if it did, it ought to extend not simply to the families of those officers who might so die in the Crimea, but to the families of those who might die at any foreign station, or at home, or in time of peace as well as in time of war. He stated that there was no intelligible distinction to be drawn between all those cases, and that therefore it was the intention of the Government to confine the regulation solely to the families of those officers who should fall in action. For the same reason which induced him last year to draw that distinction, he was bound now to say that he could not agree with the Motion of the hon. Gentleman (Mr. Grogan). He thought that there was a clear distinction between the case of officers who fell in battle and that of officers who died from exposure or disease. That distinction had been drawn last year. It was the ground upon which he had taken his stand, and he should be inconsistent if he were to agree to the Motion of the hon. Gentleman. He was not going to enter into those other questions relative to military promotion which had been discussed in the course of the evening, his hon. Friend the Under Secretary for War having given his reasons for the arrangements of the Government; he would only observe that a great deal of argument had been founded upon the assertion that the public gained something by the death of officers who fell in action or died from disease. The fact was that the public gained nothing whatever; for, as had been correctly stated by the noble and gallant Lord opposite (Lord Hotham), the value of a commission was not paid to the Government, but to the officer who sold it;

and, so far from the Government gaining anything by the death of an officer, they not only lost the services of a brave and gallant man, but they also had to provide pensions and allowances for the family which he left behind him. It was, therefore, a perfect fallacy to found an argument on the assumption that the purchase money of a commission went either directly or indirectly to the benefit of the Government.

Mr. HEADLAM said that, as far as the case of officers dying from disease was concerned, the statement made by the noble Lord was perfectly correct.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 81; Noes 39: Majority 42.

Main Question put, and *agreed to*.

## SUPPLY—ARMY ESTIMATES.

House in Committee; Mr. FitzRoy in the Chair.

(1.) £10, in addition to former Vote of £7,000,000 for charge of Land Forces.

Mr. W. WILLIAMS said, he must express his surprise that no explanation had been given of the Vote on the part of the Government. The sum now proposed was certainly not large, but there were from 1,400 to 1,500 items embraced in the additional Estimates before them, and he considered that some explanation ought to have been given.

Colonel DUNNE said, he would endeavour to make up for the deficiency of the Government by pointing out some of the extravagancies which had led to this addition to the original Estimate; for, though the immediate sum before them was not large, the whole amount to be voted was considerable. He had, first of all, to compliment the hon. Member for Lambeth as the only Member of the Administrative Reform Association who was active on the side of economy in that House. [Mr. W. Williams: I am not a member of the association.] That association had been lately polished up, and had now got an eloquent and energetic chairman. He therefore hoped a change would take place for the better, but hitherto the members had usually walked out of the House when the money of the country came to be voted away. The first piece of extravagance he had to complain of was that of having employed foreign instead of English troops. The enlistment of foreigners in America had nearly brought us into a war, and had certainly put us in a very disgraceful predicament, and all that had taken place was for the sake of enlisting 500 soldiers, which he believed was the greatest number we had succeeded in obtaining in the United States. He had some time since moved for the Conventions which had been entered into between the Governments of other countries and that of our own, relative to the enlistment of the Foreign Legion, and he had been enabled to procure those Conventions which related to Germany, Switzerland, and Italy. The number of men which had been enlisted in accordance with them he found to have been 15,000, but under which of those conventions the men who had been enlisted in America had been ranged he was at a loss to understand; nor had he been enabled to ascertain from the Government that any separate Convention with respect to that country was in existence. Passing over that point, however, he might be allowed to draw the attention of the Committee to the advantages which were possessed by the Foreign Legion as compared with those which our own soldiers were permitted to enjoy. For that purpose he should take the militia, which during the late war had supplied us with an army of about 30,000 men, and would simply state that while the foreign soldier had entered our service under the stipulation that he was to be considered as enlisted for one year after the ratification of peace with Russia—thereby being entitled to a year's pay, amounting in round numbers to about £20—that while at the end of the year he was to receive £20 more in the shape of a gratuity, making altogether £40; and that while it had cost the country £16 in addition for each of these soldiers in the shape of bounty, clothing, &c., before he reached the depôt, the expense connected with the employment of those who served in our militia regiments, taken in a similar point of view, had not amounted to more than £12, or, at the utmost, £15 per man. But that was not all. The Government had promised to send those foreign troops back to their own country, or to pay their passage to some of our North American colonies upon their being disbanded. That would, of course, be a cause of increased expenditure, and he would therefore ask the Committee whether the policy of the Government, in neglecting the services of their own countrymen, which services they might have obtained at a very much lower rate than that which they paid to foreigners, was not open to serious objection upon the score of extravagance, as well as for other reasons to which he need not then more particularly allude? He did not wish to say one word against the Foreign Legion. He had no doubt they would have made good soldiers, but from what had since occurred he was of opinion that those who opposed the enlistment of foreign soldiers had good grounds for doing so. It might be said that soldiers in sufficient numbers could not be procured in this country. That, however, was a proposition which he entirely denied, inasmuch as he felt confident that if terms equally favourable had been given to Englishmen as had been held out to foreigners, we might have had any number of men we wanted flocking to our standard. The services of such men, he might add, would not only be found more inexpensive than than those of foreigners, but if the statement which upon a former occasion had been made in that House to the effect that the Turkish Contingent—a foreign force under British officers—was not fit to march with Omar Pasha to the relief of Kars, were correct, would also be found to be more efficient. Before he sat down, he should urge upon the Government the expediency of keeping up such a nucleus in each militia regiment as would enable us in entering upon a future war to place our military force upon a satisfactory footing at once, and thus to avoid all those inconveniences and disasters to which our want of adequate preparation had in the late contest given rise. We should maintain an efficient militia staff. The scheme of retaining a whole parcel of sergeants and a few pupils was a mere delusion. It could be of no use whatever to have a number of men lounging about every county town without drill, and exposed to the total eradication of all those habits of military dicipline which they might have acquired. He saw by the Estimates that the Vote for recruiting expenses amounted to between £50,000 and £60,000. Why not, he would ask, employ the militia staff in recruiting? There was now on their way home from the Crimea a number of officers who were to be placed upon half-pay. Why not make use of their services in carrying out that object? Those were matters which deserved the serious consideration of the War Department, and he could assure them that unless some such policy as he had indicated were adopted, no real economy in our military administration could be attained.

MR. DISRAELI said, he found himself compelled to complain of the way in which the Estimates had been brought before the Committee. At the commencement of the year, Army Estimates to the amount of £34,000,000 were voted. Now the reduced Estimate was to the amount of £20,000,000. That was a reduction of £14,000,000, and he thought it was only due to the Committee that the right hon. Gentleman the Clerk of the Ordnance should in some general statement have explained the data upon which the reduction was founded. The almost unprecedented Estimate of February to the amount of £34,000,000 consisted of about twenty items, which were again before the Committee, and, without being critical, he might recall to their recollection that the statement which the Clerk of the Ordnance made at the beginning of the year was not of that lucid character that would render all further explanation entirely unnecessary. It was not acting rightly to a Committee of Supply that, when there was a reduction of £14,000,000 on an Estimate, the responsible Minister should not lay before them the data upon which he formed his original Estimate, explain why the reduction had taken place, and submit the arguments which had induced the Government to conclude that the reduced Estimate was sufficient in the altered state of the country. It was not acting in a proper manner that, when so great a change had taken place, the responsible Minister should content himself with putting a piece of paper into the hands of the Chairman of Committees, instead of offering such an explanation as Parliament and the country had a right to expect. Now, he would point out to the Committee what happened under analogous circumstances with another department a few days ago. At the commencement of the year, a large Estimate was voted freely by the House for the Navy; but on Friday last, in consequence of the fortunate change which had taken place in the position of the country, it was the pleasing duty of the responsible Minister connected with the Admiralty to propose a reduced Vote. Now, did the right hon. Baronet the First Lord of the Admiralty content himself with formally proposing the Vote? No; he condescended to offer an explanation—a clear and manful explanation—becoming a person to whom were entrusted such high administrative duties ; and the Committee would not be doing their duty to their constituents or the country if they did not call upon the right hon. Gentleman the Clerk of the Ordnance, before proceeding further, to make a similar statement with respect to the Army Estimates. Then they should have an answer to the able suggestions and inquiries urged by the hon. and gallant Member who spoke last, and there were many more subjects upon which the Committee had a right to expect information. The Clerk of the Ordnance should recall to the recollection of the Committee the circumstances under which he proposed his first Estimate ; he should explain the reasons which justified such a great and happy reduction ; and, in going through the twenty items which composed the Vote, he should refer at length not only to all those points to which the hon. and gallant Gentleman (Colonel Dunne) had adverted, but also to those which would infallibly suggest themselves to a Minister who was master of his business.

The CHANCELLOR of the EXCHEQUER said, nothing could have been further from the intention of the Government than to treat the Committee with any disrespect, but it was thought the most satisfactory course would be to afford a full explanation of the Votes as they were successively brought under consideration, instead of prefacing the introduction of the Estimates by a general statement. He could assure the right hon. Gentleman that there was not the least desire on the part of the Government to withhold from the Committee a full explanation of all the details of the Votes.

Sir DE LACY EVANS said, he fully agreed with the right hon. Member for Buckinghamshire (Mr. Disraeli) that, considering the important changes which had been made in the Votes, the explanations afforded had been most unsatisfactory. He thought a statement of the reductions ought to have been placed before the House in print ; but when he put a question on the subject a short time ago, he was told very curtly that reductions amounting to so much per cent had been effected. The amount of reductions was, he believed, £14,000,000, but no explanation as to their nature—not even a verbal one—had been afforded to the House. The right hon. Gentleman (the Chancellor of the Exchequer) now told them that the Government was prepared to give an explanation upon each Vote. He thought, however, that that was not sufficient, but that a printed explanation ought to have been sent round to Members before they were called upon to vote the amended Estimates. In his opinion, the House of Commons had been treated in this matter with disrespect. His hon. and gallant Friend opposite (Colonel Dunne) had referred to the disbandment of the militia and of the Foreign Legion. He (Sir De L. Evans) did not wish to say anything to the discredit of the Foreign Legion, for the Government had been good enough to select for the command of that force very able officers whom he had introduced to military life. Baron Stutterheim had served with him as a cavalry officer in Spain, and he believed that under the superintendence of that gentleman and of other officers the Foreign Legion had been extremely well disciplined. That was no reason, however, for preferring German troops to English troops. He would ask the Committee to observe the contrast between the manner in which the militia and even English troops of the line were treated by the Government as compared with their treatment of the German Legion. He was not a militia officer, but he believed there had been no period in the history of this country, when the services of the militia were more valuable than they had been during the late war. The Government embarked in the war with most extraordinary and unprecedented want of calculation, and a catastrophe was only averted by the spirit and patriotism of the English noblemen, gentry, and people, who came forward to establish a militia, and who reinforced the army with nearly 40,000 men. About 33,000 of the militia —not mere striplings, but generally grown men—volunteered into the army, and between 5,000 and 6,000 militia undertook to relieve regular troops in garrison in the Mediterranean. He believed also that from 15,000 to 20,000 of the militia volunteered their services if they should be required, and many of them were ready to go to the Crimea. Yet that valuable body of men was treated by the Government in the most contemptuous manner. The Lancashire Artillery Militia, commanded by a friend of his, who formerly commanded the 79th regiment, volunteered to serve in the Crimea. In the course of the last month they received an order for their disbandment in ten days ; and after some remonstrances the period was extended, he believed, for four days only.

He understood, also, that the men of the militia regiments which had been stationed in the Mediterranean were not to receive fourteen days' pay, but the balance of the bounty, and were then to be sent back to their homes. He (Sir De L. Evans) was, no doubt, regarded by some persons as a very profane Radical, but he could not refrain from expressing his gratitude to the aristocracy of this country—to such men as the Duke of Richmond, the Duke of Buccleuch, and others of high station—who had come forward and devoted their time, attention, and abilities to the training of the militia. Those gentlemen had, however, notwithstanding their services, been disregarded by the War Department. There were some paltry arrangements with regard to clothing; he believed the militiamen were to be allowed to retain their fatigue jackets, but in many cases they had previously paid for them. But, on the other hand, the Foreign Legion were treated with wonderful indulgence and kindness. It was only the other day that about 300 Germans of the Foreign Legion, who had been enlisted from the United States, mutinied at Plymouth, and he believed it was necessary to send some British troops to put them down. What was the result? Were the mutineers punished? He hoped so. If they had been militia, they certainly would have been punished. But in this case, according to the newspapers, an officer was sent down from the War Department, and he told them, "You shall have a year's pay"—not fourteen days' pay, which was the sum allotted to the militia—"and you shall also have a free passage to any colony you may select, provided you conduct yourselves well." In the case of the militia, however, they were sent back suddenly to their homes, with but little regard as to their opportunities of obtaining employment, and he should not be surprised if the same course were adopted with reference to some of the regiments of the line which were returning from the Crimea. The poor unfortunate militia were sent to their homes in England or in Ireland, with the niggardly donation of a few shillings, while the German Legion were brought up from Sandgate and installed in the place of the militia at Aldershot. He found, too, from the newspapers, that comforts and accommodation were afforded to the German Legion which had not been provided, in any one instance, for our own militia. Now, how was that?

Was such a system to continue? He had heard that some of the German Legion were to be sent to the Cape, but he should protest against the disbandment of national troops, if Germans were to be stationed at the Cape. About a century back, there were great complaints as to the maintainance of Hanoverian troops in this country, but all other Germans seemed to enjoy a similar preference now. He might remind the Committee that the Italian Legion committed serious outrages at Malta; they were to receive, however, a year's pay, and some of them were to be sent to the colonies, while the officers were to receive three months' pay. He thought the War Department had acted with the greatest inconsistency with reference to these subjects. [Mr. F. PEEL: There has not been the slightest inconsistency.] Well, he only spoke from public report. It was announced, in the first instance, that the subalterns of the militia were to have three months' pay, and afterwards that they were to have six months' pay. Was not that an instance of some slight inconsistency? Then a general order was issued by the commander of the forces in the Crimea, recommending officers to get rid of their horses in any way they could, and they were told there was an auction at Bakshiserai to which they might send them. But what sort of prices did they fetch? He saw that the Russian Government had purchased horses for very inadequate sums, and yet the representative of the War Department had the audacity to assert, that there was no inconsistency in its management. On the contrary, he maintained that there was one continued system of inconsistency. Upon a former occasion, he had alluded to these extraordinary inconsistencies with regard to the orders sent to the troops. He would not renew that subject, but every word he had then said he could verify. The general officer would have been worthy of being cashiered for issuing an order to the officers to sell their horses in any way they could, unless he had had some intimation from Government to induce him to do so. The House was told when inquiry was made on that subject, that he had no authority for issuing that order; but if he had no authority for it, he ought not to be in his present situation. He, however, thought the general officer had some authority for it, but perhaps could not venture to say so, lest he should suffer for it in some indirect manner. He said distinctly there was a

German influence obviously exercised in this country which was highly objectionable. When they were disbanding the militia and the troops of the line in the most ungrateful manner, to send up German recruits who had never fired a shot in the war, to be established in their stead, as it would seem, permanently at Aldershot, was a course of proceeding which surely ought not to be sanctioned.

MR. FREDERICK PEEL said, he would endeavour to the best of his ability to explain the savings made on this Vote for the land forces. The hon. and gallant Member for Westminster said that it would have been better to place the Committee in possession of a printed statement of the reduced expenditure under the different heads, but, upon due consideration, the Government had come to the conclusion that this could not be done in a way to satisfy the Committee. The army at the present time was in a state of transition from a war equipment to a peace establishment. The greater part was still in the Crimea, and it was impossible to set down under the different heads what would be the new establishment under the altered circumstances which had arisen. The remark which he made when he interrupted the hon. and gallant Member (Sir De L. Evans), that there was no inconsistency in the War Department, had regard to its dealings with the Foreign Legion. He asserted that the course taken by the Government had been perfectly consistent. Their engagements had been embodied in Conventions. They had in no respect deviated from the conditions by which they were bound, and it was their intention to fulfil to the letter everything which they had promised. The hon. and gallant Gentleman the Member for Portarlington fell into a mistake with regard to the force raised in America. Those troops were not levied under the engagement with Baron Stutterheim. [Colonel DUNNE: I never said so.] Though Baron Stutterheim was not paid, the terms on which the men were engaged, so far as regarded their service, were precisely the same. If he were asked was there a separate capitulation for that force which formed part of the German Legion, he should say, no; but still the terms of enlistment in America were the same as those on which the other German soldiers were enlisted. With regard to the disbandment of the militia, and the feeling of dissatisfaction which the hon. and gallant Member for Westminster represented, he did not know whether the hon. and gallant Member was aware that the disbandment took place under an Act of Parliament. The Act only justified keeping the militia in an embodied state during the continuance of war. As soon as the war was ended and peace re-established the Government was bound to take the earliest opportunity of returning the men to their homes. When the militia were disembodied at the end of the last war fourteen days' pay, without any bounty, was considered sufficient. The militia would now receive fourteen days' pay and the bounty for the current year. He could not understand how more than was thought sufficient at the close of a war much more protracted than the late war should be now thought niggardly on the part of the Government. With regard to the Vote before the Committee, it was originally voted at £10,950,000, and they were content to take a sum of £7,000,000, being a saving of close upon £4,000,000. The total number of men of all ranks and of all arms of the service applied for by the Government was 246,716, and that number was introduced into the Mutiny Act of the present year. It was not intended to maintain that number, but if the Vote had been reduced, probably it would have been necessary to introduce a Bill to amend the Mutiny Act. The Foreign Corps numbered 21,719, the West India and Colonial Corps 8,568, the Land Transport 9,020, the Commissariat and Medical Department 1,795. Those branches of the service which were distinct from the regular army gave a total of 41,102, which, deducted from 246,716, left 205,614, which represented the strength of the Infantry of the Line, the Guards, the Cavalry, the Artillery, and the Engineers. He would now proceed to show the saving proposed to be made on the pay required for these respective forces. Taking, in the first place, the foreign corps, 21,719 was the number voted for the cavalry and infantry of all ranks. He would take that opportunity of correcting another mistake of the hon. and gallant Gentleman (Colonel Dunne), who had stated that under the Convention with these Foreign Legions the Government was bound to retain them in their pay for a year after the war had ceased. If the hon. and gallant Member had read to the conclusion of the Convention, he would have found that the Government were furnished with the means of disbanding those corps at any moment they thought proper. It was the intention of the Government to disband them under that power, and he anticipated that by the autumn the whole of the foreign troops would have ceased to be in the pay of this country. They had never raised the total number of foreign troops authorized by the Vote. The total strength was, probably, 7,000 short of the number. They had to pay twelve months' gratuity to the privates, and three months' gratuity to the officers; and he anticipated that with the saving of the pay, for the whole financial year, of the number not raised, and with the saving of the pay of the number which did exist, between the autumn and the month of April next, they would be just able to meet those gratuities without applying for any additional grant. There would be neither any saving nor exceeding of the sum voted for the foreign troops. With regard to the West Indian and Colonial troops, they were local corps, and would remain on the same footing and strength as at present. With regard to the Land Transport Corps, it was intended to keep a nucleus, which would admit of expansion if necessary, and to disband the excess. Of the £660,000 which was voted on this head, he thought they would be able to dispense with the sum of £300,000, which would leave £360,000 applicable to the expense of the corps, which had been very considerable during the period of the financial year already expired. With regard to the Commissariat and Medical corps, numbering 1,795, the Government would cease to employ the acting commissariat clerks and the acting assistant surgeons, and probably from 500 to 700 of the number would be released from service, but the saving under this head would not be considerable in amount. He had thus accounted for a saving of £300,000 on the special arms of the service, and he would now come to the regular branches of the army. The number of regulars voted was 205,614, which was made up of the Infantry, the Guards, the Cavalry, the Artillery, and the Engineers. He would take, in the first place, the infantry of the line. The House had voted 154,140 men, exclusive of the regiments in India; those regiments, being paid by the East India Company, might at once, therefore, be dismissed from the calculation. These 154,140 men were distributed among eighty-three regiments of the army, exclusive of the twenty-two regiments in India. The Government had had to consider what diminution of numbers ought to take place on the reduction of the army to a peace establishment. Their object was to form the regiments in such a way as to admit of their being expanded and contracted as the occasion might require, and they believed that that object would be attained by preserving the present distribution of the regiments into companies. At the beginning of the war just ended, the number of companies in each regiment was ten, eight of which were sent for service in the East, leaving two companies for the depôt, the object being that the depôt companies should raise recruits and supply the casualties. The war had not continued more than a month or two, before it was discovered that these two companies at home were insufficient; and when the right hon. Gentleman (Mr. S. Herbert), in moving the Army Estimates for 1854, proposed to increase the number of companies from ten to twelve, there was, he believed, a general opinion that the latter number ought to form in future the permanent constitution of our regiments of infantry both in peace and war. Our regiments in the Crimea had the number of their companies increased from twelve to sixteen, eight in active service, and eight at home; the latter being not more than able to keep up the regiment to its full number. There were, at the present time, in the Crimea, fifty regiments of infantry with sixteen companies, but it was intended to form all the eighty-three regiments (excluding those in India) into regiments of twelve companies each. It would, therefore, be necessary to reduce by four companies each regiment in the Crimea, and the officers of those four companies would necessarily be reduced to half-pay. That would, therefore, be the organisation of the regiments as regiments in future. He would now come to the more important point of the strength of each of these companies. The Government intended that each of these regiments of twelve companies should have a force of 1,000 rank and file. The fifty regiments in the Crimea had been raised to a war establishment of 2,000 rank and file, and he believed that a company might be reduced as low as seventy-five men. The intention of the Government was, to reduce all the regiments in the pay of this country to the strength of 1,000 rank and file. Multiplying 1,000 by eighty-three, the number of regiments, would give a force of 83,000 rank and file, which with 12,000 commissioned and non-commissioned officers would give a total force of all ranks of eighty-three regiments of infantry, consisting of 95,000 men. The House had voted 154,140 men, and if the Government were about to reduce that number at once to 95,000, they would have to surrender a force of 60,000 men. But the Government did not propose at once to reduce the total force by that amount. Next year, for the first time, the Limited Enlistment Act for ten years would come into operation in its bearing upon discharges, and it would, of course, be quite impossible to say how many men would leave the army under that Act. It was calculated that the army lost annually 12,000 men from all causes, and there would have to be added the number of those who might claim their discharge under the Limited Enlistment Act. The Government, therefore, proposed to take a margin of 10,000 men to cover the loss which the army might sustain from that cause, and the reduction to 95,000 would therefore not be effected immediately. But if 10,000 were added to the 95,000 the total force would be, exclusive of the regiments in India, 105,000 men, leaving about 50,000 men to be reduced. Now, the expense of the infantry was on an average about £30 per annum per man of all ranks, and multiplying that sum by 50,000 men, the saving would be about £1,500,000. He would now take the opportunity of explaining the manner in which the twelve companies would be organised. It was intended to form the army into divisions and brigades both at home and in the colonies. The infantry establishment in India consisted of twenty-four regiments, but two had been withdrawn for service in the Crimea, and the number would probably be made up again. There would, therefore, be forty-one regiments at home, forty in the colonies, and twenty-four in India, making 105 regiments. It was proposed to separate those regiments into service companies, of which there would be eight, and depôt companies, of which there would be four. The service companies would be formed into divisions and brigades. There would be seven divisions and fourteen brigades, and each division and brigade would have staff officers appointed, which would give officers a much better opportunity of becoming acquainted with their profession. With regard to the depôt companies, they would not be distributed, as they used to be before the war, in different parts of the country, but would be formed into groups of consolidated depôts with three regiments in each depôt. They would in this respect correspond with the brigades, each brigade having three regiments of eight service companies. He calculated upon a saving of £500,000 upon the Guards, the cavalry, the artillery, and the engineers. The regiments of Guards would be formed into ten companies instead of twelve, the number for the line. At the beginning of the present year the Guards consisted of 9,744 men of all ranks. He calculated that they could be reduced to 7,000 men without altering the number of the battalions, or the companies in each battalion. With regard to the cavalry, it was not yet decided whether they were to be formed into regiments of eight troops or six troops. At present the regiments consisted of eight troops, and those in the Crimea had, or ought to have, 700 men on the list of each regiment. The great expense of the cavalry service consisted in feeding and purchasing the horses. There were about 550 horses in the cavalry regiments, which number it was proposed to reduce to about 350 horses. It was proposed to maintain a much larger proportion of men to the horses, the war having proved that the number of men to the number of horses ought to be about 400 men to 300 horses. The horses could be easily obtained if wanted, and the regiments would then be in an efficient state to take the field. With regard to the artillery the voted strength was 23,547 men of all ranks, including both the horse and foot artillery. It was not intended to make a great reduction in the artillery, and the foot and horse artillery would probably consist of from 20,000 to 21,000 men. At the commencement of the last war, in consequence of the unwillingness of the Government to ask for the means of maintaining a proper establishment of horses, the gunners and drivers received no training, and had it not been for the camp at Chobham it was very much to be doubted whether the six batteries which were sent to the Crimea at the outset of the war could have been despatched. He had much satisfaction in informing the Committee that it was not the intention of the Government to fall into the same error again; and, while the greater part of the artillery would be employed in garrison duty, it was proposed to maintain a proper number of field batteries, fully horsed and equipped. There would be 130 or 140 guns divided into batteries of four guns each, for which 4,000 or 5,000 horses would be permanently required. Of course, when the army returned from the Crimea a smaller number of horses would be required than the Committee were at present asked to vote. He had now accounted for a saving of £1,500,000 in the infantry and of £500,000 in the other arms of the service, to which he would add £300,000 in the Land Transport Corps. He had still, therefore, to account for a saving of £1,700,000. The sum voted for the Turkish Contingent was £300,000, but the whole of that force, except about 1,000 men, having been handed over to the Turkish Government, a saving of about £100,000 would be effected from that item. Another large saving would be made in the item of field allowances to officers and men on duty, including the extra 6*d.* a day for each man for service before the enemy. A vote of £818,000 had been taken for that item, upon which they might reckon to save about £600,000. There would be a saving to the same amount upon the Vote of £742,000 for the purchase of horses. All the more valuable artillery and cavalry horses would be brought to this country, but a great number of those which were less valuable, and also of animals belonging to the Land Transport Corps, had been purchased by the Turkish Government. He had now to account for £350,000, and that sum he calculated would be saved in the levy money of recruits. A Vote of £392,000 had been taken as levy money of recruits, calculated on the supposition that the casualties in the course of the year would be about 40,000 men, but of course it would not now be necessary to raise any considerable number of recruits, and the required saving would be easily made from that Vote. That made a total of about £4,000,000, and there might of course be other savings in such items as hospital expenses, the amount of which could not be exactly calculated. He had thus endeavoured to lay before the Committee a statement of the reductions and savings which were proposed to be made, and he hoped it would be found generally satisfactory.

MR. DISRAELI said, the statement of the hon. Gentleman (Mr. F. Peel) was not altogether very satisfactory to him. It certainly was not his expectation that the hon. Under Secretary of War would have risen to give the information required. The name of Mr. Monsell was stated in the paper on the table of the House as the Member of the Government that was to move the Army Estimates in Committee of Supply, and he (Mr. Disraeli) had entered the House that evening under the impression that the statement would have been made by the right hon. Gentleman who, as Clerk of the Ordnance, was the Minister really responsible for it. Of course, so long as the Committee obtained the information from a responsible Member of the Government, it was a matter of little importance from what particular source it was derived. He would, therefore, leave that matter of etiquette to be settled by the hon. Gentlemen themselves, one of whom had his name placed upon the paper as the mover of the Army Estimates, while the duties were performed by another. After having listened to the speech of the hon. Under Secretary, there was one point to which he alluded, on which he (Mr. Disraeli) wished for information—that had reference to the position of a great part of our army. The hon. Under Secretary throughout his speech had spoken of the army in the Crimea, and, in answer to the hon. and gallant Member for Westminster (Sir De L. Evans) who followed him (Mr. Disraeli) in debate, and who supported him in the view which he had taken, defended his office for not giving the information which the Committee had a right to expect on the ground that there were fifty regiments still in the Crimea. Now, the other night, when the Navy Estimates were brought forward, the right hon. Gentleman at the head of the Board of Admiralty informed the Committee that there was no army in the Crimea. The right hon. Gentleman said that every man was now afloat, and that the Guards had already reached Malta and were daily expected home. Now, there were not only discrepancies in words between the two Ministers that required explanation, but there were inconsistencies of statements which should be corrected, inasmuch as those statements mainly influenced the degree of information they could obtain in Committee. The right hon. Baronet, the First Lord of the Admiralty, replied to the charge of the inefficiency of the Land Transport Service by this answer to all criticism, namely, that we had not a single regiment in the Crimea, and that fact was a sufficient proof of the efficiency of the Land Transport Service. But when the hon. Under Secretary for War was asked for information as to the state of our army, he replied by saying he could not give the Committee the details they desired because our army was still in the

Crimea. Now, he wished that the two Ministerial functionaries would endeavour to reconcile the two statements, and tell the Committee where our army really was. He certainly desired that they would explain this apparent contradiction. Now, the Committee on the one hand were to be satisfied with the conduct of the Land Transport Service because the army had all been ordered with the greatest despatch from the Crimea, and on the other hand, according to the hon. Under Secretary for War, it was impossible to give them the information they required because our army was still in the Crimea. When the First Lord of the Admiralty was making his statement, he believed that the hon. Under Secretary for War was not present, and to-night, when the Under Secretary for War was making his statement, the right hon. Baronet the First Lord of the Admiralty was not present. He (Mr. Disraeli) would draw from these circumstances this lesson for the instruction of the Government, that when the Estimates were being moved the Ministers should all be in their places—should listen to each other's statements—should be taught to tell the same tale—and should take care not to mention matters that were utterly inconsistent with each other.

VISCOUNT PALMERSTON said, he really thought that the right hon. Gentleman could not have been in his place when his (Viscount Palmerston's) right hon. Friend the First Lord of the Admiralty made his statement the other night; or if he were in his place, that he must have been engaged making suggestions to those around him, and not attending to what the right hon. Baronet was saying. His right hon. Friend the First Lord of the Admiralty did not make anything like the statement imputed to him by the right hon. Member for Buckinghamshire; in fact, he stated directly the reverse. So far from his right hon. Friend saying that there was not a regiment in the Crimea and that all our army were now afloat, he said the very contrary. His right hon. Friend the First Lord of the Admiralty said that a great number of troops had been already despatched from the Crimea, mentioning at the same time almost the whole of the Sardinian army, the troops going to the North American provinces, and some of those that were destined to replace the militia in the Mediterranean. But his right hon. Friend stated that the bulk of the army was still in the Crimea, and he expressed a hope that they would be all moved away from the Crimea by the latter end of July or August. The right hon. Gentleman the Member for Buckinghamshire sets up a phantom, and distinguishes himself by his bravery in knocking it down. He hoped, in future, if the right hon. Gentleman could not find it convenient to be in his place when matters of public interest were under discussion, that he would take care to make himself acquainted with the real facts, and not come forward a week afterwards misrepresenting what was really said, and making statements that were utterly unfounded.

MR. STAFFORD said, he believed that the noble Viscount was not in his place when his right hon. colleague (Sir C. Wood) made the statement referred to, for if he had been, though he might have come forward with his usual valour and skill to the support of the hon. Gentleman the Under Secretary for War, it would have been with much less confidence. If the statement made the other night by the First Lord of the Admiralty and that just made by the Under Secretary for War were placed in parallel columns, it would be found that nothing could be more conflicting. Indeed, the reports in the papers to-morrow would, no doubt, expose the inconsistencies of the two statements. [Viscount PALMERSTON: State the contradictions.] The contradiction was this:—The First Lord of the Admiralty stated that there were scarcely any men left in the Crimea, while the Under Secretary for War said there were, at least, fifty regiments there. There, assuredly, was a great discrepancy between those two statements.

SIR CHARLES NAPIER said, he thought the hon. Gentleman (Mr. Stafford) must have been asleep, when, in answer to the question as to whether all the troops would have quitted the Crimea by the 10th of July, the First Lord of the Admiralty stated that he expected that they would all be removed by the end of that month.

MR. RICH said, he wished to bring back the attention of the Committee to the subject before them, at the same time he thought they were indebted to the right hon. Gentleman (Mr. Disraeli) and the hon. and gallant Member for Westminster for the statement they had just heard from the First Minister of the Crown. He, however, wished to suggest, that in effecting the reductions which had been spoken of, care should be taken to provide an efficient reserve in case of the unfortunate necessity for an increased army. For years before the late war there had been numerous alarms that some foreign enemy might pounce upon this country at night, and produce great injury; and that had such an effect that very great expenses were incurred—the militia were called out, and our fortifications were increased. He did not wish for one moment to detract from the benefits which had been derived from our calling out the militia; but it was quite clear that this country ought not, in time of peace, to keep up a very large standing army. All past experience showed that, on the termination of war questions of economy would be entertained, and that the army and navy would be reduced. The Act introduced by the noble Lord at the head of the War Department for granting men their discharges after certain periods would come into operation next year, and he would propose that, as soldiers, after serving twenty-one years, were entitled to their discharge and a pension of 1*s*. per day, the option should be given them of a discharge after half that service with a pension of 6*d*. a day, coupled with a condition of being enrolled, and being liable to be called out every year for a certain number of days' duty. He believed that that plan would, in twelve months, provide a reserve of 40,000 or 50,000 men highly disciplined and in the prime of life. It would also offer a means of providing for the surplus officers otherwise than by the disagreeable means of retirement on half-pay. Another consideration arose out of the moral view of the question. No doubt an enormous improvement had taken place in the tone of the army. The barracks were better, but still required much improvement; the canteen abominations had been done away with, the schools were good, and in many regiments admirable, and the treatment of the soldier was very different from what it was at the beginning of the century. Yet, with all those improvements the army was not a popular service. One reason was the long service which the soldier had to go through. The head of the War Department had very wisely introduced a ten years' service; but, if that arrangement were not coupled with some such provision as he had suggested, the country would lose the men at the very time when they were exceedingly valuable. If ten years' service were made the general term of service in the army, men would enter gladly at eighteen years of age, if they felt that at the end of their service they had secured a pension of 6*d*. a day. He, therefore, urged the Government to take into consideration the formation of an army of reserve.

Sir JOHN TROLLOPE said, that the hon. Member had given the sketch of an army formed on a totally different principle to that ever adopted in this country. He seemed to have taken up the principle acted upon in many parts of the Continent, where the soldiers were levied by conscription; but such a system was inconsistent with the habits and instincts of this country. The hon. Under Secretary for War had stated that no less than forty different regiments were to be distributed through the British colonies, including, no doubt, the strong places in the Mediterranean, but the principle of late years adopted was to depend on the colonies for their own defence. He believed they were both able and willing to do so, and, therefore, he must protest against the army being distributed through the colonies in small bodies, which would prevent them being brigaded in masses, and tend greatly to the destruction of discipline.

Mr. LLOYD DAVIES said, he had not been able to follow the hon. Under Secretary for War in all his figures, and therefore would suggest that they should be printed and distributed to Members, in order that those not fully acquainted with military affairs might have an opportunity of coming to a proper judgment on them.

Mr. PELLATT said, that with respect to the item of £17,800 paid for outfit to non-commissioned officers on their promotion to commissions, he wished to call attention to the loss of good-conduct pay which was suffered by the corporal and the sergeant upon their promotion respectively from the ranks.

Mr. HENLEY said, he was not sure whether he had rightly caught the hon. Gentleman's (Mr. F. Peel's) explanation with respect to the disbanding of the foreign corps. He feared that some heartburning would be felt in the country if those troops were placed in a more advantageous position than the militia. The remark of the hon. and gallant Member (Sir De L. Evans) would receive an echo, he believed, generally in the country. Why those foreign troops were to be sent to Aldershot he could not easily understand. The militia had had rather scant justice dealt out to them, whilst there was a prevailing feeling that the Government had been over lavish in their treatment of the Foreign Legions.

MR. FREDERICK PEEL said, a great part of the Legion had been employed in the East—3,000 at Scutari and 2,000 at Smyrna—and it was necessary to keep up the discipline of the rest until the bargain made with them on their enlistment could be carried out.

COLONEL BUCK said, he was sorry that no allusion had been made in the course of the debate to the subject of military education. It was of the greatest importance that some steps should be taken without delay to establish a plan of military education, more particularly for those officers who were destined for the scientific corps. The present system of appointments and promotions in our Engineers was most faulty and contrasted very unfavourably with that which was pursued in the French army. In the French *génie*, for instance, non-commissioned officers were allowed to compete with commissioned officers for advancement in the service, and the effect of such a stimulus as that was most beneficial to the service. In our army, on the contrary, the Engineers and the Artillery were the only corps in which the non-commissioned officers had no chance of rising to a commission. The life of an officer in the French *génie* was one of continuous exertion. He was obliged to apply himself with the most indefatigable industry to the study of his profession, and for every step he had to pass a competitive examination. There was no such salutary rule, however, in the British service. An hon. and gallant Member of that House, who was in the Engineers, had lately been appointed Deputy Inspector of Fortifications. The post was worth about £800 a year, and he had been at some trouble to ascertain what was the hon. and gallant Gentleman's peculiar merit for it, but he had not been able to discover that he had any. The hon. and gallant Member had the advantage of being in that House, and those who had appointed him, as a matter of course, had the benefit of his vote. Had he been in the French service, before getting an appointment of that kind he would have had to pass an examination to show that he had superior merit. His remarks with regard to the necessity of competitive examinations applied equally to the Royal Artillery. The valuable appointments connected with that corps ought no longer to be given for life, but for a certain number of years only, and those who were proved to be most worthy of them by competitive examinations ought alone to be appointed to them.

MR. ADDERLEY said, he wished the Committee not to pass the Vote without some further explanation. To make an increase of regiments in the colonies was a retrograde policy. It was proposed, as he understood, to make an addition of three regiments to the military force in the North American Colonies, thereby increasing the force to five regiments. Though such an increase might not be numerically great, it was most significant as to the policy of the Government. Five additional regiments could not certainly be regarded as a menace to the United States, nor as a means of protection to the extensive frontier of Canada. What advantage, then, he should like to know, could be gained by such an additional force? While, on the other hand, the certain result would be to check the North American colonies from raising their own forces, on which they ought chiefly to depend. He, therefore, called upon the Government to state, clearly and distinctly, whether an increase of force, from two regiments to five, in the North American colonies, was not in contravention of the policy laid down before the war; and whether, with two regiments as a garrison at Halifax, the colonists might not defend themselves without looking to this country for further protection? He wished also to refer to another illustration of this retrograde policy in the course which had been pursued for the purpose of defending our colonial provinces in South Africa. A sum of £45,000 had been granted to the Governor of the Cape of Good Hope to carry on a new experiment for the defence of that province. Now, he distinctly gave notice to the Colonial Secretary, that if he (Mr. Adderley) were here next year—as he hoped the right hon. Gentleman would be there in his place also—and if the right hon. Gentleman should think it his duty to bring forward that Vote of £45,000 for what he (Mr. Adderley) considered to be a most mischievous experiment, he would divide the Committee against passing a shilling of that Vote. So long as that experiment was to be continued, so long must these forces be maintained, and that was the way in which the Parliament was prevented from reducing the war establishment.

MR. LABOUCHERE said, the hon.

Gentleman had asked whether the fact of increasing the amount of force for the North American colonies from two to five regiments indicated any change of policy in regard to the system of protection of those colonies. He had no hesitation in telling the hon. Gentleman that such an arrangement indicated no change of policy in that respect. The policy to be pursued in regard to the military defences of those colonies had already been clearly laid down, and to that policy Her Majesty's Government entirely adhered. It consisted in relying upon the courage and loyalty of Her Majesty's Canadian subjects. Her Majesty's Government were sensible that without that courage and that loyalty it would be impossible to maintain the safety and stability of that important colony, but that so long as those guarantees existed no difficulties or dangers of an hostile kind were to be apprehended. Lord Grey, when Colonial Minister, had stated that it was a part of the policy of this country to maintain garrisons at the three great ports of Halifax, Montreal, and Quebec. It was to those ports that these troops had been sent. But it was not intended to revert to the old system—namely, that of scattering the British regular forces over the colonies in order to form a mere body of police—a system which was at the same time extravagant and highly detrimental to the discipline of the troops. He could most confidently state, from communications which he had received from Canada, that there was no ground of apprehension that the troops which might be sent to British America would in the least degree damp the spirit of the Canadians or prevent the organisation of a native force of a permanent description. With regard to the question as to South Africa, he regretted that the hon. Gentleman was not present when that question was discussed. He believed that on a future occasion he should be able to satisfy the hon. Gentleman that but a very moderate sum of money can be expended in that colony, and that whatever might be the amount, it was expended on the improvement of roads, and of works which had the most important effect in tranquillising and civilising the Africans.

Captain LAFFAN said, that as he was the only Deputy Inspector of Fortifications who had the honour of a seat in that House, he wished to make a few observations in reply to what had fallen from the hon. and gallant Member for Barnstaple (Colonel Buck). The hon. and gallant Member said that he (Captain Laffan) had been appointed to the office of Deputy Inspector of Fortifications, in order that the Government might secure his vote. Now whether the Government was right or wrong in forming a favourable opinion as to his capability for the appointment of Deputy Inspector of Fortifications, it was not for him to question; but he would state that upon the occasion of his getting the appointment he distinctly warned the Government that he was not a supporter of theirs, and that he did not intend to support them. In reply he was told that he might consider himself, as before, perfectly independent, and might vote just as he pleased; for that the appointment was a purely military one, connected with his own corps. On that condition he accepted the appointment; and he would only say, that if it was for a moment imagined that he ought to become in return a supporter of the Government, he would throw up the appointment at once. He would at the same time beg to state that during the period he had held the office for once he had voted with the Government he had voted three times against them.

Colonel BUCK said, he must beg to explain that he had never meant to say that the hon. and gallant Gentleman had accepted the appointment through corrupt motives. All he would say, however, was, that whenever he had seen the hon. and gallant Gentleman in the House he had invariably seen him sitting on the ministerial side. What he meant to state originally was that in France an appointment like that of the hon. and gallant Gentleman would have been a competitive appointment, and that the best man would have held it. He knew nothing himself of the hon. and gallant Gentleman, but he had asked other officers in the service as to his merits, and whether he had ever distinguished himself in any way. He had, however, been unable to ascertain that he had. ["Oh, oh!"] He only wished to say to the hon. and gallant Gentleman's face what he had said behind his back. He would repeat that in France such appointments were strictly competitive; but in this country they were not.

Captain LAFFAN said, he could perfectly understand the motives which had induced the hon. and gallant Gentleman to bring forward the question. He was sure there was nothing personal in the matter, for he did not believe the hon. and gallant Gentleman and himself had seen each other more than once or twice in their lives. He thought, however, it was a great mistake to suppose that such appointments as he held could be made competitive. They might make the appointment of a subaltern a matter for examination, or even the elevation of a lieutenant to the rank of captain. But they might as well throw open such an appointment as that he held—which was purely an administrative one—to competition, as the office of Colonial or Foreign Minister.

Colonel NORTH said, he wished to call attention to the position of the sergeants in the militia, than whom no class was deserving of greater encouragement—those non-commissioned officers attached to regiments recently disbanded were placed in a most unsatisfactory position.

Mr. FREDERICK PEEL in reply, was understood to say that they would receive fourteen days' pay in addition to the bounty already agreed upon.

Lord HOTHAM said, he had expected to have heard from his hon. Friend (Mr. F. Peel) some explanation in reference to a subject brought before the House a few nights ago by the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert). His hon. Friend had on that occasion said, that though he could not concur in all the observations made by the right hon. Gentleman, he had a plan of his own on the subject. Now, he (Lord Hotham) should have liked to hear an outline given of that plan. He should also be glad to know whether it was the intention of the Government to make any, or what, alteration in the constitution of the staff. His hon. Friend had alluded to the intention of having the army in future massed in divisions and brigades, which would give occasion to the employment of a great number of staff officers, and afford them an opportunity of learning their duty; but he should like to know what was in future to be considered the qualification of a staff officer—what education such an officer would be required to have, and in what manner, in the first instance, he would be placed on the staff. The other subject to which he would allude was in reference to the officers who were about to be reduced, more particularly that large class of junior officers who must necessarily fall victims in the reductions which were about to take place. In justice to them, as well as for the advantage of the country, he would ask whether it was necessary to turn those officers adrift in the first instance, and whether advantage should not be taken of such opportunities as might arise of restoring them to the service in consideration of the sacrifices which a great many of them had made in coming forward to serve their country when their country so much required their services?

Mr. FREDERICK PEEL said, that with reference to the question of the education of officers, the subject had been referred to a Commission. The officers to whom the noble Lord adverted, as likely to suffer from the proposed reductions in the army, amounted to about 800, but he had no doubt that they would be gradually reabsorbed in the army as opportunities were afforded for rendering their services available.

Colonel GREVILLE said, that what he had to complain of was, not that the militia force was treated ill, but that the foreign corps had been treated too well. A distinction had been drawn between the two, which was not fair. The remuneration to the army chaplains was extremely inadequate; in one instance a chaplain had received £9 5*s.* for eight months' service. He should be glad of some explanation on that head.

Colonel DUNNE said, the hon. Gentleman the Under Secretary for war, had stated that the arrangement with the German troops had no reference to those enlisted in America; and, under that arrangement, those troops could not be disbanded until the expiration of a year after the ratification of the treaty of peace. He wished to know if he had correctly understood the hon. Gentleman's observations on that subject. He also wished to know what was going to be done with the two regiments of cavalry which had been sent from India to the Crimea, and were now in England without horses?

Mr. FREDERICK PEEL replied, that application had been made to the East India Company for transport, but no answer, as yet, had been received.

Vote *agreed to.*

(2.) £10 in addition to former Vote of £1;000,000 for charge of Embodied Militia.

Colonel DUNNE said, he would beg to ask in what state of efficiency it was intended to maintain the disembodied staff? Although it had been said that the militia were, on their disembodiment, to receive a gratuity of 14*s.*, many men in the neighbourhood of London had not received that amount.

Mr. FREDERICK PEEL said, that the only alteration made was the retention of the quartermasters of regiments on the permanent staff.

Sir JOHN BULLER said, that in his regiment there had been no regular quartermaster, the duties of that office having been performed by subaltern officers, and he wished to know if those officers who had been acting as quartermasters would be retained on the permanent staff? The question was one which gave great anxiety to colonels of regiments, and ought to be decided at once.

Mr. FREDERICK PEEL said, that it was the intention of the War Department to place on the permanent staff only those officers who were actually the quartermasters of regiments. As to the gratuity of fourteen days' pay, that would be allowed to the men disembodied.

Sir JAMES FERGUSSON said, he had to complain of regiments being disembodied before the harvest, and more particularly so in the case of Scotch regiments, because in Scotland the harvest would fall much later than in this country.

Sir JOHN BULLER said, he felt it necessary to press his question again respecting the quartermasters, as some young men were waiting for the decision of the Government. He wished to know, also, respecting the permanent staff, what part of that was to be retained? He wished, in fact, to know what to do with his own regiment?

Mr. FREDERICK PEEL said, the last question had better be put into writing before he answered it. What had been done as to the quartermasters was this: Where those officers had already held commissions they were to be retained, but not where the office was merely held temporarily, by subalterns acting only for the time as quartermaster.

Vote *agreed to.*

(3.) £10, in addition, to former Vote of £250,000, for charge of Army Works Corps.

Colonel DUNNE said, he wished to inquire if the Army Works Corps was to be put under the direction of the Officers of Engineers like Sappers and Miners, as a regular military organisation?

Mr. FREDERICK PEEL said, that the force was about to be disbanded in a very short time. There were only 1,100 men at present under duty.

Captain LEICESTER VERNON said, he was glad to hear that statement from the hon. Gentleman. He wished to know when the men were to be disbanded, and what was to be the gratuity to the men and the officers?

Mr. FREDERICK PEEL said, that the gratuities to the men would be two months' pay. As to the officers, they were engaged for two years certain. They had served one year, and consequently were entitled to one year's gratuity.

Vote *agreed to.*

House resumed.

## SUPPLY—ST. JAMES'S PARK.

Mr. FITZROY brought up the Report of the Votes agreed to in Committee of Supply on Friday evening.

On the recital of the Vote of £3,500 for the erection of a suspension-bridge across the ornamental water in the Inclosure in St. James's Park—

Lord ELCHO rose, and said: Mr. Speaker, I have often heard it said that the proper way of conducting business in this House would be to vote first and to discuss afterwards, and assuredly the course I am about to take has at least this recommendation, that it merits the praise due to such a proceeding. I can hardly hope that anything I may say will induce the Government to rescind this Vote, or persuade the House to express an opinion that they should do so. But as I am aware that there are many hon. Members who, though anxious to have spoken on the subject last Friday, were precluded from doing so, and among them the hon. Member for Coventry (Sir J. Paxton), whose opinions are naturally looked to with interest on a question that has attracted so much attention both in this House and out of doors, I have thought it right to oppose the Vote upon the present occasion for this reason, if for no other—that the Members to whom I allude may be enabled to explain their views. There are two points, however, which I am particularly anxious to press upon the consideration of the House. The first is, whether we ought to sacrifice the beauty of our parks for the sake of public convenience; the second, whether we are prepared to intrust the expenditure of the public money to the Board of Works for the construction of ornamental works in this metropolis without having had the plans previously submitted to us. Now, Sir, the question whether public convenience and not beauty ought to be consulted in the arrangement of the parks was long ago decided, when the matter under discussion was the acceptance or rejection of the original plan which, as suggested by the First Commissioner of Works, contemplated the opening of a direct communication between Marylebone and Westminster. That project would, undoubtedly, have been by far the most convenient for the public. There would then have been a road right across the park, which would have afforded ample accommodation not only for foot passengers and equestrians, but for cabs, carriages, and omnibuses. But the plan most certainly did not find favour either with the public, the Committee, or the House, and accordingly it was negatived. The obvious inference from that fact is, that it is not desirable that the beauty of the park should be sacrificed to public convenience. But that question having been settled in the main is now again presented in a modified form. It is now proposed to erect a footbridge for passengers over the ornamental water. Now, Sir, that piece of water is so extremely beautiful that for my part I should dread to lay a hand upon it, lest I should spoil it. I should be sorry however to offer my own opinion as a rule of conduct in such a matter, but what I would venture to recommend is that the Government should take the course which any private gentleman would under the same circumstances adopt, namely, consult with persons competent to pronounce a decisive judgment on the point. Happily we have among us the hon. Member for Coventry, who, from the manner in which he has laid out the grounds at the Crystal Palace, is entitled to be regarded as an authority on such subjects. Due weight ought to be attached to whatever falls from him, and, as far as I am concerned, I shall be guided in the main by what he says as to whether any bridge will or will not detract from the beauty of the Park. With respect to the other point I have alluded to, namely, the propriety of entrusting to the Board of Works the expenditure of public money for the erection of ornamental structures, without an opportunity having been previously afforded us to examine the plans, that is a matter on which I have a very strong opinion. I think that as a general rule we should not do so: and I know nothing with reference to the general conduct of the Board in such matters, or as regards the taste and judgment displayed by the department, which should justify us in departing from that rule on the present occasion. And, talking of the taste and judgment of the department, I will mention a singular illustration of both. Two years ago £1,000 was voted for the erection of a new pedestal for the statue of King Charles at Charing Cross. The reason assigned was that the old one was in a state of decay, and that the safety of the statue required that it should be renewed. The old pedestal had been designed and executed by the celebrated carver, Grinling Gibbons. The attention of the First Commissioner of Works, the late Sir William Molesworth, was called to the subject. It was subsequently suggested, however, that the pedestal was not in so bad and unsafe a condition as had been supposed; and the First Commissioner having directed further inquiry to be made into the matter, it was found that, instead of an entirely new pedestal costing £1,000, all that was required was that some slight repairs should be effected, at a very trifling expense, on the existing beautiful specimen of art. Now this, I apprehend, points out that we cannot always depend on the taste and judgment of the Board of Works. If the right hon. Gentleman (Sir B. Hall) had been a dictator, and there had been no press and no House of Commons in this country, we should now have had the park cut up by the intersection of a broad road for the transit of waggons, carts, omnibuses, &c. The right hon. Gentleman has, in my opinion, therefore, displayed no taste and no appreciation—I will not say for the beautiful in general—but for the beauty of St. James's Park. Under these circumstances, I do not think it desirable, when we are dealing with a park of such great and acknowledged beauty as St. James's, to entrust him with the erection of this bridge, without our previously seeing the design for the structure. Indeed, we ought to lay it down as a general principle, that whenever it is proposed to expend the public money on ornamental works, the plans sent in should be exhibited to this House, and public opinion brought to bear on the question, so that the best scheme may be fixed upon before the funds are voted. It is, therefore, with the view of insuring that a structure suited to the situation intended for it is erected, that I am anxious the money should not be granted until we have seen the design. I hope I shall not be deemed to be adopting a factious course on this occasion, but to be actuated simply by a deep interest in the preservation of the beauty of the park. Unfortunately in England all our public and private buildings, streets, and statues are more or less disgraceful; and I must say that, when one returns from Paris to London, he cannot but be struck with the dirt and meanness of our thoroughfares. With the exception of a few remarkable buildings, the metropolis has nothing but its, in our time, unequalled vastness to recommend it. In this metropolis we have but few bright and pleasant spots on which the eye delights to dwell, and which we are not ashamed to show to foreigners, and these are our parks. It is, Sir, precisely because I am anxious that we should not destroy those few agreeable places that I have brought this subject forward. It is, indeed, alleged that in the opinion of competent judges the proposed structure will not mar the beauty of the park; but I ask the House to refuse the money until it has seen the plan; and if I meet with any support, I shall divide the House against the Vote.

Sir JOSEPH PAXTON said, had he been present when the Vote was proposed on Friday night, he would certainly have begged the noble Lord at the head of the Government to defer it till another season. Not quite a fortnight ago a Vote of £2,800 was asked for to construct a footbridge across the ornamental lake in St. James's Park, and which was to have been placed about two feet six inches or three feet from the water. He strongly objected to that plan, because it would have cut the ornamental water in two and spoiled the prospect; and next day the right hon. Gentleman (Sir B. Hall) informed him that the Board proposed to put up a suspension-bridge eight feet from the water, so as to enable all parties to have a clear view of the ornamental lake and its banks. That appeared in some degree to obviate his objection; yet, when he came to reflect on the plan, he found that an inclined plane of considerable extent would be required to lead up to the suspension-bridge, and that such a project would still cut the park in two in much the same manner as the one previously proposed. The wiser course would be not to go on changing the plan for the bridge as had been done several times in the space of a few months, but to wait till some well-digested scheme had been prepared. If a bridge were really necessary—and he had never seen

*Lord Elcho*

any reason to believe it was—the House and the public ought at all events to know the kind of structure intended to be erected. On those grounds, therefore, he hoped that the Vote would be postponed.

Mr. TITE said, that Mr. Sydney Smirke had, in 1834, suggested a suspension bridge of iron wire, a structure which would not be open to objection in point of taste; he meant a bridge composed of what the French called *fil de fer*, supported on iron columns, and in his opinion a bridge of that construction would certainly not be an eye-sore in the park. Since the last discussion, however, he had presented a petition which altogether contested the necessity for this bridge, and declared it was not required for the public convenience. The noble Lord at the head of the Government, when he moved the Vote, stated it was necessary for the accommodation of the poor. Such a consideration would deserve every attention; but they must recollect that the park was closed at the hours when the workmen were likely to pass. If a bridge was necessary, he thought the right hon. Baronet (Sir B. Hall) and his advisers could erect one which would not be very objectionable in point of taste; but the real question was, as he had just stated, whether it was absolutely wanted? If not, they had better leave it alone. He did not think the necessity had been proved, and would therefore support the Amendment.

Mr. HENLEY said, it was admitted that some convenience was required, and as all hon. gentlemen of taste in the House condemned both the high and the low bridge, he ventured to make an humble suggestion, which would answer all the purposes of convenience. It was to give the people a somewhat larger ferry boat, and pay the man who worked it, so that the poor could be conveyed across free: the present boat could be retained for those who wished to pay a penny. A boat to hold eighteen or twenty persons would answer every purpose.

Sir BENJAMIN HALL said, he would allow that he had no right to interfere with the opinion which the noble Lord the Member for Haddingtonshire (Lord Elcho) might form as to his taste or judgment in those matters, or his fitness or unfitness for the office he had the honour to hold; but he thought it rather hard that the noble Lord should insinuate that in advocating this bridge he was promoting his own personal objects, and only seeking to serve those whom he had the honour to represent. He hoped the House would not believe he could be guilty of such a dereliction of duty. The noble Lord, perhaps, was not aware that when the old bridge was taken down in 1828 or 1829 the feeling in the metropolis against its removal was so strong, and representations made to the Board of Works so urgent, that the then surveyor wrote to the Treasury recommending them to sanction a Vote of £8,500 for the erection of a new one. That at all events proved that the present plan was not a new one got up for personal objects. He could assure the House that many representations had been made to him by the inhabitants on the south side as well as the north side of the water, and he could tell the hon. Member for Bath (Mr. Tite) that he had been earnestly requested to build this bridge as a great public convenience. The noble Lord (Lord Elcho) had also stated that he had no confidence in the Board of Works, because they had asked for £1,000 for a new pedestal for the statue of King Charles, and afterwards had the good sense to save the £1,000, and do what was necessary for £40. When he came into office he found the sum of £1,000 had been voted, but on examination he found that a new plinth under the horse was all that was required, and he thereby effected a saving of £960. The right hon. Member for Oxfordshire (Mr. Henley) suggested a ferry boat. That, he conceived, would be a very inconvenient mode of transit. He would undertake to say, that if the House sanctioned the Vote, the bridge should be of the lightest possible character consistent with durability and the weight it would have to bear, and one that, he apprehended, would not expose him to a renewal of the condemnation which the noble Lord had so lavishly bestowed upon him that evening.

Mr. DISRAELI: I trust, Sir, that the House will not be tempted by the right hon. Gentleman into discussing the question of a vote of confidence in the Ministry. I was a Member of the Committee to which this subject was referred, and not having spoken when the former discussion took place I was reproached by some of my colleagues for my silence. I can only now say that I remember, with pride and satisfaction, that in that Committee I voted against every proposition of the right hon. Gentleman—against foot-bridge and suspension-bridge alike; and I hope that the House will allow me one moment while I state the reasons that induced me to do so. I was mainly influenced in the course which I took by the reasons which have been urged by the noble Lord who has called our attention to the precipitate Vote of the other evening. It appeared to me that the enclosure of St. James's Park was one of those few objects of which we as Englishmen might be proud, and that the effect of any bridge of such a description as was brought before us would be to turn one very pretty ornamental lake into two very ugly ponds. I admit that an objection to taste may, in a limited degree, be met by an overpowering sense of public necessity; but I cannot recollect that in the Committee we had any evidence upon the subject; at all events, there was none of a very overwhelming character. I believe that we formed our opinion principally upon conversation and upon one or two memorials which were brought before us. Certainly, nothing like evidence of a nature calculated to prove a public necessity was brought before us. As to the romance of the workman, which the First Minister introduced into the subject, it will not stand the test of criticism for a moment, because the workman, at break of dawn, repairing to the seat of his daily toil, cannot enter the park, seeing that its gates are not opened until some hours afterwards. The question is then, whether you will, for the accommodation of a few persons, living in very reputable habitations in the vicinity of the park, take a step which would outrage every principle of taste and beauty. The right hon. Gentleman the First Commissioner of Works, says that we had a bridge before, which was accidentally destroyed, and that he can prove from the records of the office that there was a demand that the bridge should be restored. But the right hon. Gentleman forgot to remind us that that bridge was only an accidental and temporary structure, raised for the display of fire-works at the peace thirty years ago, which was not a period very eminent for taste; that there was no garden there then, but in its place a morass and a canal; and that the question was a mere consideration of convenience. I do not think, therefore, that the evidence of the right hon. Gentleman upon this point should greatly influence our decisions in coming to a vote with regard to it. What I wish to impress upon the House more particularly, however, is, that the Committee were called upon to decide on a very serious and extensive question, with very limited information, and in a very hurried manner. Remember, if this bridge is raised, whatever may be the subsequent opinion of the public upon it, however hideous they may think it—however limited the convenience which they may gain, we shall not very easily get rid of it; and therefore I think that we cannot take a more prudent or sensible course than at least to pause for another Session before we give a final sanction to its construction.

VISCOUNT PALMERSTON: Sir, after the tone of solemnity in which the right hon. Gentleman has discussed this subject, perhaps it may not be superfluous to state that I do not consider it to be of such magnitude as to make me recommend it to the House as one of confidence or no confidence in the Government. Assuredly the discussion which has taken place this evening is somewhat in opposition to certain well-established maxims, which are usually accepted in this country. One maxim is "*De gustibus non est disputandum*," and yet the whole of our disputation has gone upon nothing but matters of taste. However, as every man may express his opinion upon a matter of taste, I must say that I differ entirely from those who think that a bridge is a deformity which can only be justified by absolute necessity. That has not been the opinion of those who have had to lay out places which have excited the admiration of all who have freqented them. Has nobody been at Wilton, or does no one recollect the bridge there which cuts the water in two, which has not even a walk to it, and for which certainly there is no necessity? Does nobody recollect the bridge at Blenheim? There is no absolute necessity for it. It cuts the water into two parts; it might have been avoided; but it has always been considered a great ornament, and has been much admired. I think, therefore, that a bridge is, in itself, a beauty instead of a deformity; but of all bridges a suspension bridge is in its nature the most graceful. Everybody knows that the line which a flexible body suspended between two fixed points describes is that which is so much admired as the catenarian curve or line of beauty. A suspension bridge must, therefore, be an exceedingly handsome structure, and one which must give delight to every man of taste. Before leaving the question of the beautiful, I must make an observation upon what fell from the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), who objected to a light suspension bridge as an object that would in his eye be ugly, and proposed instead a large lumbering square ferryboat that would fill up perhaps half the middle of the lake. I remember when I used to travel from London to Dublin that we had to stop at the Menai Straits in the middle of the night, and blow a horn until a man brought a large, ugly, lumbering ferryboat from the other side. According to the right hon. Gentleman that arrangement was infinitely preferable to that bridge over the Menai Straits, which people travel from immense distances to gaze upon as an object of wonder and admiration. Sir, I certainly am not for the old ferryboat. Believing that a light suspension bridge would be an ornament to the gardens, I come next to consider whether there would be any utility in it. We have been told by hon. Gentlemen on the other side that there is no absolute necessity for a bridge. I admit it; but, let me ask, what necessity can ever be shown for anything of the sort? There is no necessity for a communication between Belgravia and St. James's Street, and if the authors of the scheme had been put to show that it was a matter of absolute necessity, the passage by Marlborough House would, I apprehend, never have been broached. Again, it is all very well for those who ride in carriages or on horseback to say that it is immaterial to the people whether they have a long or a short road to travel over; but to those who have to pass between Westminster and the western and northern parts of the town, the question is a very serious one. At present they are compelled to walk round by the Horse Guards on one side or Buckingham Palace on the other, to get to a point which, if there was a bridge across the lake, they might reach with the utmost celerity. I am certainly of opinion that the bridge would be a great convenience to foot passengers, and I really think it is a mockery to tell the lower classes that, while we are consulting our own comfort by making a road for persons who use carriages, they must continue to walk all the way round by the Horse Guards or the Palace, because we think our eyes would be offended at seeing a bridge. Such language would be creditable neither to the taste nor to the good feeling of the House of Commons, and I hope will not be used upon the present occasion.

MR. BARROW said, it was admitted on all sides that there was no public necessity for this expenditure, which could not be, from all he had heard in the course of the discussion, of any use to the mass of the people. Under such circumstances, as the representative of a large constituency of working men who would be called upon to pay a portion of the Vote, he objected to it *in toto*, and he appealed to hon. Gentlemen whether it was fair that roads and bridges for their own personal convenience should be made at the public expense?

MR. KER SEYMER said, that he could assure the noble Lord at the head of the Government that the opponents of the Vote did not think a bridge a deformity; but when gardens had been admirably laid out without reference to a bridge, they believed that the introduction of such a structure would have an injurious effect. He agreed with those who thought that the people would be perfectly accommodated by a free ferry, which might be maintained with two boats at a comparatively trifling expense.

SIR JOHN SHELLEY said, he must contend that the people of Westminster would derive great benefit from the proposed bridge, and he denied that the plan had been brought forward with a view to please the electors of Marylebone and Westminster.

LORD ELCHO said, he must beg to express his regret that anything which had fallen from him should have given pain either to the right hon. President of the Board of Works, or to the hon. Baronet who spoke last. He used the words "Marylebone and Westminster," merely to describe the localities which would be affected by the proposed bridge, and not with any view to offend the hon. Representatives of those places, who, he was well aware, would be the last men to use their influence in that House to promote their own private interests.

SIR THOMAS ACLAND said, he was in favour of a bridge to accommodate the lower classes, and he hoped the Board of Works would take good advice before they spent their money.

Motion made, and Question put, "That this House doth agree with the Committee in the said Resolution."

The House *divided*:—Ayes 119; Noes 93: Majority 26.

Vote *agreed to.*

On the Vote of £4,977,200 for the Transport Service and Prisoners of War,

LORD ADOLPHUS VANE TEMPEST said, he must again complain of the delay which had taken place in bringing back our troops to this country from the Crimea. Several large transports had been lying unemployed for weeks at Constantinople, and he thought great apathy, if not neglect, was attributable to the Government in leaving our gallant army exposed to the risk of disease in a climate which at this period of the year was most unhealthy. He believed that the ships sent out would not have been sent but for a letter from the Commander in Chief, stating that he would not be responsible for the health of the troops if ships were not at once despatched to bring them home. Had the Government shown any energy or decision the troops might have been brought back in ships of war, and one-half the expense for transport saved.

Vote *agreed to;* as were also the remaining Votes.

The House adjourned at Two o'clock.

## HOUSE OF LORDS,

*Tuesday, June 17, 1856.*

MINUTES.] PUBLIC BILLS.—1ª Annuities Redemption; Transfer of Works (Ireland).
2ª Excise; Insurance on Lives (Abatement of Income Tax) Continuance.

### IMPRISONMENT FOR DEBT AND CONTEMPT OF COURT.

LORD ST. LEONARDS, in presenting petitions from the prisoners in the Debtors' Prisons at Manchester and other places, imprisoned for debt and contempt of Court, praying for the abolition of imprisonment for debt, called attention to the hardships under which those persons laboured who were imprisoned for contempt of the Court of Chancery. Many persons in this position remained incarcerated for years; indeed sometimes their term of imprisonment ended with life only.

THE LORD CHANCELLOR admitted that occasionally it would appear that great hardships were inflicted upon individuals imprisoned for contempt, but the question was surrounded with so many difficulties that he felt himself unable to devise any means of getting out of the practice of imprisoning in some cases. Their Lordships would bear in mind that imprisonment by order of a court of equity was not to be considered a punishment, but only as a means of enforcing obedience. A man was imprisoned because he would not perform a certain act; and unless some such method of enforcing its decrees existed, the orders of the Court would become nullities. As an example of the difficulties which surrounded the matter, he would mention one actual case which came under his notice soon after he first took his seat on the woolsack. The case was that of a man who had been committed in the early days of Lord Eldon's chancellorship for refusing to disclose certain facts, and who remained in prison obstinately declining to make any statement upon the subject until his death, which took place but a few months ago. If, however, his noble Friend could suggest any method of meeting the difficulties attending this subject he should be most happy to give it his most earnest consideration.

Lord ST. LEONARDS said, he would very gladly co-operate with the noble and learned Lord in devising some Amendment of the existing law.

Lord CAMPBELL expressed his concurrence in the prayer of the petition, and said that he had much pleasure in stating that in the Court over which he presided committals for contempt were always for a definite and fixed period, at the end of which the prisoner was discharged.

## LEASES AND SALES OF SETTLED ESTATES BILL—HAMPSTEAD HEATH.

Lord ST. LEONARDS *presented* a Petition from the Vestry of St. Mary's, Islington, against the Leases and Sale of Settled Estates Bill, now before Parliament. His Lordship was understood to say that opportunity should be taken of this Bill to secure the possession of Hampstead Heath to the public for ever.

Lord MONTEAGLE said that, if he had rightly collected from the noble and learned Lord the prayer of the petitioners, he quite concurred in the principle set forth by them. Some twenty years ago one of the Oxford colleges, possessed of the fee simple of Primrose Hill, was about to dispose of their rights, which would have led to building over that property. He was at that time Chancellor of the Exchequer, and, with the assent of the Government of Lord Melbourne, he bought the property from the parties entitled to hold it, and Primrose Hill had been saved by that purchase for the purposes of the public. He could not help thinking that the people at large had an interest in a question of this description, and the right way to proceed was not to deprive any proprietor of the right properly appertaining to him, but to give him fair compensation and thus acquire the property honestly for the public. If he understood the matter in the case of Hampstead Heath, the public would in a very short period be left in the lurch. They might petition their Lordships, and Parliament might deal with the case, not on its own merits, but by reason of a supposed interest which the public had in keeping the Heath intact, but such a struggle could not long be maintained, and then this property would be enclosed and built over. Now, if the public wished to preserve the ground in its present state, let them buy it on reasonable terms, and so attain a public object in the only way in which it was consistent with the honour and dignity of Parliament to allow such an object to be attained.

Lord CAMPBELL said, that while he thought that the terms of the testator's will were such as to show a clear intention to withhold a leasing power from the present tenant, Sir T. M. Wilson, yet considered it advisable to bear in mind that ere long there would probably be a tenant seised in fee, who would have power to deal with this property as he chose, in defiance of the public. Hence he concluded with the noble Lord (Lord Monteagle) in thinking it desirable that something should be done to protect the public interests in the matter.

## THE MILITIA—QUESTION.

The Duke of LEEDS asked if there was any intention to have an inspection of the militia before it was disembodied?

Lord PANMURE reminded the House that the militia when embodied was under the orders of the Commander in Chief, and was subject to the same regulations as regiments of the line. These latter were periodically inspected by the commanding officer of the district in which they were stationed, and the same rule applied to the militia. Under this rule, he believed that most, if not all, the militia regiments had already undergone due inspection. He took that opportunity of stating that the efficiency and discipline of the militia had met with the high approval of the Commander in Chief, who had stated that he had no expectation that so well-disciplined and efficient a force could have been got together in so short a time.

## OXFORD UNIVERSITY BILL.

Commons Amendments *considered* (according to Order); some *agreed to*, and one *disagreed to;* and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to one of the said Amendments: The Committee to meet immediately: The Committee *reported* a Reason prepared by them; the same was read, and *agreed to;* and a Message was Ordered to be sent to the Commons to return the said Bill with the said Amendments and Reason.

House adjourned to Thursday next.

## HOUSE OF COMMONS,

### *Tuesday, June* 17, 1856.

MINUTES.] PUBLIC BILLS. — 1° Marriage Law (Scotland) Amending.
2° Lunatic Asylums (Ireland) (No. 2).
3° Grand Juries.

### PEACE PRESERVATION (IRELAND) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

MR. M'MAHON objected to pressing forward this Bill in the absence of Irish Members who had given notice of Amendments. The measure was most objectionable in principle; but if it were to remain in the state in which it came down from the Lords, he might not have opposed it; but the measure would be rendered still more obnoxious by the alterations proposed to be made in the measure by the right hon. Gentleman the Secretary for Ireland. He was, however, opposed to the measure as being wholly unnecessary. There was no pretence for such coercive measures now for Ireland, inasmuch as that country was admitted to be in a more peaceable state than it ever before had been during the last century. This measure was but a renewal of the Crime and Outrage Bill, which had been enacted at a time of great inquietude in Ireland, and was intended only to meet a particular crisis. It was but a sample of the old illiberal spirit in which the Whigs had ever legislated for Ireland. He moved that the Bill be committed this day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

SIR GEORGE GREY said, that the Bill was now precisely in the form in which it passed the House of Lords, with the exception of those clauses which his right hon. Friend would, in Committee, propose to restore. Those clauses were purposely omitted by the Lords on account of their being money clauses, which it was not competent for their Lordships to pass. The hon. and learned Member had sought to create a prejudice against the Bill by characterising it as an illiberal and unjustifiable measure. On a former occasion he (Sir G. Grey) had stated the grounds on which Her Majesty's Government thought it right to propose a renewal of the Act 11 & 12 of *Vict.*, commonly called "the Crime and Outrage Act," at the same time omitting some of the clauses which were not thought any longer necessary. The Bill was therefore drawn up in such a way as to ensure the peace of Ireland, without inflicting the slightest injury or inconvenience on any individual; and he was happy to say that the present peaceable state of Ireland enabled the Government to dispense with powers which in former years it was found necessary to retain.

COLONEL GREVILLE said, his objection to the Bill was, that it did not express what it was it professed to do, and he thought it would be better to repeal the existing Act altogether, and to bring in a new measure. He particularly objected to the fourth clause, which continued this Act for five years. Hitherto these Bills had never been enacted for more than one year; and he trusted the Government would consent to limit this Bill to that term.

MR. DE VERE did not think there was anything in the present state of Ireland which rendered it necessary to bring in a Bill like the present. There was nothing to lead to the apprehension that the peace would be disturbed in that country. The Bill had two objects—first, the registration of arms, and, secondly, the empowering the Lord Lieutenant of Ireland to send additional police force into any district which he might consider to be in a state of disturbance, and to impose on that district a heavy taxation for the purpose of paying that additional force. When the Bill came down from the Lords it did not contain the latter provision. Under that circumstance he did not object to the second reading, although he on principle objected to any such Bill altogether.

VISCOUNT BERNARD considered the

Bill to be absolutely necessary. It would not do harm to the peaceable and well disposed, and it would enable the Government to put down the crimes and outrages which unfortunately existed in some parts of Ireland. The disturbed state of some parts of Ireland marred the prosperity of the rest. In his own county there was less crime and outrage than in any part of the United Kingdom. Why, then, should his county be obliged to keep up a constabulary force? The reason was that there existed in other parts of Ireland the Riband system, the members of which society intruded themselves into the peaceable counties, so that it became necessary for the inhabitants of those counties to be protected. He therefore was of opinion that no measure could be too strong to suppress the crimes which that and other illegal societies committed.

Colonel DUNNE was opposed to all Bills brought in in this way. The Bill did not define the extent of those powers proposed to be committed to the authorities in Ireland, except by reference to a previous Act. He objected to this exceptional legislation, and he objected to legislation made for the whole of Ireland, which could only be applied to disturbed districts. This Bill would oblige the Government to proclaim peaceable districts as well as disturbed places. He thought it would be much better for the Government to introduce at once a Bill for the registration of arms in Ireland. He was particularly opposed to those clauses of the Bill which gave such powers to the constabulary.

Mr. NAPIER said, the only question was, whether or not they ought to go into Committee upon this Bill. He was of opinion that the Government would have incurred a very serious responsibility if they had not proposed this measure, which was only intended to meet a contingency which might or might not arise. He strongly recommended the House to assent to the Motion for a Committee, when the provisions of the Bill could be more properly discussed.

Mr. I. BUTT said, that their whole experience of Ireland demonstrated that they could not safely govern that country without some power on the part of the Government to put a check upon the possession of arms by the people. This necessity arose from the existence of secret societies. In 1846 the Government tried the experiment of leaving the Lord Lieutenant without such a power, and what was the result? The result was, that public auctions of arms took place, and the state of Ireland the next year was marked with outrages of the most serious character. Still there were strong objections entertained by the people against the power given to the Lord Lieutenant of proclaiming districts. It was exceedingly galling to many of the respectable farmers of Ireland that such an exceptional power should exist, even as a matter of police. But it was a power which might be exercised also for political purposes. In 1848 almost every district in Ireland was proclaimed entirely for political objects, the effect of which was to disarm nearly the whole of the population. There was one clause in the Bill to which he had a very strong objection—namely, the fourth clause, which would continue the Bill for five years. These powers ought not to be placed beyond the control of Parliament for so long a period. What reconciled him very much to the provisions of the Bill generally was, that notwithstanding these powers there were many districts in Ireland where no restraint whatever had been imposed on the people in regard to the possession of arms.

Mr. MAGUIRE said, the county of Cork—the largest county in Ireland—and the county of Waterford—another large county—were two of the most peaceable districts in Ireland. Now if, as his hon. and learned Friend had said, it was galling to the respectable farmers living in districts which had been proclaimed, how much more galling must it be to the large portion of the population of those districts where no crime had been committed? If the House went into Committee, he should move that the Bill be limited to one year.

Question, "That the words proposed to be left out stand part of the Question," put and *agreed to.*

Main Question put and *agreed to.*

House in Committee; Mr. FitzRoy in the chair.

On Clause 1,

Mr. HORSMAN moved that Clauses 3, 4, 5, 6, 7, and 8, of the Act 11 & 12 of *Vict.*, should be inserted. These were money clauses, which it was not competent for the House of Lords to enact.

Amendment *agreed to;* and Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 (Certain Sections of 11 & 12 *Vict.* c. 2, continued).

Mr. GEORGE complained of the defective way in which the clauses of the Bill were drawn up. Some of the sections of the Act of Victoria which were to be repealed he thought were highly necessary, in order to carry out the objects of the Bill; he would, therefore, propose an Amendment, by which the 16th, 17th, 18th, 19th, and 20th clauses of the Act of Victoria would be continued in operation. The Bill in itself was a bitter pill, although it was disguised under the gentle character of a Peace Preservation Bill. He thought it would be the simpler course for the Government to propose the renewal of the 11 & 12 *Vict.* for such a period as they deemed advisable.

MR. HORSMAN said, the clauses referred to by the hon. Gentleman were in conformity with the preamble of the former Act, but that portion of the preamble to which those clauses related had been omitted from the preamble of the present Bill. He was happy to bear testimony to the fact that crime and outrage did not at present prevail in Ireland; the Bill, therefore, had very properly been named a Peace Preservation Bill; for although such crimes did not at present prevail, it was deemed necessary by the Government that precautionary powers should be placed in the hands of the Lord Lieutenant. He believed that a great majority of the Members for Ireland wished to arm the Lord Lieutenant with those powers. Within the last seven months three instances of crime had occurred—two of actual murder and one of an attempt to murder—all of them in the open day, and in the vicinity of a great number of people, and yet in two of those cases the murderers had escaped. He was certain hon. Gentlemen would much rather that the perpetrators of those deeds should be apprehended; therefore, all that the Government asked was, that where it was possible that outrage and crime might be committed the Lord Lieutenant should have the power of preventing them, and, if attempted, to put them down. He could not conceive that any serious objection would be made to the Bill being passed in the shape in which it was proposed.

MR. NAPIER urged the importance of continuing in operation some of those sections of Victoria which this clause proposed to repeal.

MR. J. D. FITZGERALD explained the reasons for the repeal of those sections of the Act of Victoria, which had been referred to. It should be recollected that the Bill of Victoria was framed to meet a special state of things, and enacted very severe punishment for offences that would now be considered scarcely breaches of morality.

A very rapid discussion followed, of which it was impossible to take more than the general purport—that the Bill was very generally objected to by a part of the Irish Members, who wished that it should be recommitted for the purpose of being remodelled; in which case they would not object to the enactment of a modified measure. On the right hon. SECRETARY for IRELAND refusing to accede to this proposal,

COLONEL GREVILLE moved the omission of the clause altogether. He would not, however, press his Amendment, if the right hon. Gentleman the Secretary for Ireland would declare his assent to the limitation of the operation of the Bill to one year.

MR. HORSMAN declined to say anything as to the duration of the Bill until they came to the fourth clause, which provided for the time the measure should be continued in force.

Question put, "That Clause 2, as amended, be agreed to."

The Committee *divided*:—Ayes 98; Noes 53: Majority 45.

On Clause 3,

COLONEL DUNNE said, that after what had occurred, he should no longer trouble himself by offering any objections to the Bill, except as to the time of its duration, but he did, in the face of the country, denounce the obstinacy of the right hon. Gentleman in refusing to yield to the general feeling of the Irish Members.

Clause *agreed to.*

On Clause 4, which enacted that the Act should come into operation on the 1st of July, 1856, and continue in force till the 1st of July, 1861, being proposed,

MR. I. BUTT moved that the operation of the Bill be limited to two years.

MR. HORSMAN said, he still preferred five years to two, but as there was undoubtedly some weight in the objections which had been made to the form of the Bill, he was ready to assent to the Amendment of the hon. Member.

Amendment made.

MR. MAGUIRE said, he was not disposed to consent to passing even for two years a Bill which was so insulting to the feelings of the people, and so derogatory to the character of the country. When crime and outrage actually prevailed in Ireland, the Government were satisfied with having a Bill of this description for one year only; and there could be no reason why, in the present state of things, this Bill should be extended to two years. He moved that the Bill be limited to one year.

MR. NAPIER thought the Government would have acted more wisely if they had adhered to the term they had originally proposed.

Amendment *negatived:* Clauses, as amended, *agreed to:* Other clauses, the schedules, and preamble *agreed to.*

House resumed. Bill *reported,* as amended.

## WIDOWS OF OFFICERS OF TRANSPORTS —QUESTION.

MR. STAFFORD wished to ask some Member of Her Majesty's Government whether it was intended to give pensions to the widows and orphans of captains and other officers in the transport service who had lost their lives during the time these vessels were employed by the Crown?

SIR CHARLES WOOD was not aware that there was any intention of giving pensions to such persons. They were not included in any existing pension warrant. Pensions were confined to persons in Her Majesty's service, in the army or navy, and these persons formed parts of the crews of merchant vessels.

## THE ARMY IN THE CRIMEA—QUESTION.

SIR HENRY DAVIE said, there appeared to be some misapprehension as to the real state of affairs with regard to the army in the East, and it would be desirable that a Member of the Government should give some explanation upon the subject.

SIR CHARLES WOOD said, he had not the least difficulty in re-stating that which he stated on Friday, which seemed, in a most extraordinary manner, to have been misunderstood by the right hon. Gentleman (Mr. Disraeli). He could not understand under what hallucination the right hon. Gentleman must have laboured when he put words into his (Sir C. Wood's) mouth which he never used, because, upon referring to the ordinary sources of information, he found that which he stated correctly reported. Being a question of figures, he brought down a written statement as to the number of the army which he then believed to be in the Crimea. He would repeat the statement from the same paper:—On Friday last, as far as he could make out, there were in round numbers in the Crimea, 33,000 men. He also stated that there were in the Crimea sufficient steam-transports to bring away the whole of these troops. He found he was reported to have said:—

> "There are now, as we believe, in the Crimea, 32,000 or 33,000 men, and there are in the Mediterranean steam-transports, including ships-of-war ordered to bring home men, for 33,000 troops. No doubt the whole of the Crimea will be cleared before the end of the month. Sailing transports are gone out for 9,000 men, and I hope will arrive there in June. The whole number remaining to be brought home from the East, calculated up to to-day, is under 40,000 men. There is in the Mediterranean tonnage calculated to bring home more than 42,000. Steam-transports for 5,000 more are under orders to return, and I think it wise to send steam-transports beyond that, probably for 4,000 more, so as to leave the sailing vessels to bring home stores."

He thought that nothing could well be clearer than that statement as he made it, and as he was reported to have made it; he was at a loss to understand how words could have been put in his mouth by which he was represented to have said that no portion of the troops were now remaining in the Crimea. There was some misapprehension as to the expectation attributed to him that these troops would be removed from the Crimea by the end of July. He should be exceedingly disappointed if there were a man left in the Crimea on the 30th of June.

## EDUCATION (IRELAND).

MR. WALPOLE:* Sir, pursuant to the notice which has long been given, I rise to move an Address to the Crown upon a subject which I feel presents such a strong claim to the consideration of the House, a claim so just and so reasonable—I had almost said so irresistible—that I hope the attention of the House will be granted to me while I state the grounds upon which it rests. The grounds upon which I rest that claim are simply these, that where you make from the public funds large grants for a great national purpose, and these grants are drawn from the general taxation of the country, it is neither just nor reasonable to preclude any persons from receiving a portion of them when they themselves are bound to contribute to, and therefore in justice are entitled to have a share in them. This however is what has taken place with regard to the grant for the establishment and promotion of the system of national education in Ireland. There is one class of persons, and one only, which is precluded from receiving any portion of that grant, and for that class of persons I now make my appeal. The question is whether that can be right.

In considering such a question, Sir, it is my first duty to inquire what are the views and what are the principles upon which this House is prepared to act. These views and these principles have been distinctly manifested during the present Session, and it is in accordance with them and in furtherance of them that I press the claim which I am about to prefer. At starting, therefore, I wish it to be understood that I am not going to enter upon any matters of controversy. I shall carefully avoid it. I rest my case upon this, and upon this only, that the points upon which this House is substantially agreed justify me in asking you to assent to the address which I shall end in moving for. Well, what are the points upon which this House is substantially agreed? I take it they are these. In the first place, I think, we are agreed that we must mainly depend for the promotion of the education of the people upon the voluntary efforts of different religious societies, at the same time that we aid those efforts by large contributions from the public funds. We work, therefore, by two agencies—private benevolence and public grants. Mere private efforts without public grants would be weak and unavailing, and public grants without the stimulus of private exertions would be sterile and indifferent. By the combination of the two we gain all that stability and all that certainty which public grants alone can secure, with all that interest, sympathy and zeal which nothing but private benevolence can supply. Now, in the case which I have to submit to the House, the private efforts made by one class of society are totally unaided by any portion of the public grant, although that grant is contributed by them as much as by others. But if your principles are sound and just, unless you can show some strong countervailing reason, you ought to be willing to do for them what you do for the rest. The second principle upon which we are agreed is that, as you aid these voluntary efforts by large contributions from the public funds raised by the general taxation of the country, you are bound to dispense these funds with an even hand; you ought not to show any partiality or favour, and you should give to all or give to none. In this case, however, you do not give to all, but you give to all except one, and, therefore, your principle is distinctly violated. The third point upon which we are agreed, and the last to which I shall at present refer is, that all education to be worth anything must be based upon religion. This is the principle upon which you have properly and wisely acted. But in acting upon that principle great difficulties have arisen, as we know from the discussions that from time to time have taken place in this House. There may be and there is considerable danger that by having recourse to the dogmatic teaching of any formulary, catechism, or creed, we may militate against the conscientious convictions and feelings of the parents whose children we desire and profess to educate. If then we are right in this reasoning, we have a religious element to be preserved and a religious difficulty to be avoided. The religious element is preserved in England by giving our grants to religious bodies only, for they will take care that religious instruction shall not be excluded. The religious difficulty is avoided by extending these grants to every one of the religious bodies without exception; for if an exception should once be made, the religious views of the class excepted are not provided for. These are the great principles upon which we have acted here in England—1st, the encouragement of private efforts for the purposes of education; 2ndly, a large contribution from the public funds to assist these efforts; 3rdly, no compulsion upon any persons to adopt a particular scheme; and, 4thly, no exclusion of any religious body from a portion of the grant to which all contribute. These principles are essentially just. They are so just that I cannot conceive that you will withhold the application of them from one class of persons, and one only. And yet the members of the first part of the United Church of England and Ireland are practically excluded. And why are they excluded? It is not because they are unwilling to promote the cause of education, for no class of men is more active or more zealous in promoting that object than the Irish clergy. It is not because they refuse to submit to Government inspection; for they are willing to acquiesce in it as soon as you give them a portion of the grant. It is not because they desire to force upon any of the children taught in their schools their own formulary, catechism, and creed, for it is one of the rules of the Church Education Society that none of these shall ever be imposed upon any child whose parents may object. Then why are they excluded? The only reason why they are refused a share in the grant —and the House, I think, will blush to hear it—is, because they require, conscientiously require, that in carrying on the great purposes for which the society was established, the free use of the Holy Scriptures shall not be shut out from their schools. I cannot believe that such a refusal will be long persisted in. I appeal to you whether such a system is consistent with your own principles of action here—I appeal to you whether you would allow such a system to prevail in England; and, if not, I confidently appeal to you whether you will allow a similar system to continue in Ireland?

To my mind the imposition of regulations precluding the clergy and the members of the Church of Ireland from receiving any portion of this public grant is so obviously unjust, that if it were not for one argument which I have often heard advanced, I do not believe there could be a single objection to the Address I am about to move. That argument is—an argument which has been urged from various quarters—that the principle for which I am now contending would, if acted upon, destroy that combined system of education, which we have taken so much pains to establish in Ireland. But, in answer to this, I will presently show that a combined system does not exist in the non-vested schools. I will further show that it is in the non-vested schools, and in those only, that I seek to make any alteration; and, lastly, I will show that in those schools for which I ask your assistance, combined education does exist to a much greater extent than it does elsewhere; and I therefore shall require you to give to them some portion of the grant, because they work out your own views more completely and more effectually than the schools attached to the National Board.

Allow me first to remind the House of the cause and origin of the present system. The National system was established as a substitute for the Kildare-place Society schools, with the object of giving the benefit of education as extensively as possible to the poor of Ireland, and of uniting children of different creeds in the same schools without disturbing their religious principles. In the Kildare-place Society schools it was always considered a primary condition that the Scriptures should be read. Objections were taken to that condition by the Roman Catholics, on the ground that their Church did not permit the unaided study and interpretation of the Scriptures without the guidance of a clerical superior. To satisfy these conscientious scruples of the Roman Catholics, the present system was introduced in the year 1831, and the free use of the Scriptures in the National schools was in effect prohibited. Thus, in deference to a religious scruple, you got rid altogether of the old system; but in getting rid of it you ran into the opposite extreme, and neither the Presbyterians, nor the Wesleyans, nor the members of our own Church would assent to the rule that the Scriptures should not be admitted into the schools as a part of the scheme of national education. To meet the objections of the Presbyterians and other Protestants, you then agreed to allow the use and reading of the Scriptures under certain regulations, and from that time you materially altered the fundamental principles upon which this system had been originally established.

The truth is, that several great changes have taken place in this system since its first introduction; and the only change I now ask you to make is one which corresponds, and which is almost identical with others which in fact are already allowed. At the time when the system was first established, Lord Derby, then Lord Stanley, foresaw that the only means by which the great object of joint instruction could well be accomplished, was joint management; and accordingly, in his celebrated letter to the Duke of Leinster, and in order to insure this joint management, he recommended almost as a fundamental rule that one of these three things should be observed:—either that the application for the grant should come from the Protestant and Roman Catholic clergy of the same parish; or that it should come from the clergy of the one denomination and the parishioners of the other; or that it should come from two sets of parishioners who did not profess the same creed. The object of this rule was to insure joint management consequent on a joint application for the fund. Here, then—and I am now stating nothing but what I can prove from the two great volumes which were the result of the inquiry instituted by the House of Lords into this important subject—here, then, commenced the changes which have so materially altered the intended system. The Presbyterians objected to the joint application, and insisted that they were entitled to a portion of the grant upon their own application. What happened? The fundamental rule was overturned. The Presbyterians and others were allowed to apply by themselves alone for a portion of the grant, and so, in the words of Mr. Cross, the secretary of the National Board, the consequence has been that applications for a long time have only come from one denomination, and the three conditions to which I just now adverted are a dead letter. This is the first great change which has been made.

The second change has an important bearing on my present Motion. At first when the system was originally established it was deemed necessary, for the purpose of obtaining a combined system of secular instruction, together with separate religious education, that all the schools should be vested in the Board; and that is the reason why they go by the name of "vested" schools. But to this the Presbyterians also objected. They said, as appears from the evidence of Dr. Cooke and Dr. Henry, that if they organised any schools of their own, they had a right to have them in their own power. That objection was admitted; schools, instead of being all vested, were allowed to become what is called "non-vested," and your system, instead of being one of combined instruction, carried on through the medium of vested schools, established by joint applications, and placed under joint management, has become a system of non-vested schools, established by the application of separate religious bodies, and carried on under separate management. So much has this been the case, that out of about 5,000 schools mentioned in the Report of the House of Lords' Committee, only 1,600 are vested, the remainder being non-vested. And what is the consequence? The consequence is, that a combined system of education can hardly anywhere be said to exist in three at least out of the four provinces. It has been superseded by the alterations you have made in favour of the Presbyterians, when they conscientiously objected to having their schools subjected to the power of the National Commissioners. This is a matter far too important to be passed over slightly, and I will therefore now be specific in my proofs. Archdeacon Stopford, who was at first very adverse to the National school system, but who has since become one of its warmest supporters, gave the following evidence before the Committee:—

> "You are aware," he is asked at Question 4585, "that the system, as originally contemplated, comprised only vested schools?—I am.
>
> "4586. You are aware that subsequently the non-vested system was introduced and added to the other? Yes.
>
> "4587. Are you not of opinion that while the principle of the vested schools was one of united education, the principle of the non-vested schools was as clearly one of separate education?—I think it was, and I think it was tacitly admitted by the Board themselves in their sixth Report; for they said that such schools must be looked upon as bearing a peculiar religious aspect.
>
> "4588. So that, from the moment that the Board began to give aid to the non-vested schools, they departed from the great principle of their system, which was united education?—Practically, they did establish a system of separate schools, under the name of a system of united education."

Such was the testimony of Archdeacon Stopford. I have another testimony still stronger—that of the Secretary of the National Board itself. At the conclusion of his evidence, he was asked whether he had any more to say, and in these words he commenced his answer:—

> "Perhaps I may be permitted by the Committee to state, as a conclusion to my examination, that the national system of education, as a united system, has failed to a considerable extent."

Again, in reply to question 119, the same Secretary put in a tabular statement furnishing the Committee with the amplest materials for judging of those schools under joint management and those under separate management; and the result of that table, in reference to Roman Catholic and Protestant schools, is, that there were 4,600 schools in all, and only forty-eight were under joint management. Lord Derby then inquired whether he rightly understood the statement, as showing that the whole number of schools under joint management was only forty-eight of persons of different denominations; and the answer of the Secretary was:—

> "Up to the date specified in these returns there are very few schools under joint management; and I should add that, as far as my experience goes, those under joint management have given the Commissioners more trouble than any others for they have found it very difficult to unite parties of various religious communions."

Here you have testimony not only to the effect that the combined system was not carried on, but that the greatest difficulty was experienced in attempting in Ireland what we know to be impossible in England. But I will not stop here. We have had discussions on this subject before, and it has often been attempted to obtain official and accurate information as to whether this system was separate or united. A return was moved for in the House of Lords in 1835, with the view of obtaining that information, and the Commissioners replied that it was contrary to the spirit of their instructions to give it. From that time down to the period when Lord Eglinton required the information as Lord Lieutenant of Ireland, the return was not furnished, nor was it dreamt of being furnished until the Committee of the House of Lords sat; at length, however, the return was obtained, and what is the result? The result is, that there is scarcely the semblance of united education in three of the provinces. In Connaught the return of Roman Catholics to Protestants is thirty-one to one; in Leinster, thirty-seven to one; in Munster, ninety-seven to one. In Ulster, indeed, there is not so much difference; but the joint education is chiefly found in Protestant schools.

I have now pointed out two great changes which have been made, and rightly made, in the original system, for the purpose of carrying on the education of the people, and satisfying at the same time the conscientious scruples of those who differed. But were those the only changes made? No. Another change quite as important, if not more important for my present argument, was also effected. The Presbyterians entertained another objection. They objected to their books, whether secular or religious, being placed under the control of the Board, and also to the exclusion of the use of the Scriptures during school hours. A favourable answer was given to that objection; and now the Presbyterians have the choice and control of their own books (subject, of course, to proper information being given to the Board); and, with respect to the Scriptural part of the question, it is thus stated by Dr. Cooke in his evidence—" Our schools," he says, " begin with prayer; we have the Scriptures and the catechisms freely in school hours." The Secretary for Ireland looks astonished, as well he may, for this was a complete subversion of the system. No doubt he thinks that there must be some explanation of this; and to a certain extent there is. But so firmly convinced am I, that I am right in my position, that I do not scruple to read the continuation of Dr. Cooke's evidence, in order to furnish the right hon. Gentleman with every argument that can by possibility be used against me. Dr. Cooke goes on to say—

> " While we will not by any rule, privation, or penalty compel any children to attend during the reading of the Scriptures or the repetition of the catechisms, we will not be accountable for their leaving the school; they are at liberty to go or to stay; we will not provide a place for their separate religious instruction, nor in any way become accountable for it."

Now the argument against me will probably be this, that in the Presbyterian schools the children are at liberty to go or to stay; whereas, in Church schools, the reading of the Scriptures is positively required as a *sine quâ non*, and the child must use them whether he will or no. To this I answer that, as all other denominations of Christians have got their own schools, as the Church only wants to educate its children according to its own views, as every child whose parent objects need never go to the Church schools at all, there is no constraint and compulsion used, and therefore the argument on that score falls to the ground.

I have now pointed out the three great changes which have been made in this system. The opponents of my proposition refuse to accede to it, because it would destroy the combined system of education. Well, but I have shown that no such system exists in the National schools, and I will now show you that if it does exist at all, it is in the Church Education schools more than any other; that is to say, it is in the very schools excluded from the benefit of your public grant. The proof of this is clear. When the Rev. H. Verschoyle was asked by the Lords' Committee whether the number of Roman Catholics attending the Church schools was greater or less than it was a few years back, he replied that it was less, and he furnished the Committee with the following figures:—

> " The attendance," he said, " was at its highest point in 1848. There were then, of Church children, 58,122; Dissenters, 15,713; Roman Catholics, 46,367. In 1849, there were 58,533 Church children; 15,562 Dissenters; 37,857 Roman Catholics. In 1850, there were 60,000 Church children; 15,000 Dissenters; and 33,000 Roman Catholics. In 1851, there were 59,000 Church children; 14,000 Dissenters; and 29,000 Roman Catholics. In 1852, there were 61,000 Church children; 15,000 Dissenters; and 28,000 Roman

> Catholics. In 1853, there were 61,000 Church children; 15,000 Dissenters; and 22,000 Roman Catholics."

Now, it is perfectly true, that the number of Roman Catholic children attending these schools in 1853 was less than in 1848, but the next answer of the Rev. H. Verschoyle will explain that point. Lord Clancarty asks:—

> "May not that diminution of Roman Catholic attendance be in some degree owing to the withdrawal of the schools from connection with the Church Education Society, for the purpose of establishing schools of entirely a missionary character in the west of Ireland?"

And the rev. Gentleman replies:—

> "Yes; I believe some of the schools on your Lordship's estate have been withdrawn upon that ground. There are a great number of schools established in the west of Ireland in connection with the Irish Church Missions which, not being conducted exactly on the principles of the Church Education Society, but on the principles of the National Society of England, we do not get credit for."

That accounts, then, to a certain extent, for the diminution of the proportion of Catholics to Protestants in the Church Education Schools since 1848; but the whole statement shows that united instruction does expand in the Church schools, and that the Roman Catholics do not object to it. In confirmation of this, if confirmation were needed, I need only refer to the evidence furnished by the right hon. Alexander Macdonnell, the resident Commissioner on the Board of National Education:—

> "Do you know," he is asked at Question 1930, "that the Church Education Society has attained, notwithstanding its compulsory order with respect to reading the Scriptures, a vastly greater measure of mixed and united education than the National system has with all its freedom?—I believe that is so.
>
> "1932. To what extent do you think the National system has attained that great object, as it has been considered, of united education?—I do not think the National system has attained any great degree of success with regard to united education; that is, united education, as understood in the literal sense of Protestant and Roman Catholic children being educated within the same walls."

The real truth is, that about every third child on the rolls of the Church schools is a Roman Catholic; but few, if any, of the National Roman Catholic schools have Protestant children within them.

I have now proved by the plainest statement that it is absurd to put forward the necessity of supporting the combined system as an answer to the Motion which I am about to make. The combined system of education does not exist in your National non-vested schools, but it does exist in your Church schools, and it is to those very schools that you deny all participation in your grant. Can any thing be more unreasonable or more unjust? The present system was established out of regard for the conscientious convictions of our Roman Catholic fellow-subjects; and its fundamental rules were materially relaxed out of regard to the conscientious convictions of the Presbyterians. I do not grudge to either of those bodies the advantages which they have derived—I hope they may long enjoy them—but I maintain that some respect ought at least to be paid to the conscientious scruples of the members of the Established Church. You have relaxed the system to meet the reasonable objections of those from whom as a nation you differ, but you will not relax it, even in the smallest degree, to gratify the honourable, sincere, and praiseworthy scruples of those with whom you agree. Can you persevere in so partial a scheme? I am confident you cannot. But whether you accede to my request now, or whether you refuse it, the time will come when you must attend to it. With such one-sided partiality and favour, it is but right that we should inquire the reason why all participation in the public grants is denied to the members of our own Church. Every hon. Gentleman is bound to ask himself why it is that the Established Church has thus been placed under the ban of the State. Have the members of that Church done any thing to deserve it? Have they declined to aid in the good work of educating the people? No; on the contrary, there is no class in the United Kingdom which is more conscientiously desirous of promoting education than the Irish clergy. Their efforts have been discountenanced and discouraged by the Government and by Parliament; but, in spite of that, they have at this moment 1,800 schools in which there are about 100,000 scholars at a cost of some £40,000 a year. That Church does more to promote your united system of education than you are doing yourselves by means of the National schools, and yet you refuse to assist them by a shilling. Depend upon it, your present mode of dealing with this question cannot last. Many sincere and honourable men who were originally opposed to it have changed their opinions. They see its injustice, and will not support it. On this point I will call your attention to the evidence given by Mr. Buxton. That gentleman went to Ireland for the purpose of inquiring into this subject; he went a prejudiced man, deeply convinced of the danger of disturbing the combined system, but his views were changed by what he saw for himself. He was examined before the House of Lords' Committee, and there he stated that, having gone to Ireland favourably impressed with the principles of the National system as a means of uniting different creeds, the result of his observations was that the objects of the National system were better and more fully carried out by a system founded upon scriptural instruction than they are in the schools under the National Board. Being asked whether he did not think that the present position of the clergy, with reference to the system of education of the people which is established and supported by the State in Ireland, was a very disadvantageous one, not only to the interests of the Church, but to the cause of education, his answer is:—

> "No doubt of it at all. One could not help feeling, on visiting the Protestant schools, that there was a great want of the advantages which the State could give in the way of books and apparatus, and salaries for teachers, and so on."

His examination then proceeds thus, and I particularly crave the attention of the Government to the following questions and answers:—

> "On all those grounds you probably think it would be very desirable if there could be a settlement of the question, which, without interfering with any good, be it small or great, which the national system is doing in Ireland, would satisfy the scruples of the clergy so as to allow their schools to be connected with the National Board?—I think so, certainly.
>
> "Have you, in considering the question, been able to arrive at any scheme for such a settlement?—I do not see why the system which has answered so well in England should not be applied in Ireland, though, perhaps, with some modifications.
>
> "Will you suggest any modifications which you think it ought to undergo?—I think, as I have heard suggested by Dr. Trench, that the plan of the Church Education Society should be to a certain extent adopted—that is, the plan of only giving aid in proportion to the qualifications of the children in the school. It appears to me that the schools I visited in Ireland, particularly the national schools, wanted a stimulus; many of them were in a very languid state indeed; and if the system were altered, it would be an excellent thing to let the teachers feel that the grant to the school would be in proportion to the advance of the children in learning."

In the last answer Mr. Buxton intimates the kind of plan which I shall presently suggest. And this leads me to the terms of my Motion. From what I have said, I think it is clear that the system cannot remain as it is; some alteration must be introduced. What I ask is, "that such modifications may be made in the rules of the National system of education in Ireland as will extend the advantages now enjoyed by the non-vested schools to any other than vested schools now existing or hereafter to be established, whatever their regulations may be as to the mode of religious instruction." But I guard against abuse by the following provisos—1st, that no child shall be required to learn any formulary or creed which his parent objects to; 2ndly, that the patrons shall place these schools in connection with the Board; and, 3rdly, that they shall submit to government inspection. Now in considering the effect of this change, it is important to bear in mind the distinction between vested and non-vested schools. Vested schools are those to the building of which the Commissioners have contributed a part of the public money; non-vested schools are those the cost of erecting which has been defrayed by the contributions and benefactions of lay patrons. The former class of schools are placed under the control of the Board; the latter are left under the direction of the lay patrons, and they only receive from the State the salaries of teachers, books, and other school requisites. In vested shools the rooms are, after school hours, accessible to any persons whom the parents may desire to instruct their children in religious matters; while in non-vested schools the religion to be taught is prescribed by the lay patrons; but opportunities are afforded for the instruction of the children out of school hours by other ministers. With vested schools I do not propose in the least degree to interfere; nor do I seek for any alteration in the model schools, in the workhouse schools, or in the schools for training teachers. I believe that they are good—not to say excellent—and that they ought to remain as they are. In the non-vested schools also, I do not propose to make any alteration which would deprive Presbyterians or others of any of the advantages which they now enjoy. All these, if my Motion is carried, would be left undisturbed. But what I do ask is, that you shall so modify the rules with relation to non-vested schools as to enable the members of the Church in Ireland to educate their children in their own way, and to receive for that purpose aid from the State. Even this, however, I only ask upon certain conditions. On receiving such aid I think that the schools ought to put themselves in connection with the Board, that they ought to submit to Government inspection, and that they ought not to force upon any child whose parents or guardians are not members of the Church of England, the formularies, or catechisms, or creeds of that Church. In making this request I am asking no more than I believe the House of Lords, after having instituted this full inquiry which resulted in these two enormous volumes, containing ten thousand questions and answers, and I do not know how many pages of appendices, would have ultimately agreed to. Unfortunately, however, they did not come to any conclusion; for whether it was owing to the lateness of the period of the Session and consequent want of time, or whether it was owing to some other cause I cannot say, but in the result no Report was agreed to by the Committee.

Several Reports, however were drawn up, and to five of these I will briefly advert. One of these Reports was prepared by Lord Eglinton, one by the Bishop of Ossory, one by Lord Derby, the author of this scheme, one by Lord Granville, the President of the Council and the representative of the Government on matters of education, and one by Lord Monteagle. Of three of these I will only say a few words in passing. Lord Eglinton's Report was framed to provide for the making of such new regulations as might prevent the recurrence of such a difference as that which has led to the retirement from the Board of Mr. Blackburn and the Archbishop of Dublin. The Report of Lord Monteagle was in favour of the system. That of the Bishop of Ossory was a most able document, which set forth the views of the Church Education Society in the fullest and ablest manner. But the two Reports which bear more particularly upon my present Motion are those suggested by Lord Derby and Lord Granville. The House will remember that when this question was last before it my right hon. Friend the Member for Carlisle (Sir J. Graham), for whose opinion I always entertain the sincerest respect, made an earnest appeal to the Conservative party not to uproot or disturb a system which their great leader, Lord Derby, had established for the benefit of Ireland. For myself, I can truly say that, owing as I do to that great man (and proud to owe it) my political allegiance, I should be extremely sorry to utter here a single word which was contrary to any opinion of his, unless I was unable to bring my mind to concur in that opinion. Fortunately in this case I am not driven to the painful dilemma of differing from the views of the noble Earl (the Earl of Derby). The noble Earl was the author of that measure at a time when the system of education was imperfectly understood, when no one would have dreamed of giving grants to all religious bodies, as is now done in England; when it was necessary to make education more extensive and more general in Ireland, and to remove the religious objections and scruples which the Roman Catholics entertained to the previous system. Since then twenty years have passed over our heads, and during that period material changes have taken place both in England and Ireland. Most of these changes recognise the principles upon which I proceed, and such principles are almost identical with those propositions which were made by Lord Derby to the Committee of the House of Lords. The propositions of Lord Derby were contained in four Resolutions, of which those that bore upon this question were the third and fourth.

The third was in these words—

> "That the adoption of the rules as to religious instruction in free or vested schools be earnestly recommended to patrons of non-vested schols receiving aid from the Board."

And the fourth was this—

> "That the Board be authorised, if they shall think fit, to grant similar advantages to those enjoyed by the non-vested schools to any schools now existing, or hereafter to be built, whatever their regulations as to religious instruction, the patrons of which shall be willing to place them in connection with the Board, and to receive officially the visits of the Government inspectors."

If you compare these Resolutions with the terms of my Motion, you will find in point of fact that they are quite similar to, and almost identical with, the Address which I am about to move. Nor did the views of Lord Granville materially differ. That noble Lord proposed certain Resolutions which were to a certain extent in conformity with those of Lord Derby; but unfortunately he afterwards withdrew them, and substituted others which did not include the important point which he had agreed to recommend. The nature of his first Resolutions we can only ascertain through the instrumentality of a Member of the Committee. They are preserved in a charge of the Bishop of Ossory's. In that charge the Bishop observed that Lord Granville had alluded to the different objections which had been made against the national system at its first introduction by a large portion of the Church of Ireland; that he did not acknowledge the reasonableness of these objections; but still, as it was plain from the evidence that, whether well or ill founded, those objections were conscientiously entertained and steadily acted upon by a great number of respectable persons, it had become desirable to consider whether anything could be done to satisfy them without interfering with the system. And then he states that Lord Granville suggested, as what appeared to be the best plan for securing both objects, that Church Education schools should receive grants of school books and school requisites from the National Board; and that the benefit of inspection by the officers of the Board and of access to the training school should also be extended to them. But he added that Government would only be prepared to act on these suggestions, if they were recommended by a clear majority of the Committee, and also accompanied by a recommendation that under no circumstances should a grant in money be made to any school, either for building or for the teacher's salary, unless it were conducted strictly in accordance with the rules of the national system.

Of course I am not in a position to speak authoritatively on any subject which passed in the Committee of the House of Lords, except so far as it appears from their proceedings; but I think it not improbable that the reason why the noble Lord did not propose the Resolutions I have mentioned, may have been that he had not ascertained that they were sure of being approved by a clear majority of that body. However that may be, this is at least certain; that recommendations substantially the same were urged with equal earnestness by Lord Derby and Lord Granville; and the only difference between the schemes of the two noble Lords was, that one of them contemplated a salary to the teacher in addition to a grant for books and school requisites, whereas the other was purposely limited to the latter object only. The distinction is obviously one of degree, and not one of principle. In principle both these statesmen were agreed; and I know that Lord Derby adheres to his Resolutions. Upon this subject I have recently had some conversation with him, and I am authorised to say that my noble Friend approves of this Address—and if acceded to, he deems it to be a fair and reasonable modification to meet a just and equitable demand. He adds, however, that it would be judicious to annex a condition to the grant by which it should be made to depend more or less on the actual progress of education in the school—and this to my mind would be a fair arrangement, and one to which no valid objection can properly be taken.

That the Bishop of Ossory has correctly interpreted the views entertained by Lord Granville and Lord Derby is obvious from the passage which I am about to quote from the charge of the right rev. Prelate—

> "The whole difference," as he says, "between them was (that is to say, between Lord Granville and Lord Derby), that Lord Derby would grant salaries to the masters, or rather, as he explained himself, an allowance for the actual progress of the scholars, founded upon the report of the inspector. He agreed with Lord Granville in refusing building grants to such schools, and Lord Granville agreed with him in giving them books, school requisites, inspections, and the use of a training school. The only advantage that Lord Derby proposed to give which Lord Granville refused was, as I said, the money grants for teachers' salaries."

Such, in effect, is the object of my Motion. In principle at least it is the same as that which Lord Granville and Lord Derby were willing to recommend. And now, supported by such authorities, let me earnestly solicit your acquiescence and concurrence in an Address to the Crown, with a view to obtain such a modification of the present educational system in Ireland as will enable members of the Established Church to obtain out of the public funds, to which with others they themselves contribute, some assistance in aid of the good work which for years they have been carrying on under great discouragements, but with commendable zeal, aye, and, let me add, in a manner more consonant with your own desires than that which is customary with the National Board itself. The appeal I make to you is sound in principle and wise in policy, and I confidently assert that it ought to be granted. Time and the interests of the cause I advocate alike admonish me that I must now conclude. I will not trespass too long on your attention. I will not spoil the proper weight which will always be given to a plain statement of facts and reasons by attempting to set them off with those ornaments of speech which a worse cause than this might readily supply. Sedulously avoiding all appeals to passion and prejudice, I am content to present my case to you simply on its merits. I know that the House of Commons is always willing to do an act of justice. I believe that the power as well as the opportunity of doing such an act is now in your hands. Believing that, I shall say no more. I will merely request you, Sir, to put from the chair the Motion which stands in my name on the paper.

SIR WILLIAM HEATHCOTE said, that in seconding the Motion, he would not weaken the cause his right hon. Friend had so ably advocated, by going at any great length into the arguments. The admirable tone and temper in which his right hon. Friend had introduced it would, he was satisfied, carry with it a friendly and kindly reception for his case, and induce the House to weigh well the reasons which he had urged before they came to a decision on the subject. Another circumstance also induced him to look with hope to the result of that night's debate on the subject, namely, that the terms of the Amendment of which notice had been given by the hon. Member for Louth (Mr. Kennedy) were conceived in a spirit of moderation and fairness which caused him to conclude that the hon. Member, and those hon. Gentlemen who sympathised with him, would not meet the Motion in a spirit of hostility—that they would not desire to refuse to the Church the advantages sought by his right hon. Friend, but only to impose restrictions upon any possible abuse which might arise from the grant of them—that they felt a not unnatural jealousy of any proposal to alter the present system from which they had derived such advantage for their own communion; but that if they were assured against losing that advantage they would not grudge its extension to others. The great importance of the Motion could not be denied or doubted. Its objects were twofold, and both of them to be desired even by those who were most favourably disposed towards the national system of education. His right hon. Friend wished, in the first place, to conciliate to the national system the great bulk of the clergy and laity of the Church of Ireland, who were now opposed to it; and, secondly, to bring under the National Board nearly 2,000 schools, equal in number to more than one-third of all the national schools, and containing scholars exceeding in number one-fifth of the national scholars. The only doubt in connection with the Motion was whether the advantages sought might not be purchased too dearly; and the only objections he (Sir W. Heathcote) had heard were two, which mutually destroyed each other. It was said, on the one hand that the alteration proposed would tend to break up the system of united education, and, on the other hand, that it would tend to proselytism—each being incompatible with the other. If the schools were separate, there could be no proselytism. If there was opportunity for proselytism, it implied union. But, in truth, both these fears were visionary. If the present state of the schools were looked at it would be seen that the union of religions in the national schools was rather theoretical than practical. In three of the provinces of Ireland there was scarce a trace of united education; while in the fourth, it amounted to this, that the Presbyterians and Roman Catholics, though united so far as to be both in union with the National Board, had, nevertheless, separate schools, and that there was no great amount of united education, even in Ulster, while in not one of the provinces is there practically any union with church schools. The truth is, that the national system has developed itself into a denominational system, with only this peculiar anomaly, that while the Roman Catholic schools received State assistance, and the Presbyterians also, it is denied to those of the Established Church. The Motion of his right hon. Friend was directed to remove that anomaly, and to enable the National Board to cover ground on which it had not set its foot up to the present time. It was so desirable to avoid anything like a controversy that he would rather rest his case on the lowest and narrowest ground which would sustain it, than obtain advantages in argument which might provoke an angry reply, and have a tendency to divert the House, by exciting passion, from an act of justice. He did not found himself on the fact of the Church thus excluded being the Established Church, and therefore the most natural channel for educational grants, but, on the contrary, was willing, for the present purpose, to look on all religionists as being on a par, and only to ask why they were not, in fact, treated on a footing of the equality which is alleged. Neither was he concerned to maintain that, in his opinion, the scruple which withheld the clergy and laity of the Church from acceding to the terms of the Board was originally a wise one, or their difficulty vital. It was enough, according to the practical mode of dealing with such matters in this country, that the experience of twenty years, and the continued sacrifice of self-interest, had demonstrated that the scruple was conscientious, and the difficulty, in fact, insurmountable. Again, it was no part of his case to depreciate the original scheme of the National, by which no education was to be given under their auspices, excepting in schools uniting all modes of religious belief. No doubt that scheme raised very grave questions, involving the very principles of educational enactments, and he might be indisposed to assent to it; but it was unnecessary to discuss it now, because the progress of events in Ireland had shown that it was not applicable there. It had not produced united education, while the very efforts to make it united prevented it from being national; and the failure was admitted by the very attempts which were made to account for and to excuse it. That the Commissioners had practically recognised the fruitlessness of their efforts to produce united education is proved in evidence, both by their custom of establishing additional national schools in districts already provided with such, with the avowed object of facilitating, by separation, instruction in different religions, and also by the remarkable transactions which ended in the retirement of the Archbishop of Dublin, and two other eminent Commissioners, who still cling to the original principles, and were opposed to the sanction given by the Board to denominational teaching. All this would tend to show that his right hon. Friend would have been justified if he had asked for the English system of completely denominational grants, but he did not aim at so much. His Motion amounted simply to this—that whereas the Irish system aimed at being united, and aimed at being national, but was, in fact, neither one nor the other; it might be made, by a slight modification, not less united than at present, and much more national. He (Sir W. Heathcote) hoped that the House would by every consideration of justice, prudence, and authority, be disposed to promote a concession so small in its departure from the actual practice, so important in the largeness of its probable results, that they would not lose the opportunity of conciliating to the system of national education in Ireland the support of those who were yet its conscientious and powerful opponents; and of bringing from antagonism into union schools which were already numbered by thousands, and their scholars by tens of thousands, and that they would make the attempt to get rid of an injustice which irritated many and benefited none, and which only served to aggravate and inflame the unhappy divisions of Ireland.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that such modifications may be made in the Rules of the National System of Education in Ireland, as will extend the advantages now enjoyed by non-vested schools to any other than vested schools now existing, or hereafter to be established, whatever their regulations may be as to the mode of religious instruction; provided that no children shall be compelled to learn any catechism, creed, or formulary to which their parents or guardians may object; and provided that the patrons shall be willing to place such schools in connection with the Board, to permit the Board's control over books to be used in general instruction, and to receive officially the visits of the Government Inspectors."

Mr. KENNEDY, who had given notice of an Amendment—

"To leave out from the first word 'That,' to the end of the Question, in order to add the words 'whilst this House feels it to be its duty to facilitate the extension of those advantages now enjoyed by schools in connection with the Board of National Education in Ireland, to other suitable schools now existing or hereafter to be established, it feels it to be equally a duty to express its conviction that no such extension can be carried into effectual operation unless it be explicitly avowed and clearly understood in each such school open to children of different religious denominations, that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians, and that the rules therein be so explicit as to remove all grounds for apprehending any such interference with their respective religious principles,'"

said, that coinciding fully in the tribute which had been paid by the hon. Baronet to the admirable temper in which the Motion had been brought forward by the right hon. Gentleman, he must take serious exception to the Motion he had submitted to the House—he complained not of the manner but of the matter in hand. The question was one of the most serious importance, disturbing, as it proposed to do, the uniform operation of three-fourths of about 5,000 schools now existing in Ireland, and making satisfactory and successful progress. Why should the House be asked to do so? Was there not an ample field for the amendment of the social, secular, and religious education of England, without disturbing what was going on so well in Ireland? Why did not hon. and right hon. Gentlemen work that field, and leave the greatest boon—it might be said the only boon which Ireland had received at the hands of England—untouched? What was the excuse offered for throwing the apple of discord into the midst of a system, the successful operation of which was admitted by all parties. It was alleged that sufficient opportunities for the inculcation of the religious tenets of the patrons of the schools was not afforded under the present system. But, according to the rules of the Commissioners, four hours *per diem* were the extreme limit insisted on for secular instruction; and the patron might use the school for the rest of the day, provided he gave no room for suspicion of designs of proselyting. The proposition now was to overturn that system. If it was carried, however, its effect would be to revive old jealousies, to create fresh heartburnings, to promote bickerings on the subject of religion, to check the spread of education, and to drive out three-fourths of the ordinary inmates of the national schools. He (Mr. Kennedy) gleaned from the speech of the right hon. Gentleman that he appeared on behalf of some religious body in Ireland who derived no benefit from the system. To what denomination of Christians did that religious body belong? Did the right hon. Gentleman appear on the part of that monster Church establishment which, with ample revenues at its disposal, had failed to provide for the religious instruction of the poor of Ireland? What was the state of the schools? In the evidence given before the House of Lords in 1854, it was found by analysis that the schools of the Established Church were 606 in number, the patrons of which were—clergymen, 154; laymen, 452. The number of Presbyterian schools was 687, of which 474 were presided over by clergymen, and 195 by laymen. The number of Dissenting schools was 33; while the number of Roman Catholic schools was 3,077, of which 2,080 were presided over by clergymen, and 277 by laymen. Were these proportions in accordance with the relative number of the population? Had the Roman Catholics more or the Established Church less than their due proportion? He (Mr. Kennedy) could only approximate to the fact through the Census returns of 1835, the sole Census returns which gave the religious distinctions of the population of Ireland. An hon. Member appears to question the application of that census as a test of present proportions in the several denominations. He (Mr. Kennedy) would therefore ask was that hon. Gentleman prepared to contend that whilst either famine or extirmination reduced the population of Ireland, an undue proportion of Roman Catholics had been removed by either means, and if so, the cause of such result might properly be made the subject of future inquiry in that House. However as large an abatement could be made as hon. Gentlemen might think proper for the reduction of the Roman Catholic population by famine, by emigration, and by extermination; the following were the results of the comparison. The Roman Catholics had, as he said, 3,077 schools at this moment, but according to the Census calculation they should have 3,561; they were, therefore, nearly 500 short of their due proportion. The Established Church had at present 606 schools, but by the Census returns, which gave them relative numbers as one to nine, they should have only 500. They had, therefore, 106 schools more than their due proportion. The Presbyterians had 607 schools, but their due proportion, in relation to numbers, was only 307. If the Established Church had been equally vigilant as the Presbyterian, it would have had an equal result in the advantages, as the national system was progressive. As it was, however, it had more than its due share, in proportion to its numbers, relatively to the whole population; and the question at issue, therefore, resolved itself into a matter of justice as between man and man. There had been two Royal Commissions in 1812 and 1824, and one Committee of the House of Commons in 1828, to inquire into a system of national education for Ireland, and the language of each was uniform as regarded the principle upon which that system should be established. All these laid it down as a primary principle that no system of national education in that country was possible unless it set out with an explicit disavowal of any intention to disturb the religious tenets of any Christian sect. The Resolution of the right hon. Gentleman, however, had a direct tendency to negative that principle, inasmuch as it placed the whole system, as regarded each school, at the discretion of the individual who might preside over that school, and no child could enter a national school without being amenable to the religious scheme of the patron, whatever the scheme might be. In fact, it was proposed in order to meet the views or prejudices of some undefined portion of one-eighth of the population to sacrifice the other seven-eighths. The Motion, when it was brought forward on a former occasion, was different from what it then was, and he (Mr. Kennedy) then pointed out the proper remedy for the alleged evil. He suggested that it all arose from the want of a separate school-room for religious instruction. At present all the expenses for head quarters, staff officers, inspectors, &c. were incurred, and all that was necessary to meet the evil was to provide school-rooms in which separate instruction could be imparted at any time. The time now devoted to religious teaching was very limited. In ordinary schools secular instruction occupied eight hours a day; and he had known a diocesan school in Ireland, the patron of which was the Bishop of the diocese, and the masters of which were clergymen of the Church of England, where only ten minutes at the commencement of each day, for the first five days of the week, and two hours after the close of school business on the Saturday, were devoted to religious instruction. Under the national system, however, only four hours were devoted to secular education, and any portion of the remaining twenty hours that might seem fit might be devoted to religious instruction. Nevertheless, it was proposed to overthrow this system. He (Mr. Kennedy) had intended to move the Amendment of which he gave notice on the Motion of the right hon. Gentleman; but understanding it to be the wish of several hon. Members that the Motion should be met with a direct negative, he was willing to waive his own opinions, and act as the House should wish in not pressing his Amendment.

Mr. HORSMAN regretted that he was compelled to disappoint the hopes of the hon. Member for the University of Oxford (Sir W. Heathcote) by offering opposition to the Resolutions proposed by the right hon. and learned Gentleman. He quite agreed with all that had been said of the earnestness, the ability, and the moderation of that right hon. Gentleman, but there was such a difference of principle and policy between that right hon. Member and Her Majesty's Government that they could not assent to the Resolutions proposed, the consequences of which, if adopted, would, he was convinced, be highly detrimental to the public interests and the cause of education, as well as prejudicial to the tranquillity of Ireland. His right hon. Friend said he had shown the House that the national system had failed in accomplishing the objects for which it was designed; that it was not a united system; that his Motion, if carried, would be a prelude to the concord and tranquillity of Ireland; and that his object was to render the reading of the Scriptures permissive to the Protestants. Now, he (Mr. Horsman) thought, on the contrary, he could show that the present system had succeeded; that, as far as circumstances admitted, and as far as reasonable expectations could be formed on the subject, it had completely succeeded as a united system; that his right hon. Friend's Motion would be a prelude to discord; and that the effect of the Motion, if carried, would be to render the reading of the Bible compulsory upon the Roman Catholics. The right hon. Gentleman had cited authorities to show that the system upon which they had been hitherto acting, if it was not altogether a failure, must at all events be considerably relaxed. He (Mr. Horsman) would cite authorities of greater weight to show that that system was a decided success, and that so far from there being any necessity to relax it, it was the policy and the duty of the Legislature firmly to act up to it. In one point he certainly agreed, and he thought the House generally would agree, with the right hon. Gentleman—that religion should be the basis of education in Ireland; but the right hon. Gentleman had failed to show by any evidence whatever that religion did not enter very largely into the system of instruction given throughout all the national schools in that country. The great point of difference between the right hon. Gentleman and himself was as to what really constituted the fundamental principles of the national system of education, for he (Mr. Horsman) had not been accustomed to consider that these schools had been founded on the three principles propounded by the right hon. Gentleman; and, in order to show what these fundamental principles really were, he would not refer to the circumstances of the present year, but he would go further back and would show what our past experience had been, and what were the grounds upon which the present system rested. Now, it had been acknowledged through many successive reigns, and the principle had been perpetually affirmed by the Legislature, that the education of the Irish people should be a national concern;

but invariably throughout that time the ignorance of the Irish people had been constantly attributed to their religion, and it was always believed that their conversion from their religion was a necessary preliminary to their receiving the blessings of education. So strongly was this principle maintained that schools taught by Roman Catholics were put down by Act of Parliament, and Roman Catholics were subject to heavy penalties if they continued to teach in schools. This having been the principle upon which Parliament acted through successive reigns, it resulted that education in Ireland was reduced to a most lamentable state. At the beginning of the present century the schools of Ireland were the hotbeds of vice, immorality, and disloyalty, and the condition of education was such that Royal Commissions and Parliamentary Committees were appointed one after another to investigate the cause and suggest the remedy. Every one of these Commissions and Committees traced the evil to the same source, and suggested the same remedy. They said, "You don't endeavour to extirpate ignorance so much as to extirpate Popery, and therefore it results that the great mass of the Irish people stand aloof from your schools because they believe them to be either secret traps or open assaults upon their religion." Now, he begged the House to see how strongly and how unmistakeably public men, who were most adverse to the Roman Catholics, expressed their convictions on this point. He would only now allude to what had occurred in the course of the present century. In 1806 a Royal Commission was issued, the final report of which was given in 1812. At the head of that Commission was the Archbishop of Armagh; and upon it were also the Archbishop of Cashel; the Protestant Bishop of Killaloe; Mr. Isaac Corry, Chancellor of the Irish Exchequer; the Provost of Trinity College, Dublin; Mr. Richard Lovell Edgeworth; Mr. J. Whitehorn; and Mr. J. L. Forster, M.P. for Dublin county. Every one of those Gentlemen, except Mr. Edgeworth, was opposed to any concession of the Roman Catholic claims. Two of them were Archbishops of the Protestant Church; another was a Prelate of that Church; and they reported in the year 1812, long before any concession to the Roman Catholic claims was dreamt of. What was their Report? They said—

> "That, no plan of education, however wisely and unexceptionably contrived in other respects, can be carried into effectual operation, unless it be explicitly avowed and clearly understood as its leading principle that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians."

Now, here was a public acknowledgment, on the part of these distinguished opponents of the Catholics, of a great national error; they thought, for the sake of the public safety, and of the improvement and tranquillity of Ireland, that a new principle should be established as the basis of our education, and that "no attempt should be made to influence or disturb the peculiar religious tenets of any denomination of Christians." A second Royal Commission was appointed in 1824, and that Commission, after sixteen years' experience, reported in these terms:—

> "That, in a country where mutual divisions exist between different classes of the people, schools should be established for the purpose of giving to the children of all religious persuasions such useful instruction as they may severally be capable and desirous of receiving, without having any ground to apprehend any interference with their respective religious principles."

These were the opinions and this was the advice of the two Royal Commissions. A Committee of the House of Commons followed in 1828. The Reports of the Commissioners were referred to that Committee; and that Committee also reported their conviction that no system of education would be expedient or could be successful in Ireland which was calculated "to influence or disturb the peculiar religious tenets of any sect or denomination of Christians"—thus adopting the very words of the Commission of 1812. Then, in 1830, just previous to the adoption of the system, another Parliamentary Committee was appointed to inquire into this matter, and they recommended—

> "That no further time be lost in giving the public the benefit of the experience and long-protracted inquiries before the Royal Commission of 1806 and 1825, and the practical recommendations of the Committee of 1828."

This was the fourth Report, the last and most urgent of all, desiring that no further time should be lost in acting upon what they believed to be the only sound or successful principle that could be adopted with regard to education in Ireland—namely, the principle of non-interference with the religious opinions of the people. Was Parliament now to pronounce the opinions of these Committees and Commissions to be wrong, and to declare that a system of education in Ireland, to be successful, must endeavour to interfere with the religious convictions of the great mass of the population? If they were not prepared to do this, then he thought he could show that the House ought not to assent to the Motion of his right hon. Friend; for, if they did assent to it—if they adopted the principles of the Church Education Society—which was what in effect this Motion asked them to do—he believed they would be declaring in effect that, in the Irish system of education it was right and advisable to interfere with the religious persuasions of those who differed from the national Church. His right hon. Friend had referred to the Kildare-place Society, which subscribed to the very words of the Commission of 1812, laying down the condition that they would not interfere with the religious tenets of any of the children who came to their schools. That Society entirely failed in its scheme of education. It failed because it could not and did not acquire the confidence of those whose confidence was necessary to its success. But in what respect was the Church Education Society likely to be more successful? What was the difference between these two societies? The difference was very considerable, but, as far as acquiring the confidence of the great mass of the population of Ireland was concerned, that difference appeared to him to be in favour of the Kildare-place Society. That Society, in the first place, subscribed to the pledge he had mentioned—that they would not interfere with the religious tenets of the children who came to their schools. No such pledge, however, had been given, nor would it be given, by the Church Education Society. The Kildare-place Society asked no questions as to the religion of the teachers; in the Church Education Society all the teachers were of the Established Church. The Kildare-place Society allowed the Scriptures to be read either in the Douay version or the Authorised version, without note or comment; the Church Education Society only allowed one version of the Scriptures to be used. The Kildare-place Society did not allow the Catechism or formularies of the Established Church; the Church Education Society did. Notwithstanding, then, that of the two plans the Kildare-place Society was the more likely to be acceptable to the Roman Catholics it was given up; and instead of it, the Government, acting upon the recommendation of the Commission, determined to institute the system which was established in 1833. Before referring to Lord Stanley's language upon this question, he (Mr. Horsman) begged the House to observe that the fundamental principle of the system which was then established was, that no attempt should be made in any way to interfere with the religious creed of any of the children. Lord Stanley founded his system upon the Report of the Commission of 1812, and acting upon the experience which he had before him in that Report, he said in his letter to the Duke of Leinster:—

> "The Commissioners in 1812 recommended the appointment of a Board of this description to superintend a system of education, from which should be banished even the suspicion of proselytism."

Thus adopting that principle which had been recommended by the Commissioners as the only principle upon which national education in Ireland could be carried out. Lord Stanley further explained the system in answer to a deputation from the Synod of Ulster. They had asked him whether the Bible was to be used in the schools, because, from the very earliest moment they had been extremely sensitive upon that point; and his answer was—

> "But there is not (nor ever was) any objection to the Reading of the Scriptures, or the giving of any other religious instruction on days and hours specified by the local patrons to those children whose parents choose that they should attend. Those days and hours, however, must be specified in order to remove from the mind of the Roman Catholic parent the possibility of a suspicion that his children may be influenced to join in studies of which he does not approve."

The House would observe how Lord Stanley's language gathered strength as he proceeded and acquired more knowledge of the subject. Again, in a letter to the Dean of St. Patrick, Lord Stanley thus stated the object and aim of the system. He said—

> "The objects are—first, to diminish the violence of religious animosities, by the association of Protestant and Roman Catholic children in a system of education in which both might join, and in which the large majority, who were opposed to the religion of the State, might practically see how much there was in that religion common with their own; and, secondly, to give to the great bulk of the Roman Catholic population as extensive a knowledge of Scripture truth as they would be induced to receive."

Subsequently, when Lord Stanley announced his plan in the House of Commons, he expressed himself in these terms:—

> "The plan which he had in view would, for the future, afford the people of Ireland the advantage of a combined literary and separate religious education. Experience teaches that endless controversy must arise from any attempt to give religi-

ous instruction to children of different religious persuasions."

He (Mr. Horsman) did not gather from his right hon. Friend that he meant to state that, so far as the great mass of the poor population of Ireland was concerned, the system had not been successful—at least to this extent, that it was acceptable and serviceable to them. He did not understand his right hon. Friend to deny the fact that the laity and clergy of the Roman Catholic Church availed themselves of the system. He did not understand him to say that the clergy, ministry, and laity of the Presbyterian Church did not all avail themselves of the system; but he understood him to say that one section, and one section only of the clergy, with a few of the laity, of the Established Church, had refused to subscribe to it. And, then, "What crime," asked his right hon. Friend, "have they committed that you should refuse to them what you give to others?" The answer was very simple; it was, "We have a system of education established in Ireland as the result of experience, which is to be carried on upon certain principles and under certain rules. All the rest of the population have welcomed those principles and have assented to those rules; and, because a certain portion of the clergy of the Established Church, objecting to the system, refuse to subscribe to those rules, they exclude themselves from the benefits which it affords. The House must remember, that the system of Lord Stanley encountered at its outset the opposition of the clergy of every denomination in Ireland; that the Presbyterians only gave in their allegiance to it so lately as 1840; that the Roman Catholics did not subscribe to it until a more recent period, and that a section of the Established Church still objected to it. He would now show the House how the system had progressed in spite of those difficulties. It began in 1833 with 789 schools and 107,000 pupils; and it had gone on from that time down to the end of 1854, which was the date of the last returns, increasing in every year, until at that period it numbered 5,178 schools, with no fewer than 551,120 scholars. That embracing of the system by nearly the whole population of Ireland was very remarkable; and it must be borne in mind that that increase in schools and scholars had gone on in a greater ratio even than appeared from the tables, because the diminution of the population was an element which ought to be taken into consideration. Another fact which was still more remarkable was that, although children of all the different denominations in Ireland had been educated in those schools, there had been as much harmony among them as if they had all professed one creed. No less than 2,500,000 children of different religions had gone through those schools, and not one single case of proselytism had been alleged. Moreover, there had been employed in them about 20,000 teachers—young men of an age when religious feeling and intolerance were most ardent, and there was not an instance of one single religious quarrel having occurred. In spite of the opposition which it had encountered the system was slowly, surely, steadily, and successfully advancing and overcoming every difficulty, until now it was embraced by nine-tenths of the population of Ireland, and accepted as a blessing by them all. But there was another fact which was yet more remarkable, and it was this. The Census returns, showing the state of education in all the different counties of Ireland, had been recently published, and they incontrovertibly proved that the education of the population was making the greatest progress in those districts where the system was being most completely carried out. It appeared from those returns that there were in the province of Ulster 1,875 schools; in Leinster, 1,151, in Munster, 988; and in Connaught, 588; that the three counties which stood highest in point of education were in the province of Ulster, while the three which stood lowest were in the province of Connaught; and that in the three former counties the average proportion of those who could neither read nor write was from twenty to twenty-four per cent, while in the three latter counties the average was from seventy-two to seventy-five per cent. That state of things said a great deal for the success which had attended the efforts of the National Board and the National Board system of education. The National Board system had been commenced under disadvantages, and had sustained many heavy blows. It had at the outset been opposed by a great body of the clergy, and also by a large number of the influential landowners; but it had nevertheless succeeded, because it had been supported by the feeling of the great mass of the people, who had rebelled against the domination of their priests of whatever creed they might be, and who had determined that they would receive that education of which their clergy wished to deprive them. Its success had also been secured by the exertions and by the honest adherence to the principle upon which they started of those by whom the system had been administered. His right hon. Friend had passed lightly over the proceedings of the Church Education Society; but he would state to the House a few circumstances in the history of that society. When the grant to the Kildare-place Society was withdrawn, the clergy had associated themselves into a society, and had raised contributions for the purpose of extending education. After a short time, however, it was found that the existence of a central body would give unity and strength to their efforts, and, consequently, in the year 1838 the Church Education Society was established. The principles of that Society had been expressed by the Bishop of Ossory, who, under the sanction of the Primate, was one of its chief promoters. That right rev. Prelate stated that the difference between the Church Education Society and the National Board was, that in the schools of the National Board the reading of the Holy Scriptures was permissive, while in those of the Church Education Society it was compulsory. The fact then was, that in the schools of the National Board the children might receive secular instruction while Roman Catholics might absent themselves when the Scriptures were being read, while in those of the Church Education Society the children were, it was true, allowed to receive secular instruction, but at the same time they were compelled to receive such religious instruction as the society might choose to impart to them; so that while in the national schools any child of any persuasion might receive both religious and secular instruction without any offence to the conscience of its parents, in the schools of the Church Education Society the price for secular instruction was that a child should receive a religious instruction which might offend the conscience of its parents. The Bishop of Ossory said:—

> "The rules for the use of the Holy Scriptures in the two systems—the Church educational system and the national system—are not merely different but opposite, and mutually incompatible. We require not merely that the Bible should be read daily in all our schools, but that all our children in attendance who are able to read should be instructed daily in the Bible. The State system not only does not require that the Bible should be read daily, or at any time, in its schools; but it requires that if it be read all children, whose parents or guardians object to their reading the Bible, should be permitted to leave the school while such instruction is going on. This seems a difference hard enough to reconcile, and the difficulty seems to be increased when we look to the views and feelings of the parties. On the one hand, we are resolved not to rescind or to modify, or to relax our rule. And on the other hand, we must be prepared to find Government resolved not to adopt it, and to make it the rule of the State system."

Then, again, the Bishop of Cashel said:—

> "The National Board endeavours to secure that the light of God's Word should be excluded from the Roman Catholic population,—that the priests were afraid to allow the Bible to be read, because otherwise their system could not stand. He did not dissent from the National Board on account of Protestants, because they could be taught at other times. His principal objection to the Board was that it helped to keep in darkness that part of the people they (the Society) wished to enlighten."

From that statement it appeared that attendance upon the reading of the Holy Scriptures was a necessary condition for obtaining secular instruction, and in consequence of that condition the society had been viewed with distrust, as being a proselyting society. He did not for a moment mean to impute to any member of the Church Education Society anything but the most conscientious motives; but, at the same time, he believed that that society was acting in direct antagonism to the principles laid down by every high authority upon the subject; and he thought that by the Resolution before the House his right hon. Friend was asking the House to resort to a principle which experience had proved to be injurious. He would ask the House to compare the principles of the two systems. The National Board declared that no child should be compelled to attend the reading of the Scriptures against the parent's consent; while the Church Education Society said that every child should receive religious instruction, even although the parent disapproved it. The National Board said that due regard should be paid to parental authority, and that the time of religious instruction should be so fixed that no child should by non-attendance be excluded from secular instruction. The Church Education Society went upon a principle directly opposite. They said that no regard should be paid to parental authority, but that the time for religious instruction should be so fixed that any child who did not then attend should be deprived of the advantage of attending the secular instruction. What, then, had been the comparative success that had attended the two systems? The right hon. Gentleman had referred to a statistical table setting forth the operations of the society; but there was one column which he had passed over; and yet it was one by no means unimportant to consider—the column, namely, in which the yearly income of the society was stated. Now, it was a remarkable circumstance, that as the funds of the society increased, the number of scholars decreased. The greatest number of children the society had ever had under its control was in the year of the famine. In that year (1848) it had 120,000 scholars, of whom 46,000 were Roman Catholics. Its income was £37,000. In the next year the income rose to £39,000, but the number of children was reduced to 111,000. In 1850, the amount of income was £38,000, and the number of scholars 108,000. In 1851 the income was £40,000, the number of scholars 103,000. In 1852 the income was £40,000, the number of scholars 105,000. In 1853 the income was £44,000, the number of scholars £99,000. In 1854 the income was £44,000, the number of scholars 95,000. Last year the amount of income was £45,000, while the number of scholars was only 90,000. Compare this with the figures of the National Board. The Church Society had suffered a diminution of 30,000 scholars, notwithstanding an increase of revenue equal to £8,000 a year; and the National Board had seen the number of children under its care gradually rise from 107,000 in 1833, to 551,000 last year. It was clear that it was not the want of income which had diminished the operations of the society, because, while their income increased, their scholars fell away; but it was the false principle upon which it acted, a principle which did not attract, but which repelled the population of Ireland, because it induced them to look upon the schools as engines of proselytism. He had, he thought, shown from figures the success of the one system and the failure of the other. But he did not rely on statistics alone—he would refer to the authority of statesmen of the greatest eminence, who had at one time been greatly prejudiced against the national system, but had ultimately come to acknowledge its value. He meant Sir Robert Peel and the Duke of Wellington. The system of education in Ireland was agitated against strongly, honestly, and perseveringly, from 1831 till 1841, when Sir Robert Peel came into office. It was known that Sir Robert Peel and his friends had been much opposed to the system—that they were strongly committed against it; and the expectation was entertained that, when they came into office, they would make a change. Sir Robert Peel took an opportunity soon after the formation of his Government, in answer to the severe pressure which was put upon him, to make a declaration of his opinion. That declaration was in the following words:—

> "It was not because the late Government had adopted that system that the present Administration had subscribed to it. From the accounts which, two or three years ago, he had heard of it, he had feared that it had proved unsuccessful, and under that impression he came to consider its claims and its merits, without much prepossession in their favour; but when he had inquired into it—when he had seen it in all its forms—he had come to the conclusion that it was their duty to maintain it as they had found it; and, further, that he felt it his duty to state that, in maintaining the present system of national education in Ireland, the present Government did not adopt it because they found it established, but because they believed that the greatest practical benefits were now derived from it."

In the same year the Duke of Wellington made a retractation of his opposition to the system. He did not deny that for a long time he had entertained strong opinions against a united system of education, but stated that experience had shown those opinions to be erroneous—that the national system in Ireland had done a great deal of good, and that he had actually co-operated in carrying it into execution. But it might be said that Sir Robert Peel and the Duke of Wellington, on a question relating to the Roman Catholics, were not to be relied upon as authorities, because they had already made concessions to that body in carrying the Emancipation Act in opposition to their former opinions. Happily, however, there had been other statesmen and ministers against whom that objection could not be urged, who had made similar declarations with respect to the national system of education in Ireland. He now came to the memorable year of 1852, in which the prospects of the Church educationists were much brightened, and the hearts of their opponents much depressed by the formation of a Government which was known to be adverse to the system of education in Ireland. At that time a Motion stood on the paper under the name of the hon. and learned Member for the University of Dublin (Mr. Napier), and it was to be discussed the very week in which the Government of Lord Derby was formed. The very first question, indeed, on which the new Administration gave an indication of their intended policy was the question of national education in Ireland, and the appropriate mouthpiece of the Government on that occasion was the right hon. and learned Gentleman the Member for the University of Dublin. He had been from the first a powerful, leading, and consistent opponent of the national system, and, when asked to take office under Lord Derby, he inquired what the intentions of that noble Lord were with respect to it. In a speech which he delivered to his constituents on his re-election, he thus stated the result of his interview with the Prime Minister :—

> "This he was assured of, that the Government were desirous that the facts with regard to the working of the national education in this country should be clearly ascertained. No honest man could object to that. He was told there should be an honest and fair inquiry to see exactly what had been the working of the national system of education in Ireland, and, inasmuch as the original purpose and object had been to have a system comprehensive and united, the inquiry should go to ascertaining how and why it was that so important a body as the clergy of the Established Church, and a large number of the Protestants throughout the country, had been debarred from a benefit in which it had been intended they should share. For the intention had never been to exclude them and to hand the matter over to other parties, but rather to enlarge their system of education ; and, the facts of the case being ascertained, it was the determination of Government honestly and immediately to propose a plan which would rectify, as far as possible, the defect in the so-called national system of education, and obtain the co-operation of the clergy of the Established Church in carrying out the great work of educating the people of Ireland."

So it appeared that the right hon. and learned Gentleman was authorised by Lord Derby to state that the Government were not only resolved to have an inquiry, but were determined to follow it up by a plan the effect of which was that the clergy, who were now petitioning the House through the right hon. Gentleman the Member for the University of Cambridge, were to lay aside their objections to the national system, and to do that which, he for one, would rejoice if they were to do now—namely, come in and co-operate in the work of national education in Ireland. The speech of the right hon. and learned Gentleman, as was to be expected, excited considerable apprehension among the supporters of the national system, and the Marquess of Clanricarde immediately asked Lord Derby how far the declarations of his Irish Attorney General had been authorised by him. Lord Derby replied as follows:—

> "I hope it will not be regarded as a thing which would derogate from or diminish the influence of the existing system if we enter upon a calm inquiry how far, under the superintendence of the Board, assistance might not in a certain degree be given even to schools which do not strictly come within the letter of the law laid down by the Board."—[3 *Hansard*, cxix. 1137.]

The statement of the noble Earl was certainly guarded, but at the same time it confirmed the announcement made by the right hon. and learned Gentleman the Member for the University of Dublin, that the Government were prepared to institute an inquiry into the working of the national system. In reply to a similar question put in the House of Commons by the hon. Member for Middlesex, the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), who then filled the office of Home Secretary, stated what his views were of the duty of the Government. He said :—

> "But in endeavouring to carry out that system he might say that, hitherto, an injustice had been done. Certain members of the Established Church in Ireland who, from conscientious motives, objected to the mode in which a portion of the grant was applied, complained that they did not receive any aid from the grant in support of the schools immediately conducted under their notice. . . The answer of the present Government as to any change in that respect was this—that certainly, with a view of encouraging members of the Established Church, as well as members of every other religious body in promoting education in Ireland, the Government thought that a variation ought to take place from the practice that had previously prevailed in the distribution of the grant. . . . The Government were anxious that those who desired to support the National system should have the combined system carried on ; but they did not think that they ought to exclude from sharing in the grant, or from partaking of the patronage of the Government, those who from conscientious motives were opposed to that system."

The House would observe that at the period in question the mind of the Government was already made up on the question. They did not ask time to consider it, nor shelter themselves, on first taking office, under official reserve, but at once, and without hesitation, committed themselves to an inquiry, and gave it to be understood that they had a plan in view by which that inquiry was to be followed up. Next came a great meeting of the Church Educational Society, at which the Bishop of Ossory propounded his scheme, taking that opportunity of giving the Government every facility for settling the question by availing themselves, if they could, of the co-operation of the clergy. For it was important to remember that when the national schools were first established the Church Educational Society and the great body of the Established Church opposed the system *in toto*, denouncing it as anti-scriptural and unchristian, and calling for its immediate and complete demolition. After a few years, not succeeding in that, they, to a certain extent, mitigated their hostility, assented to the continuance of the National Board, but suggested that there should be separate grants, and that they should be permitted to share in them. In 1852, a further mitigation took place. The Church Educational Society then offered to put themselves under the Board, subscribing to their rules as to secular instruction, but wishing to maintain their entire independence with respect to religious teaching. At their great meeting in that year they congratulated themselves on the prospect before them. They said that the clouds were at last breaking,—that they would soon have a gleam of sunshine—that the national system was evidently in great danger, and their feelings were altogether of the most triumphant description. What was the result? At the end of nine months, after a patient inquiry had taken place, Lord Derby communicated the result to the House of Lords in the following words:—

> "During the recess, my attention and that of my colleagues in the Government, and more especially my noble Friend the Lord-Lieutenant of Ireland, has been directed most anxiously to the question of national education in Ireland. My noble Friend has felt it his duty to devote very great consideration to this question, and, with every desire to remove, as far as possible, the feelings or prejudices of those who are opposed to that system, and who desire certain alterations in it, neither I nor my noble Friend can see our way to the introduction of any change which would have that effect without disturbing or materially altering the present system of education in that country. All that I can say is, that I consider that it would be a very great evil if we were seriously to disturb the present system, and the Government, not seeing their way to make any alteration with the view to which I have alluded, have no intention to bring forward any measure to effect what one party had in view, seeing that it could not be effected without incurring evils which they would greatly deplore."—[3 *Hansard*, cxxiii. 771.]

When Lord Derby made that statement three Bishops of the Irish Church, members of the Church Education Society, said not a single word. Lord Derby followed it up by offering those who were dissatisfied an inquiry, and the offer was not accepted. The Government had seen their way very clearly as long as they were in opposition, but when they came into office they were struck with blindness. After three years' banishment from office they had again recovered their vision, and they asked the present Government to do that which, as a Government, they had shrunk from doing. In the following year Lord Derby said:—

> "The serious difficulty which he urged his noble Friend deliberately to consider was—he did not say whether the existing rules might not be modified, or acted up to more in accordance with the original intention—but whether they should depart from the original intention with which the system was introduced, not by the Government of which he was the organ alone, but on the previous recommendations of a Commission composed of most eminent and pious persons. If they did away with the fundamental principle of the system so introduced and established, they ran the greatest risk of sacrificing all the advantages which even his noble Friend (the Earl of Clancarty) could not deny had been gained by the twenty years' practice of the system."—[3 *Hansard*, cxxiv. 1216.]

The fundamental principle was the same which was adopted by the Government in 1831, upon the recommendation of the Commissioners to whose report he referred. Lord Derby went on to say:—

> "He felt confident that, however desirable it might be to consult the views of the Protestant clergy, to meet their just wishes, and even their religious prejudices—if he might use the word—that the introduction of a separate system of instruction according to the principles of each separate denomination in Ireland would produce infinitely more disadvantage than the country could derive benefit; and, in endeavouring to avoid a partial evil, there would be inflicted on Ireland a great calamity by the sacrifice of that system which, he hoped and believed, was working for the good of the people."—[*Ibid.* 1217.]

Too much importance could not be attached to the conviction of Lord Derby, considering the manner in which it was obtained. But if there were any authority even more important, it was the opinion of Lord Eglinton, to whom the inquiry was committed. In the same Session Lord Eglington stated that—

> "After paying the most unremitted attention to the subject, he had come to the conclusion that, although he thought there was much which might with advantage be altered, he could see no plan by which the wishes of the party represented by the noble Earl could be satisfied without running the risk—he might say, without almost incurring the certainty—of driving all the Roman Catholics from the schools."—[*Ibid.* 1190.]

In 1854 Lord Eglinton moved for a Committee in the House of Lords, and in referring to it, the right hon. Gentleman (Mr. Walpole) had expressed surprise that they made no Report. The explanation was, that every one member differed from the other, and they could only agree to report the evidence without expressing any opinion upon it. In moving for that Committee Lord Eglinton made this statement:—

> "When his noble Friend who was at the head of the late Administration (the Earl of Derby) entrusted him with the government of Ireland, he imposed no conditions upon him. . . . . . The noble Earl in no way fettered his judgment, but urged him to give his earnest attention to this important subject of national education, and to see whether it might not be possible to devise some modifications by which the objections of the Protestants of Ireland might be done away with, without creating ill-feeling among the Roman Catholics. He (the Earl of Eglinton) thought his noble Friend would admit that he had spared neither time nor trouble in doing so. If he came to an erroneous conclusion, which he was far from admitting, it was an error of judgment, and from no want of attention or consideration. After that investigation, he told his noble Friend, while still at the head of the Government, that, although he saw much to lament and much to disapprove of in the system, he still thought that under all the peculiar circumstances of Ireland, it was, perhaps, the one best suited to the wants of the country; that he could make no suggestion which would, in his opinion, satisfy the Protestants without having the effect of driving away the Roman Catholics from the schools, and that he could not be a party to any proceeding which might result in throwing on the world about 400,000 children without even the means of secular education."—[3 *Hansard*, cxxx. 784.]

Lord Eglinton arrived at precisely the same conclusion, after the same process of inquiry, as Sir Robert Peel. In the highest and best sense of the term, Lord Eglinton went to Ireland a very strong party man, and there was no question to which his party was more deeply committed than the question of national education. Lord Eglinton had not a single confidential adviser who was not committed against this system, and had he listened to the counsel of those, high in character, great in ability, but still, on this question violent partisans —had he gone headlong with the passions of his party—he would have rendered his administration in Ireland a curse to that country. But, instead of that, Lord Eglinton applied his own masculine good sense to inquire into the subject, formed his own conclusions, made them known honestly and manfully to Lord Derby, and by so doing saved his party from a great blunder, saved his country from a great calamity, and, for so doing, he deserved the gratitude of his friends and the respect of his opponents. The right hon. Gentleman (Mr. Walpole) had failed to reconcile his conduct as a Member of Lord Derby's Cabinet, in 1852, with the course he had taken as a Member of the Opposition in 1856. The right hon. Gentleman could not deny that the plan which Lord Derby said would be fraught with great evils to Ireland, and which Lord Eglinton said would result in driving 400,000 children from the schools, was the plan of the Bishop of Ossory. And he wished to know how it was that, without a single new argument or fact, and without any change of circumstances, save that the right hon. Gentleman was denuded of the responsibility of office, he now asked the Government to adopt a plan which was rejected by the Government of Lord Derby. The right hon. Gentleman said that, as a united system of education, the national system had entirely failed. In his opinion it had completely succeeded. In districts where there was a great preponderance on one side or the other there could not be an equal number of children of Protestants and Catholics in the same school; but that was no reason for saying the system had failed as a united system. The system had not failed, because the great object was to give good secular education, and its being a united education was a merely secondary consideration. Where the great majority of the population were Roman Catholics they could not have an equal admixture of children in the schools, nor could they have it where the great majority were Protestants. Then there were districts where the Roman Catholics lived in the mountains and the Protestants in the valleys, and in such cases the children of both classes could not be taught together. But when the right hon. Gentleman quoted Mr. Macdonnell to show that the national system of education had failed as a united system, he neglected to quote the statement of that gentleman, that one cause of the failure was the opposition of the clergy of the Established Church. He was not, however, prepared to admit that the united system had been such a failure as his right hon. Friend stated it to be; on the contrary, it had succeeded in a manner equal to the expectations that had been formed of it. He found, for example, that in one part of Ulster there was only 10 per cent of what were called exclusive schools, and 90 per cent of schools taught on the united system; while, in another part of the same province, the united schools amounted to 80 per cent, and the exclusive schools to only 20 per cent of the whole. In other parts of Ireland similar results were shown, so that the failure was not such as the right hon. Gentleman had represented. The right hon. Gentleman said, the clergy were excluded from the schools. Now, the rule as to the clergy visiting was, that in the vested schools parents might agree to let their children be visited by a particular clergyman, while in the non-vested schools the patrons decided what religious instruction should be given to the children, leaving it to those who wished to do so to absent themselves. There was, however, one fact in connection with this point which it was important to notice, as proving the fact of the opposition of the established clergy. While in all other denominations the number of schools established by the clergy preponderated over those established by the laity; in the Established Church the very opposite was the case, for while 156 schools only had been established by the clergy, 425 had been originated by the laity. It was also somewhat remarkable that, though with few exceptions, the workhouse schools had been placed under the National Board—out of 163 unions there being 139 in which the schools were so placed—yet the clergy of the Established Church, who conscientiously objected to visit the national schools in their parishes, had not the same conscientious scruples with regard to these workhouse schools. They visited the workhouse schools because they were paid by the Boards of Guardians for so doing; but he could not understand how the mere fact of their being retained by the Boards of Guardians should allow them conscientiously to teach the children in those schools, while they were unable conscientiously to teach the poor in the schools in their own parishes. The right hon. Gentleman asked why the clergy of the Established Church should be excluded from the advantages of this grant. Now, he held in his hand expressions of regret by almost all public men at the course which the clergy had thought it their duty to take in this matter. Lord Derby expressed, in strong terms indeed, the regret he felt that the clergy should have thought it their duty to adopt this line of procedure, and the Duke of Wellington and Sir Robert Peel both employed similar language. Indeed, he could quote the opinions of almost all public men—and of those belonging to the right hon. Gentleman's party among others—that the system of the National Board had been eminently successful, and that if there had been failures in any point it was only because the established clergy of Ireland had set themselves in hostility to it. It was a system which had been established by the Legislature, which many successive Administrations had maintained, which two Committees of the House of Lords had failed to shake, and it was opposed only by the clergy of the Established Church, who insisted on the abandonment of the principle on which alone its success depended. The Bishop of Ossory said, in 1852—

> "As long as there is a State system of education, in the carrying out of which the great body of the clergy cannot co-operate with the Government, so long the Church must stand in an anomalous and disadvantageous position in relation to the State."

And again—

> "The national system has existed in this country for nearly twenty years. And after this long trial we have the testimony of nineteen-twentieths of the clergy that they cannot avail themselves of it in the education of the poor of the Church."

He regretted that the clergy of the Irish Church stood in their present position. Was it nothing that every public man who had held high office in this country had regretted and condemned the position they had taken up? They were at war with the people of Ireland on religious subjects; they were at war with the Legislature upon the education of the people; and there had been recent indications that they were not altogether in unity with their brethren of the Church of England upon subjects equally interesting and important. And it was in this state of isolation that this injudicious and unfortunate claim had been made. He could not congratulate them upon having obtained the advocacy of the right hon. Gentleman (Mr. Walpole) because his high character might induce them to prolong a controversy which would be sure to be the more disastrous the longer it was continued. The clergy had taught Parliament and the people of this country that the success of the system did not depend upon them, because it had prospered in spite of their hostility. But their co-operation was most desirable, and he would admit that every concession ought to be made to obtain it, short of sacrificing the principle of the system. But the principle of the system was one from vindicating which the House ought not to shrink, and from which they ought not to abate one jot or atom. It was the principle of religious freedom, of religious liberty, and religious equality, which was the only basis of sound education in Ireland. That principle had been long fought for and tardily conceded in England and in Scotland, but having been once established in Ireland, it was never to be withdrawn or abandoned.

Mr. G. A. HAMILTON said, that feeling a very deep interest in the question of education in Ireland, and it having been his duty on several occasions to bring the subject before the House, he was desirous of making some observations upon the Motion of his right hon. Friend. And in the first instance he was anxious, on the part of those whom he had the honour to represent, and on the part of the Protestants of Ireland who, for the last twenty years, had been complaining of hardship and injustice in the matter of education, to offer to his right hon. Friend the Member for the University of Cambridge, and his hon. Friend the Member for the University of Oxford, his grateful acknowledgments for having brought the case before the House, and for the efforts they were now making to have the hardship and injustice redressed; and he was bound to state, without in any way expressing his individual approval of the national system of education in Ireland, even with the modifications proposed, that those alterations would have the effect of settling the question, of placing it on a satisfactory footing, of remedying the injustice, and of so far constituting the system a national one as to enable all persons to avail themselves of its advantages. He regretted that the right hon. Gentleman the Secretary for Ireland, in the tenor of his observations, should have departed from that conciliatory tone which his right hon. Friend had adopted in bringing his proposition under their consideration, and that he should have introduced into his speech, as he (Mr. Hamilton) thought unnecessarily, topics which tended to create feelings of animosity in the discussion. The right hon. Gentleman had not hesitated to impute to Lord Derby inconsistency and impropriety in reference to the question of education in Ireland. [Mr. Horsman: No.] The right hon. Gentleman then referring to an interview which Mr. Napier had with Lord Derby, in 1852, had intimated, that after Lord Derby had expressed his willingness to submit the question of education to inquiry, he had suffered his Administration to expire without fulfilling the promises he had made; and in corroboration of that insinuation, he had quoted a statement made by Lord Derby at the close of the year 1852, to the effect that he then saw no means of settling the question. But what were the real facts of the case? During the period of Lord Derby's Administration, no possible opportunity had presented itself for holding that inquiry which Lord Derby had declared himself ready to support; and if he had expressed a doubt with respect to the possibility of a satisfactory settlement of the question without inquiry, surely a proposition like that of his right hon. Friend, sanctioned by Lord Derby after such inquiry, ought to come before the House with peculiar force. Lord Derby, as the founder of the National system, must be supposed to regard with peculiar jealousy any plan for altering that system, and if the proposition now before the House, after having received Lord Derby's full consideration, had received also, as stated by the right hon. Gentleman the Member for Cambridge University, Lord Derby's full approbation, what better or stronger argument could be used with the view of proving that the proposition of the right hon. Gentleman was not intended to subvert the system? The right hon. Gentleman (Mr. Horsman) had grounded his whole speech upon the supposition that the plan of his right hon. Friend (Mr. Walpole) was to establish a new system of national education in Ireland in lieu of the present system. But what was his right hon. Friend's proposition? Why, it was simply this—that there being upwards of 5,000 national schools in Ireland, with more than 550,000 children on their rolls, founded by persons who approve of the present system, it is proposed that other persons, who are unable conscientiously to place their schools under the system, by reason of the restriction with regard to the use of the Scriptures, should be permitted to establish additional non-vested schools, in which there should be no restrictions or prohibitions respecting the use of the Scriptures, but in which no catechism or human formulary shall be taught to any child whose parent or guardian may object. Subject to this one restriction, which creates no conscientious objection, the effect of the alteration would be to enlarge the national system, and to permit Protestants who are of opinion, as all Protestants are in England, that the Bible should form an essential part of a child's education in school, to establish non-vested schools from which the Bible shall not be excluded.

It was said that this alteration would disturb the system; but how would it do so? There are at present 5,000 schools in operation, the patrons of which must be supposed to be favourable to the present system. What reason is there for supposing that these patrons would make any change in the rules of their schools? The effect, therefore, of his right hon. Friend's proposition would be simply this—that the country being already supplied with schools under the present system, he proposes not to disturb but to supplement—to enlarge the limits of the system so as to admit those whose conscientious convictions do not at present enable them to avail themselves of it. But he (Mr. Hamilton) would like to examine this charge of disturbing the present system a little more in detail. There were 5,000 schools vested and non-vested. His right hon. Friend's proposition would not touch the vested schools at all—they were secured by deed, and could not be altered—that would take off 1,621 schools. But taking the 4,700 schools at the time of the inquiry in 1853, there were of these 3,159 under the patronage of Roman Catholics, 2,825 being under the patronage of Roman Catholic priests, and 103 in connection with convents or monastic institutions. Deduct these 3,159 schools from the 4,700, there remain but 1,541 subject to any disturbance from the adoption of Mr. Walpole's proposition. But you must next deduct 134 workhouse and gaol schools, which would not be in any way affected, and 28 model schools: this would reduce the number to 1,379. But then you must further deduct the schools under the patronage of Presbyterians and Dissenters. 706 in number for the Presbyterians, as stated by Dr. Cooke, of Belfast, in his evidence, do not feel it necessary to instruct every child in the Scriptures, or at least do not feel that it is wrong to exclude a child whose parent or guardian may object to that child being instructed in the Scriptures. This deduction will reduce the number to 673; then you must deduct 79 schools under mixed patronage—that is, under the joint patronage of a Protestant and a Roman Catholic; and you must obviously deduct the 214 schools in which there are actually or virtually no children except members of the Established Church. This brings the number of schools down to 380, of which one-third, or 127, may be taken to be vested schools: leaving only 253 schools which will possibly be affected by the proposition now before the House. So that if the House should adopt the alteration, and every Protestant patron of every school in Ireland containing any Roman Catholic children—every Protestant patron who now approves of the present system, and has been conducting his school under the present system—was to turn round and say, I will adopt the modification now proposed by his right hon. Friend, the maximum amount of disturbance in such an extreme and improbable case, would extend to just 253 schools out of the 4,700. But upon what principle, he would like to know, can this modification be resisted? The evidence before the Lords' Committee in 1853 forced upon all parties the conviction that the injustice to the members of the Established Church in Ireland could be no longer tolerated; and while Lord Derby, the founder of the system, was on the one side seeking to remedy the injustice, Lord Granville, on the other, proposed a modification, which equally admitted, though it did not go so far in remedying, the hardship. What imaginable difference in point of principle, he would ask, was there between the proposition of Lord Granville, that books and appliances and inspection should be granted to the Church schools, and the proposition of his right hon. Friend, under which salaries of masters as well as books and requisites, would be granted to schools in which the Bible should be read by every scholar. It had not been his (Mr. Hamilton's) practice, when bringing the case of the clergy of Ireland before the House on former occasions, to make any severe comments upon the national system; on the contrary, he had always rendered to it the acknowledgments that were due as regarded the excellence of many of its publications, and the advantages which in some respects had been derived from it. His object had always been rather to bring the injustice under which the members of the Established Church suffered under the notice of the House, than the defects or demerits of the national system. But when the right hon. Gentleman the Secretary for Ireland asserted that the national system had been completely successful, and when he made that alleged success the grounds for continuing the injustice, it was necessary that he (Mr. Hamilton) should exercise such forbearance no longer. In the course of the inquiry before the Committee of the House of Lords, Mr. Cross, the Secretary of the Board, had been questioned with regard to Mr. M'Creedy, and had pronounced him one of the ablest and most zealous of the head inspectors. What did Mr. M'Creedy, who had thus been spoken of by Mr. Cross, say as regards national schools?—

"Low, however, as in my eyes appears the average proficiency of the pupils included in the preceding table, I have been not a little surprised, and at the same time greatly pained, to find that on the whole it is higher than any yet returned by any of my colleagues. I say I have been both surprised and pained at this discovery. Surprised, for I had thought that worse schools, I speak generally with reference to the greater number only, not of all, than those I visited last year could hardly anywhere be met with; pained to think that these same schools that I had looked upon as altogether exceptional in character, and as I had hoped unparaleled in their inferiority, yield results as regards the proficiency of their pupils superior in many points to those set forth by my brother head inspectors for some 200 schools scattered over every part of the country. This, certainly, exhibits no very flattering condition of things, and when it is further considered that the schools to which those details refer, far from being what we would willingly believe those of mere probationers, or others of inferior classification only, are the two-fifths of them under first and second-class teachers, of whom again more than one-half are of the former class, and, therefore, necessarily trained, it becomes at once evident, I think, that there is much reason to apprehend that there are large numbers of our schools in whose state generally, as regards the instruction imparted in them, there would be found much to blame and little to commend."

This unfavourable statement made in the report of Mr. M'Creedy, whom Mr. Cross, the secretary, states to be one of the ablest and most zealous of the head inspectors, receives a very remarkable corroboration from another public document, the accuracy and authenticity of which cannot be questioned, "the Census of 1851." This census was prepared with great care and industry by Mr. Donnelly, the Registrar-General in Ireland, and reflects, in all respects, the very highest credit upon that most useful and deservedly popular public officer. Following the precedent of the Census prepared in 1841, under the direction of Colonel Larcom, the present Under-Secretary, Mr. Donnelly gives a diagram, which may be seen at page 18 of the Census Report. In this diagram the state of education amongst the present population is represented by decades when they were within the educational ages (5 to 15); and it represents as fairly as possible, and as accurately as can be ascertained, the state of education at different periods. The diagram represents male and female population in civic and rural districts, and in each province. It is a very remarkable fact, in corroboration of the report of Mr. M'Creedy, that the per centage of the population who can neither read nor write is smallest (in other words, the state of education is most advanced among those who were in their educational age) between 1818 and 1837. That was precisely the period when the system of education preceding the present national system was in its fullest operation; and in the periods since 1837 there appears in the diagram a considerable retrogression in the state of education. There is another fact stated by the Census Commissioners, equally, if not even more strongly corroborative. They state, in page 14, as follows:—

"There has been a remarkable increase in the proportion of males who can neither read nor write in the class of ages between 16 and 25 (just the period when the national system of education was in its fullest operation), 11 counties only with a decrease in the relative numbers of illiterate males at those ages. There are, therefore, 21 counties in which the proportion of males between 16 and 25, who can neither read nor write, has remarkably increased, comparing the census of 1851 with that of 1841. In Wexford, 4 per cent; in Wicklow, 4 do.; in Westmeath, 2 do.; in Clare, 1 do.; and so in varying proportions throughout the 21 counties. While ignorance has been so increasing what has been the progress of the national system in those very same counties? Why, in every one of those counties, while ignorance has been increasing, national schools have been increasing likewise. Take Wexford—There has been an increase of 4 per cent of ignorant persons between 16 and 25, since 1841. In 1841 there were 44 national schools; in 1851 there were 108. Take Wicklow—An increase of ignorance, 4 per cent; national schools, 1841, 39; 1851, 72. Take Clare—Increase of ignorance 1 per cent; national schools, 1841, 33; 1851, 130. In the 21 counties in which this increase of ignorance has taken place there were in 1841, national schools, 1,505; in 1851, national schools 2,971. Considering the large sums of money granted by Parliament every year for the promotion of education in Ireland, the country had a right to expect a very considerable improvement and increase in education, whereas it appears from the Census and the returns of the number of national schools in these 21 counties, in certain classes of the male population—those, namely, amongst whom it was most important that there should be improvement—ignorance was on the increase during the ten years between 1840 and 1851, at the very same time when the national schools in the same counties were doubled in number."

So much for the results of the national system. The right hon. Gentleman (Mr. Horsman) had intimated, in a manner which amounted almost to a threat, that it was unwise on the part of the clergy, under existing circumstances, to attempt what he termed an aggression; but he (Mr. Hamilton) should have thought that the right hon. Gentleman who, in a preceding part of his speech, seemed disposed to do justice to the motives which actuated the clergy, and to admit that, whether they were right or wrong, they were influenced by high principles—he should have thought that the right hon. Gentleman, though he might have differed from them in opinion, would have found more to praise than to blame in the conduct of Protestant clergymen who, under privations, injuries, and calumnies, and in spite, too, of inducements held out to them, had maintained the integrity of the Holy Scriptures, and that great right established at the Reformation, that every one shall have free access to the Word of God. The clergy of Ireland had been true to their principles for more than twenty years under a variety of circumstances; they had adhered to them under the rule of Governments avowedly opposed to their views—they had adhered to them under the disappointment at the hands of Governments with whom they had expected their views would have been received with favour. When Sir Robert Peel came into office in 1841, there was every reason to think he would have made concessions to meet the views of the Irish clergy; but Sir Robert Peel soon declared that he found it impossible to make any alteration in the system. Notwithstanding that declaration, when there must have been every inclination to conform to the views of Sir Robert Peel, the clergy maintained their principles with the most unyielding fidelity; and at the present moment, after nearly twenty-four years of trial, the number of clergymen of the Established Church who were patrons of national schools had actually decreased. He believed the number of clergymen of the Established Church, who were patrons of national schools, were now about seventy-seven, whereas he thought that a few years after the system was established there were upwards of eighty. He thought it was impossible, under such circumstances, for any one not to acknowledge the consistency and disinterestedness which had characterised the clergy of the Established Church, as regards the question of education. Before he sat down, he was desirous of saying a few words upon the subject of national education generally, which would not, he hoped, be considered as irrelevant on the present occasion. Whatever may have been the result, and whatever may have been the differences of opinion, it was impossible not to admire the efforts that were made in the last Session by his right hon. Friend the Member for Droitwich (Sir J. Pakington), and the noble Lord the Member for London, in the present Session, to extend and improve education in connection with the State; the result, he (Mr. Hamilton) thought, had proved that it was impossible to establish in these countries as in Prussia, and some of the states in America, any one uniform fixed system of State education, and he supected it would be some time before any Minister would rise in his place and propose a plan for such a purpose. For his own part, he thought it better it should be so. He did not think a system of State education was adapted to the feelings and habits of the people of these countries. Henceforth, he thought it would be the policy of the State to aid, as heretofore, the voluntary efforts of individuals or societies; and such also appeared to have been the original intention of the framers of the national system of education in Ireland—for by the rules in every case it was originally required that local aid should be given towards the maintenance of the school. Assuming, then, that aid was to be given by the State to local efforts, on what principles was it the duty of the State to grant that aid? He spoke with great deference upon so important and difficult a question, but there appeared to him to be four principles by which the State ought to be guided. First, it was admitted to be the opinion of the House and of the country that religion should be the basis of any education assisted or recognised by the State. But what did that mean? Did it mean that the children in a school were to be assembled on a certain day or at a certain hour to learn the formularies of their Church, whatever it might be? It was quite right that the formularies of the Church should be taught to the children of the Church at a proper time; but every one knew that to be taught such formularies was a task, and that was not the religious teaching which ought to constitute the basis of education. Neither in his (Mr. Hamilton's) opinion, was it to teach children religion dogmatically, so as to swell the numbers of any particular persuasion. No; the great objection of education, whether in reference to this life, or in reference to eternity, was to inculcate, not at stated periods, but whenever the opportunity presented itself, not the mere formularies of a particular Church, but the great fundamental truths of Christianity. There were certain facts and certain inferences from these facts, common to many forms of Christianity. These facts, and the plain inferences which flow from them, when understood and believed and appreciated—under God's blessing—alter and rectify, and renew and elevate man's nature; they furnish him with motives for good conduct in every position and relation of life which nothing else can furnish, and elevate him to his right position in the scale of creation. These facts and inferences could be understood and appreciated by the child as well as by the man. Sometimes—indeed generally—they are inculcated with most effect in the occasional opportunities of general instruction, and it was the business of education to inculcate those facts and inferences not merely in the abstract but in their bearing upon the conduct and character of the pupil. Does a child in school give way to the natural passion of animosity or revenge? Who is it that says, "forgive, and it shall be forgiven you;" and what is his relation to us? If a child tells a lie, who is the father of lies, and where is the fountain of truth? If a child's sympathy or affections are evoked, to whom are our affections supremely due, and by what wonderful act of condescension and love ought the highest affections and sympathies of our minds and hearts to be engaged? Therefore, if you mean to make religion the basis of education, you must allow the patron or the master to inculcate religious truths and motives whenever the opportunity offers. The second principle, he would venture to suggest, which, perhaps, might be considered as rather a corollary of the first, was this, that if religion is to be taught at all to the children of the great mass of our population, provision must be made for teaching it in school. Considering the deplorable amount of ignorance which prevailed, it was vain to suppose that children generally can be taught religion at home; and the clergy have no time to teach them adequately. The third principle which he (Mr. Hamilton) thought should belong to any system of national education was this, that the Bible should be held out as the revealed will of God pre-eminently to every child; he should be taught to regard it as the Book, different from all other books—as the Book in which he is to find his standard of right and wrong, as the rule and motive for all his actions. It was said the master makes the school; but he (Mr. Hamilton) was of opinion that the efficiency of a school depends as much, if not more, upon the patron as on the master. If the master makes the school, the patron makes the master. It is vain to expect that a school will be efficiently and well conducted unless the patron takes an interest in the progress of the children. He (Mr. Hamilton) therefore held it to be the fourth principle in any system of education that the patron is to be made to feel himself in some degree responsible for the school; but no patron would undertake and discharge that responsibility if the rules and principles of the school were to be left subject to the caprice or opinion of the parent of every child that attends, and if no regard is to be paid to his conscientious convictions as respects the principles on which his school is to be conducted. It was because he (Mr. Hamilton) considered the national system of education deficient in respect of each of these principles that he had been unable to give it his humble support. It was deficient as regards the principle of making religion the basis of education; it was deficient as regards holding out the Word of God as the standard of right and wrong; it was deficient as regards the duties and responsibilities of patrons. The Motion of his right hon. Friend was calculated to allow patrons to establish supplemental schools on sounder and better principles, and to remedy the injustice under which the clergy and laity of the Established Church had so long suffered, and therefore he should give it his cordial support.

MR. H. G. HUGHES said, that when the national system was established in Ireland a guarantee was given by the Legislature and the Government that there should be no interference, directly or indirectly, in respect to the religious faith and tenets of the children; and he believed it to be impossible to adopt the Motion of the right hon. Gentleman without a direct violation of that engagement. The Roman Catholics of Ireland had for a long period looked with suspicion upon the system of education offered them by the Protestant Parliament of England; but that suspicion had since been removed, when they found that the national system was not used as an instrument for attacking the religion of the people, and under the confidence thus generated no less than 2,500,000 of the population of Ireland had passed through these schools, and at the present

550,000 were receiving their education in them. The people of Ireland had entrusted this large proportion of the population to these schools on the faith of the guarantee given and hitherto acted upon by the Government. The Motion of the right hon. Gentleman (Mr. Walpole) contained two conditions, one expressed, and the other omitted but implied. The omitted condition he (Mr. Hughes) would now take the liberty of reading in connection with the Motion. The right hon. Gentleman asked for assistance from the National Board on the following terms:—

> "Provided that no children should be compelled to learn any catechism, creed, or formulary to which any parent or guardian may object."

So far as that went, the condition was expressed; but the condition that was not expressed was the following:—

> "Provided always that every child shall be compelled to read the whole Scriptures, whether his parent or guardian shall object or not."

That was a condition which the House had a right to discuss as being involved in the Motion, and it would be his (Mr. Hughes's) duty to show that it was irreconcilable with the guarantee given by the Government and Legislature on the establishment of the national system, and would consequently constitute a breach of faith. After the commencement of the national system in Ireland, it was for a considerable period regarded with suspicion by the Roman Catholics, who believed that a trap was intended with the view of proselytising the people of their church. They scarcely could believe that it was intended to educate, secularly, the people without interfering with their religion; but after the experience of years they found that no such attempt had been made, and they now yielded that confidence to the system which at first they withheld. At the present moment there were 5,178 schools in Ireland operating under the system, and 550,000 children in course of education in those schools. What was to become of the education of the people of Ireland if a change were made in the guarantee which was given in 1832, and which had not been withdrawn up to the present moment? If the Motion of the right hon. Gentleman were carried, there would be a manifest departure from the principle on which the schools were originally established—there would be a breach of faith on the part of the Government and of the Legislature, and there would be this farther consequence—that, whereas at present they only had to regard the non-vested and the vested branches, both being equally bound by the principle of non-interference in religious matters; if this Motion passed, a new class would be brought in, in which interference would be introduced under the guardianship of the National Board of Education. At present the inquiry made by a peasant who had removed from one district to another was merely "Where is the nearest national school?" but if this proposition were agreed to, it would be changed to "What is the character of the school? Is it a proselytising school?" and, of course, as they would have no means of obtaining the information they desired, except through the priest, he would inform him that the school was neither a national nor a secular school, but one in which religious interference existed, the consequence of which would be, that the parent would refuse to send his child there, and the country would relapse into the condition in which it was previous to 1832. Nothing could be more injurious to the interests of that country than the withdrawal of that guarantee of non-interference; for if withdrawn, the effect would be to debase the country not only in an educational but in a political point of view. They would have Protestant landlords establishing Protestant schools, and instead of there being unity and concord, there would be nothing but discord and disunion. The introduction of a general system of education in Ireland, without religious interference, was described by the late Dr. Murray, the Roman Catholic Archbishop of Dublin, as the greatest boon which England had ever conferred upon Ireland, and, therefore, he hoped it was not at this time of day to be withdrawn. Possessing, as he conceived he did, some knowledge of the working of the system, he felt it due not only to his constituents but to the House, to trespass upon them, being unwilling to give a silent vote upon this important question, as he could state from his own knowledge that districts, which before the introduction of the system had been considered turbulent, were now as peaceable as any district in Ireland. Twelve years ago not a single national school existed in a district ten miles square. The people therein were accused of forming secret associations and of ribbonism; and although the schoolmaster was of the lowest order, yet from the difficulty of finding a person of from twenty to thirty years of age, who was able to read or write, the schoolmaster was not only the writer but the composer of almost every letter written in the district, which gave him a power and influence not always compatible with safety to society. Since, however, the introduction of national schools, education had spread, confidence had increased—a feeling had grown up that there was a disposition upon the part of England to deal fairly and uprightly with Ireland with respect to the establishment of schools, and the system had accordingly been hailed with satisfaction. If the house wanted the people to relapse into the condition in which they were in 1832, they would agree to this Motion, but not otherwise.

Mr. NAPIER: Sir, it appears to me that there is a fallacy which has run through all the speeches which have been made upon this question upon the other side of the House. The hon. Members who have spoken seem to think that the effect of this Motion, if carried, would be to deprive Roman Catholics of the opportunity of receiving education in national schools that now exist, and they enlarge upon the advantages which these schools have conferred upon them. No one can more fully admit that they are specially favoured. I admit that the funds of the State are now available for the education of their children in these schools at their own free will and pleasure; and if the effect of this Motion would be to take away from them that opportunity they now possess—to destroy, as far as they are concerned, any of their schools, and to force upon them as the only alternative, the schools of the Church Education Society, the arguments which have been urged in this House against the Motion would apply. But I altogether deny that such arguments are applicable to the case before the House, the object of the Motion being—whatever opinion we as individuals may entertain with regard to the national school system—to extend it, to bring other schools in connection with it, and thus to enlarge and improve the system. The hon. and learned Gentleman who last addressed the House stated that there is another condition which had been kept out of sight in the Motion of my right hon. Friend. He says that you must import into the Motion the condition that every child educated at our schools will be compelled to read the Holy Scriptures; and he argues—and I pray the attention of the House to this important part of the question—that you (the Church Education Society) can have no public aid given to you because you introduce a system of compulsion. Now, what is the rule of the National Board by which our schools are excluded? I will ask the hon. and learned Gentleman this question. Suppose a Protestant child lives in the neighbourhood of one of the national schools, whose parents are extremely anxious to have him taught—and of course the Protestant parent, considering the Word of God a rule of life as well as of faith, wishes his child to be Scripturally taught—can he get any such religious teaching in that school? But suppose there are twenty Protestants in the neighbourhood, who, believing in their conscience that their children ought to be taught the Bible, and make the demand that they should be taught the Bible in the course of their education in that school, would the patron be obliged to yield to the demand? No. The objection to the non-vested system is, that it is compulsory on the side of exclusion to meet the case of the Roman Catholics, but when it comes to be applied to Protestants the objection is that it is not impartial in providing for the admission of the Scriptures, for it practically excludes all those who require the daily use of the Scriptures. Lord Derby has always protested against the non-vested system; but it arose out of the circumstances of the country—the original system of education sought being a united system—a national system. But the system has become at present neither a united nor a national system; it is a partial—a separate system. All the witnesses—and with one exception, I will not quote any who are friends of the Church Education Society—Mr. Buxton, Mr. Heald, the Archdeacon of Meath, and other witnesses—admit that non-vested schools are really and virtually separate schools, for the use of the Roman Catholic portion of the people. The plan Lord Derby proposed in the first instance was intended as an experiment, and interfered with a principle. I always differed with Lord Derby upon that point, not concealing that difference—not making any mystery of it, but fairly and honestly avowing it, and acting consistently on a broad principle. The great object, however, was to obtain a united and national education; but I ask you now, after your experience of the working of the schools, whether the effect has been to obtain a national or united system of education; but whether, on the contrary, it is not a separate system confined to one class of the community? What I ask you, therefore, is simply to extend that system, and to make it apply to another class, but not to disturb a single school. Now, take the case of the schools alluded to by my hon. and learned Friend. At present, I take it, all the patrons of those schools are in connection with the Board, and no restriction is put upon them that they object to subscribe to. Do we propose to add any restrictions to which they cannot conscientiously subscribe? We propose to reduce the restrictions. We do not fetter them one iota: what we propose, being the inclusion of other schools with the view I have mentioned. I ask this House, and I ask it fearlessly, are the Protestants of Ireland to be put under a ban of excommunication because they uphold the principle which every non-conformist in England belonging to a Protestant denomination upholds? Are we to get no portion of the fund to which we have contributed, for the education of our children, because we assert a rule common to all the Protestants of England? I say it is most unjust. The right hon. Gentleman opposite (Mr. Horsman) talks of maintaining a principle, and he speaks of our request as something so unreasonable that one would almost be led to suppose that we suffer justly. I put this case to him—not only the case of the members of the Established Church of Ireland, but a stronger one—namely, the case of the Wesleyans. The Wesleyan body in the whole of Ireland unite with the Church on this question. Could there be a more successful proof of the gross injustice than the case of the Wesleyan offers for consideration? By the system in England, when a Wesleyan school is supplied out of the Imperial Fund, you have a trust-deed prepared under the sanction of the Committee of Council. One of the conditions in that trust-deed is, that the children shall be daily instructed in the Holy Scriptures; and yet in Ireland the Wesleyan school on the same model is, for acting on this very condition, denied all assistance, notwithstanding that there is such a condition embodied in the trust-deed in England. Is that justice? On what principle have you been acting with regard to national education? In England you began on the principle of disseminating religious truth, and you have got now to the system which acts on the principle of religious liberty. All the Minutes of the Committee of Council bearing date before 1847, and still in force as to Protestant schools, distinctly require that the Holy Scriptures should be taught in the schools participating in the grant, and the Committee add that they will give the preference to those schools in which religious instruction from the Bible is given—at all events, no school will be admitted to participate which does not fulfil the primary condition laid down by the Committee of Council — and is it not shamefully unjust that the Protestants of Ireland, contributing as they do to the general tax, should be refused participation in the benefits derivable from an Education grant. They did not ask that the Church catechism should be forced on any of the children, but that particular schools with which Protestant patrons are connected, and where the Scriptures are read by all who attend them, should participate in the grant. See the substantial injustice which is inflicted upon them. When in England the Wesleyan body and others demurred to the introduction of the Church catechism into the national schools, the Committee of Council did not refuse to allow the Church schools, in which the catechism was required to be learned by all the children, to participate in the grant, but you allowed the English clergy to do with the catechism what you will not allow the members of the Church in Ireland to do with the Scriptures. But will the House allow me to refer to what has been done in India, as stated in a despatch, dated August, 1845, and communicated to this House:—

> "We have, therefore, resolved to adopt in India the system of grants in aid, which has been carried out in this country with very great success; and we confidently anticipate, by thus drawing support from local resources, in addition to contributions from the State, a far more rapid progress of education than would follow a mere increase of expenditure by the Government; while it possesses the additional advantage of fostering a spirit of reliance upon local exertions and combination for local purposes, which is of itself of no mean importance to the well-being of a nation.
>
> "The system of grants in aid which we propose to establish in India will be based on an entire abstinence from interference with the religious instruction conveyed in the schools assisted. Aid will be given (so far as the requirements of each particular district, as compared with others, and the funds at the disposal of Government may render it possible) to all schools which impart a good secular education, provided that they are under adequate local management (by the term 'local management' we understand one or more persons, such as private patrons, voluntary subscribers, or the trustees of endowments, who will

undertake the general superintendence of the school, and be answerable for its permanence for some given time); and provided also that their managers consent that the school shall be subject to Government inspection, and agree to any conditions which may be laid down for the regulation of such grants."

And on the 8th of August, 1854, Sir C. Wood stated, in referring to this despatch:—

> "As is stated in the despatch, we propose to give assistance to all schools of every class in India which will submit to inspection, and afford an education sound in quality and sufficient in scope; we propose to do this totally irrespective and without taking the slightest notice of any religious instruction which may be given in the school. Hon. Gentlemen are aware, that in India as in this country, religious opinions are a great obstacle to education. We proceed on the system of grants and aids to schools, according to their wants and means; we propose to put them all under inspection, requiring certain things to be done and taught, and carefully abstaining from interference with all points connected with religious teaching. This is the more necessary from the peculiar circumstances of India, and I am perfectly convinced, that if the Government of India were to attempt to do anything that would produce the idea that they wished to proselytise, it would bring the whole cause of education and the system we wish to establish into discredit amongst the native inhabitants. We give assistance, therefore, to missionary schools, to Mahomedan schools, to Hindoo schools, whatever the religious tenets may be, looking only to the secular education they propose to give, and requiring that that shall be of a sufficiently high standard."

That is the system at present pursued in India. Do you expect us in Ireland to be so abject, so servile as to submit to a worse treatment? You have successively relaxed your system in England to embrace Dissenters, Jews, Roman Catholics; and you have deemed this was enlarging and improving the system. Is it just to leave out the Irish Protestants because they stand by that which is the principle of Protestantism, especially with respect to the parochial schools—because they will not part with that which must be the life and soul of their educational system? It is a gross and manifest injustice to give to every other denomination advantages which you deny to the Protestant in Ireland. There is one instance of the practical operation of this injustice which has come under my notice, and which I will mention. There was in one of the largest parishes in Dublin a Scriptural school, to which there had been large contributions, even among Roman Catholics, and the late Mr. O'Connell was one of those who subscribed to it. Well, the Archdeacon of Dublin, who is the rector, wanted to bring it under the national system, but the parishioners interposed. Now this school got no assistance from the grant; and why? Because every child was taught to read the Scriptures. And the rector was obliged to appeal for its support to the friends of unrestricted Scriptural education. So far as to the injustice of your system. Now a word as to its policy. You heard the instructive statistics quoted by my hon. Friend (Mr. Hamilton) as to the increase of ignorance in the districts in which the national schools have multiplied. Why, that is explained in the evidence. The fact is, the national schools are used sometimes to obstruct education. Mr. Macdonnell, the Commissioner, stated:—

> "We do not consider the existence of a Church education school any reason for our not giving a grant to an applicant for a national school, for the moral education of the people requires to be free from all suspicion of proselytism; and if in a particular neighbourhood they are not satisfied with having a Church education school, under a patron teaching a different religion from their own, we wish to establish a national school in the neighbourhood; and we consider ourselves bound, if we have the means, to establish a national school there to give an education free from proselytism."

So, whenever the priests are pressed, they set up a national school to take away the children from the Church schools; and by giving little or none of good general education, they rather obstruct education than promote it. The evidence of the Archdeacon of Meath shows that the source of all the mischief is the rule of the Board as to religious instruction. If you had the schools working in connection with the Protestant gentry and clergy, the effect would be to elevate the system of education, and greatly improve and extend it. Upon this subject the evidence of Mr. Buxton is most remarkable, for he states that he was at first opposed to the change asked for by the Protestant clergy; but he went into the question carefully, and found that their claim was just, and that the change proposed would have the effect of greatly improving the quality of the education, and of extending the system and making it truly national. It would not discourage any school now in connection with the Board under the non-vested system. No additional restrictions are proposed. If you have schools willing to submit to the present regulations we do not propose to add any, which can interfere with conscience. And how could such a change disturb the present system as to schools which now submit to it? It may be said that it will give a benefit to the Protestants, and that the Roman Catholics will consider that as a disadvantage to themselves. No doubt. Let us look at it in the light of truth and justice. We have two rival Churches in Ireland. There is no use in trying to disguise the fact of their rivalry. Let us not talk sentiment about it. You talk about education based on religion; but can you have a combined system of education any more than a compound religion, except in the way which my right hon. Friend proposes? And if you are to encourage a united religious education, what is the best principle for it? The right hon. Gentleman (Mr. Horsman) has quoted the opinions of public men about it; and he has read the clergy of Ireland rather a saucy lecture for their unreasonable zeal in upholding Scriptural education. I will read the opinion of a member of the present Cabinet, delivered in 1855:—

> "The Duke of Argyll said the Society should be looked upon, not only as practically undertaking certain operations connected with education, but as the monument and standard of certain great principles. So far from believing that those principles were less appreciated by the public than hitherto, he believed that public opinion was every day more and more tending to some such practical solution as had been long offered by the Society's rules. It must be very gratifying to the friends of education that there were in the present Session no less than five or six different Bills on the subject, competing with each other for the support of the representatives of the people in Parliament. No opportunity of discussing educational principles should be lost, because he believed that the more they were discussed, the smaller those differences which separated the advocates of various schemes would appear. They would, indeed, be found to be differences in theory rather than of any great practical value, and such as might be overcome by the exercise of a little toleration and good sense on the part of the English people. It was a great mistake, for example, to suppose the secular party to be indifferent to religion. He knew many persons who set a very high value upon religious education, but considered the secular to be the only practicable plan, on account of the religious differences existing in the country. His objection to this scheme had more reference to practice than to theory. Its advocates seemed to forget that we had to deal with a vast number of children whose parents and guardians were not in a position to give them that education which it was so difficult to impart in the school. The denominational or sectarian system, as it was sometimes called, would also be objectionable, and would leave a large part of the people uneducated; because, although the parents of the destitute classes might not have any strong religious opinions of their own, yet they belonged nominally, to a very large extent, to some Church or other, and would resent and discountenance any system which imposed absolutely upon their children instruction in a particular form of faith, to which they themselves did not belong. At the same time, it should always be remembered that the denominational system was perfectly consistent with the larger and more liberal view that was being gradually taken by the great religious bodies interested in the education of the young; and he was not sure that it was not owing to the practical operations of this Society that such a pleasing advance was taking place. It was perfectly possible for the various Churches to open their schools to the children of all denominations, and communicate secular instruction, with the option of religious in addition; and he believed that plan was now being very generally adopted. Many parents consequently sent their children to school who would not otherwise do so, and never took the trouble to put a veto upon their being taught religion. There was, however, a third mode, the one adopted by the British and Foreign School Society, and the only one, he thought, upon which secular and religious education could ever be practically joined together on a large scale—that having for its basis the Scriptures, and the Scriptures alone. He was sure that those were in error who held that the Christian religion could not be taught by the Bible alone, but only in the form of catechisms and creeds; and any one who had heard the examination that morning must be convinced that such was not the fact. He thought, therefore, that the system of that society was the only one that could possibly be made the basis of a great and general system of education; and he trusted that the good sense which had prescribed and carried out the original rules of the Society would be reflected in the two Houses of Parliament, so that before the close of another Session some measure might be passed which would overtake the waste places of the country, and educate the poor in a Scriptural and yet liberal manner."

Those are the opinions of the Duke of Argyll! Observe, he takes the secular education with the option of religion; then he takes the denominational; but he says that the third system (which is precisely that of the Church Education Society) is the best of all. Yet, for adhering to that, the best system, the Protestants of Ireland are put in a worse position than Dissenters, Roman Catholics, or Jews. And the noble Lord opposite (Lord J. Russell) has spoken on the subject. He said at a recent meeting of the British and Foreign School Society:—

> "Seeing the divisions of opinion among us—seeing that the Established Church, on the one hand, is not content with schools in which the Church catechism is not taught—seeing that various denominations, on the other hand, are not satisfied with any species of education in which their own peculiar doctrines have not an adequate expression—too many friends of education have concluded that the only mode that can be considered national, and that can unite opinions, is to give only secular instruction, and leave religious instruction to be given by the ministers of

religion. I own that to me," said Lord John, "looking at this as a practical question, innumerable difficulties rise up against the adoption of such a proposition. In the first place, I could not but be struck with the answer of one of the boys at the examination to-day, when he was asked for what purpose the Holy Scriptures were given to mankind, and he answered—'To be the guide of our conduct in life.' Well, now, what an imperfect, what a lame system must that be which proposes, either by state assistance or voluntary effort, to educate the great body of the people of this country, and yet leaves out the knowledge of that which is to guide our conduct in life! Can any omission be more unwise or more fatal to the object we have in view? The children who receive only secular instruction will conclude, most naturally, that they have the sum and substance of that which is most necessary for them. That they might attend religious instruction elsewhere is no doubt possible; but when you consider the time that is taken up at school, and the occupations of the various ministers of religion, you will see that it is hardly possible in practice that in one place children should receive an adequate secular instruction, and that in another place they should find a minister of religion capable of giving them the whole of the instruction which is required for their religious education. If that is the case, and if it is so important that their conduct in life should be regulated, will you give them moral instruction apart from the Bible—apart from any religious sanction? That, again, appears to me to be an equally unwise and an equally fatal course; because, if these precepts of morality—these rules for the guidance of their conduct, have a Divine sanction, it ought to be revealed to them, and the counsel of God should not be withheld."

And the clergy of Ireland are to be reproached for maintaining these very principles! They are to be denied the benefit of the grant because they adhere to the principles of your own Cabinet Ministers. Again, the right hon. Gentleman (Mr. Horsman), after taunting us with holding the vaunted opinions of Members of his own Cabinet, tried to raise a personal question about Lord Derby and myself. Why, Sir, I hope I stand unassailable on that subject; and certainly nothing could have been kinder, or fairer, or more honourable than the conduct of Lord Derby. He did me the honour to offer me office (it was the only favour I have received from any Government), and he said frankly that he knew my opinions upon this question, but that in the first place he would put down the odious practice of bestowing Church patronage as a bribe to induce the clergy to acquiesce in the Government system. That pledge he nobly redeemed. In the next place, the noble Earl said he would leave me free, and would not seek to fetter me; and that he would have a searching inquiry into the system, and endeavour to the utmost to meet the claims of the clergy. Well, Sir, I admit that in the course of that short winter Session—when we were expected to be able to set many things right in the country, whilst all kinds of machinations were going on to turn us out and embarrass us to the utmost—I admit that up to that time the Government of Lord Derby did not see their way to a satisfactory conclusion of the matter. But when the inquiry was afterwards had, and when the whole subject was gone into, and when witnesses had come from all parts of Ireland, and it appeared that what was talked about as being a "united" education, was all moonshine—then, indeed, Lord Derby was satisfied—and from what he heard from the officers of the Board—that what is now proposed by the present Motion would really carry out his plan, and enlarge and extend it, and make it truly national; and then the noble Earl said most fairly and honourably that the system ought to be altered. Sir, let not this be made a party or personal question. We ought, for the good of the nation, to seek to improve the educational system, and bring into co-operation the Protestant clergy and gentry of the country. Is it no object to carry them with you? If you make this professedly national system dependent upon the exclusion of the Protestants, you may drive them more and more into open opposition. And I think they ought never to submit to their exclusion; it is so gross and palpable an injustice that they should be put in a worse position than English Dissenters, Roman Catholics, and Jews. They ought to be in as good a position in regard to this question as their brethren in England. Why should a poor Protestant in Ireland not be enabled to obtain for his child as freely and as fully a sound Protestant education, as he can in this country? Why is it that in a non-vested school the parent cannot secure a Scriptural education for his child according to his conscience? It is idle to say that it is a system equal in its operation, when it fits one class who can take advantage of it, but gives not to another that religious element of education which we believe peculiarly necessary, because we hold that religion is not merely the basis, but the essence of education. When you say that there is the same rule for all, you might as well tell the Jew seeking to enter this House that there is the same oath for all; there is the same rule, but it is so framed as to exclude the faithful Protestant. It is so framed as to include the Roman Catholics, but exclude the Protestants. Sir, believing that the redress we seek has justice and policy on its side, that it would at once improve and extend the system of education, and make it really "national," and seeing that our proposal is founded upon principles put forth even by Members of the Government, I hope that they will have the grace and justice to recognise our claim.

MR. DEASY said, that the right hon. Gentleman (Mr. Walpole) had alleged that the Protestant clergy of Ireland were precluded by the present system from giving that religious instruction to the youth of their flocks, which they conscientiously believed it their duty to impart, yet he had failed to adduce a single rule of the Board imposing any restriction of the character thus complained of. The real grievance—if grievance it were—of the Protestant clergy was, not that they could not teach their religious tenets to the children of their own persuasion, but that they were not permitted to force instruction in those tenets upon the children of parents who conscientiously dissented from them. That was the true ground of controversy on this subject; and if the House acceded to this Motion, it would take a second step in that retrograde policy of which the recent Vote on the Maynooth question was the commencement. The object of the present Motion was to remove and conciliate the scruples of a large portion of the Protestant clergy of Ireland —men who had consistently opposed the national system, and whose consistency he respected; but after the most careful consideration he had arrived at the conclusion that those scruples could only be removed at the expense of an invasion of the scruples of others. Was it consistent with the maintenance of the national system to conciliate those scruples? The Bishop of Ossory had himself laid down that the inevitable consequence of such a change as was involved in this Resolution would be to produce a complete revolution in the national system of education in Ireland. Even the right hon. and learned Gentleman himself, when Home Secretary, did not think it consistent with his duty to propose such a change; the then Prime Minister (the Earl of Derby) declared it would be destructive to the national system, and injurious to the interests of Ireland; the noble Lord (Lord Naas), then Secretary for Ireland, and the noble Earl (the Earl of Eglinton), who administered an unpopular Government with great popularity, entertained similar opinions. It had been said truly that such a change would in all probability lead to an utter exclusion of religious teaching from the system of education to be adopted in Ireland. They had all heard about "Godless colleges;" but he thought that the withdrawal of all control from religious teaching would prove a system much more worthy of the epithet "Godless" than any other. The only other system that could be adopted was that of separate grants, which had been denounced by the Bishops of Ossory and Limerick as destructive to the Protestantism of Ireland, and certainly the experience of Parliament in the case of the Maynooth grant did not warrant any extension of that system. The right hon. Gentleman (Mr. Walpole) had said that the present system had failed as a system of united education; and to some extent that observation was well founded, for in the majority of schools the education was a separate education. But this tendency to separate education had been promoted by the opposition of the clergy in carrying out their own scruples; the majority exercised an indefinable influence over the minority, and it was the tendency of the majority to be exclusive. One main objection to the adoption of the right hon. Gentleman's Motion was, that it would increase the tendencies to proselytism—tendencies which were unfortunately too strong in Ireland at present. A large and influential class in this country firmly believed that the social and moral prosperity of Ireland would be best promoted by eradicating the Roman Catholic religion, and this class of persons had possession of great pecuniary resources, and were actuated by a zeal which often led them to forget what was due to the conscientious convictions of others. From this tendency the Church Education Society was by no means free; and such a tendency must be indefinitely increased by the adoption of the system recommended by the right hon. Gentleman. Now, he asked that Parliament should at least be neutral in the contest between the Churches. Let not the gold of the Treasury be flung into the scale against the Roman Catholics. Before the House acceded to the proposition of the right hon. Gentleman let them reflect upon the mighty consequences which would result from such a policy—consequences which would be felt not alone at the present moment, but in far distant times. Hon. Members should consider that they were dealing with, perhaps, the only institution of British origin that had thriven and grown in Irish soil—the only institution in which the Irish people had placed any degree of confidence. With that institution, meriting and receiving as it did the support of the Irish people, the name of Stanley was indissolubly connected; yet now the institution was assailed in its new foundations by one who had been the colleague of Lord Derby, and was still his ally. He trusted that the possessor of the honoured name of Stanley now in the House of Commons would record his vote in favour of the system which his father had originated. In conclusion, he hoped the House would act upon the maxim *quieta non movere*, would not disturb the tranquillity of Ireland, would not infuse another element of discord into that long distracted land, would not interfere with or interrupt the working of an institution which, whatever fault might be found with it, at least bestowed the inestimable benefits of moral, literary, religious, industrial education, upon 550,000 young minds, and which would yet distribute those benefits among millions now unborn.

Mr. DE VERE, amidst loud cries for a division, moved the adjournment of the debate.

Mr. DISRAELI hoped the hon. Member would remember that they were now in the middle of the month of June, and that although the subject might not have been discussed at great length, it had been discussed with great ability. He trusted that by pressing a Motion for the adjournment, the hon. Member would not defeat the prospect of a decision on the main question.

Motion made and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 32; Noes 184: Majority 152.

After a few words from Sir John FitzGerald, which were quite inaudible,

Main Question put.

The House *divided*:—Ayes 113; Noes 103: Majority 10.

### *List of the* Ayes.

Adderley, C. B.
Alexander, J.
Archdall, Capt. M.
Bennet, P.
Bernard, Visct.
Blackburn, P.
Boldero, Col.
Bramston, T. W.
Buck, Col.
Buller, Sir J. Y.
Bunbury, W. B. M'C.
Burrowes, R.
Butt, I.
Cairns, H. M'C.

Child, S.
Cholmondeley, Lord H.
Christy, S.
Cocks, T. S.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Conolly, T.
Corry, rt. hon. H. L.
Cubitt, Mr. Ald.
Davison, R.
Disraeli, rt. hon. B.
Duncombe, hon. Col.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Farnham, E. B.
Fellowes, E.
Floyer, J.
Forster, Sir G.
Franklyn, G. W.
Frewen, C. H.
George, J.
Graham, Lord M. W.
Greenall, G.
Grogan, E.
Guinness, R. S.
Gwyn, H.
Hamilton, Lord C.
Hardinge, hon. C. S.
Hardy, G.
Herbert, Sir T.
Hill, Lord A. E.
Holford, R. S.
Hume, W. F.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Jones, Adm.
Kendall, N.
Kinnaird, hon. A. F.
Lacon, Sir E.
Leslie, C. P.
Lindsay, hon. Col.
Lockhart, W.
Lushington, C. M.
Macartney, G.
MacGregor, J.
Malins, R.
March, Earl of
Maxwell, hon. Col.
Michell, W.
Montgomery, H. L.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Mowbray, J. R.
Mullings, J. R.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Newdegate, C. N.
Northcote, Sir S. H.
Pakenham, T. H.
Palmer, R.
Robertson, P. F.
Rushout, G.
Rust, J.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Major
Smollett, A.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Starkie, Le G. N.
Stracey, Sir H. J.
Stewart, Sir M. R. S.
Stuart, Capt.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Vernon, L. V.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Warner, E.
Warren, S.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, T. P.
Wyndham, Gen.
Wynn, Lieut. Col.
Wynne, rt. hon. J.

TELLERS.

Heathcote, Sir W.
Hamilton, G. A.

### *List of the* Noes.

Agnew, Sir A.
Antrobus, E.
Baines, rt. hon. M. T.
Ball, J.
Bass, M. T.
Beamish, F. B.
Bellew, T. A.
Berkeley, F. W. F.
Bethell, Sir R.
Black, A.
Bland, L. H.
Bowyer, G.
Brady, J.
Brand, hon. H.
Burke, Sir T. J.
Byng, hon. G. H. C.
Cobbett, J. M.
Cockburne, Sir A. J. E.
Corbally, M. E.
Cowan, C.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Deasy, R.
Denison, J. E.
De Vere, S. E.
Dillwyn, L. L.
Duncan, Visct.
Duncan, G.
Esmonde, J.
Fagan, W.
Fenwick, H.
Ferguson, Sir R.
FitzGerald, Sir J.
FitzGerald, J. D.
Fitzwilliam, hon. G. W.
Forster, C.
Fox, W. J.
Gallwey, Sir W. P.

Gladstone, rt. hon. W.
Glyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Hadfield, G.
Hastie, Alex.
Heard, J. A.
Heywood, J.
Holland, E.
Horsman, rt. hon. E.
Howard, Lord E.
Hughes, H. G.
Hutchins, E. J.
Ingham, R.
Keating, R.
Kennedy, T.
Kershaw, J.
Kirk, W.
Labouchere, rt. hon. H.
Luce, T.
MacEvoy, E.
M'Cann, J.
Magan, W. H.
Maguire, J. F.
Martin, P. W.
Milligan, R.
Milnes, R. M.
Moore, G. H.
Morris, D.
Murrough, J. P.
North, F.
O'Brien, P.
O'Brien, J.
O'Connell, Capt. J.
O'Flaherty, A.
Palmerston, Visct.
Peel, Sir R.
Pilkington, J.
Pollard-Urquhart, W.
Price, Sir R.
Price, W. P.
Ramsden, Sir J. W.
Ricardo, S.
Ridley, G.
Sawle, C. B. G.
Scully, F.
Seymour, H. D.
Smith, rt. hon. R. V.
Stanley, Lord
Stanley, hon. W. O.
Steel, J.
Talbot, C. R. M.
Thompson, G.
Thornhill, W. P.
Tite, W.
Walmsley, Sir J.
Wells, W.
Wickham, H. W.
Wilson, J.
Wood, rt. hon. Sir C.
Wrightson, W. B.

TELLERS.

Hayter, rt. hon. W. G.
Monck, Visct.

Address to be presented by Privy Councillors.

The House adjourned at a Quarter after One o'clock.

## HOUSE OF COMMONS,

*Wednesday, June* 18, 1856.

MINUTES.] PUBLIC BILLS.—2° Procedure before Justices (Scotland).
3° Survey of Great Britain, &c.

### NAWAB OF SURAT TREATY BILL.

On the Order of the Day for the Further Proceeding on Consideration of this Bill,

SIR WILLIAM SOMERVILLE moved that the Order of the Day be postponed.

SIR FITZROY KELLY said, as he had not received the slightest intimation from the right hon. Baronet as to his intention of moving the postponement of the Order, and as he had not condescended to give any reasons for his Motion, he (Sir F. Kelly) would take leave to proceed at once with the arguments in this case, with the conduct of which he was charged. [The hon. and learned Gentleman then entered at considerable length into a history of the matter, and reiterated many of the arguments which he had used on last Wednesday when the Bill was under discussion.] The object of the measure was simply to compel the East India Company to pay to the Nawab of Surat or his heirs an annuity of £15,000, which he contended they had solemnly contracted to do by a treaty which they entered into with the Nawab when taking possession of the Prince's territories and revenues. He trusted that upon a calm consideration of the case, during the week's interval that had taken place since the question was before the House, the right hon. Gentleman the President of the Board of Control was now prepared to come forward and admit that the honour of the country was concerned in this matter, and that the Government felt that justice demanded that this engagement entered into by the East India Company should be faithfully kept. He should, therefore, move that the Bill be read a third time.

SIR HENRY WILLOUGHBY said, that a great portion of the evidence had not yet been printed, and, therefore, the whole case was not before the House. It was most absurd to attempt to discuss the question when the evidence only on one side was before them. He trusted that the debate would be adjourned for a week.

MR. VERNON SMITH said, he had on Wednesday last asked the House to adjourn the consideration of the Bill for a week to allow of the Minutes of Evidence taken before the Select Committee being laid upon the table. By some mistake, to his astonishment, the case for the promoters was fully given, while that of the Directors was only specified in an index. The Chairman of the Committee, the right hon. Member for Oxford (Mr. Cardwell), who was not responsible for the defect, undertook to get it remedied, but the last paper was only placed in his hands when on his way to the House. Having, however, pledged himself to state his opinion, he should do so and leave it to the House to determine whether they would proceed further with their deliberation on the question to-day or not. He was bound to state, on behalf of the Court of Directors, that they had displayed the utmost anxiety to do what was right among these parties, and had not the least intention to inflict injustice from motives of self-interest. The position of the Bill was singular. By the authority of Mr. Speaker, it was decided to be in the nature of a Private Bill. He did not therefore oppose the second reading. It was referred to a Private Bill Committee, and the only doubt he had was whether it would not have been more advisable to refer it to what was called a Mixed Committee. The Committee to which it was referred was composed of five Gentlemen of high standing and great legal ability, and consequently the Bill received, in his view, too much of the construction of a legal document. He thought the Committee had limited their functions more than was intended. Having stated their decision upon the question of the private estate and passed the Bill as it stood, the Committee remitted to the House the consideration of the public question without giving any clue by which it should be guided. A Private Bill Committee was of all tribunals the most objectionable, for, although in theory such a Committee might discuss questions with deliberation and judgment, in practice it was found that the more common course was to make private business a matter of canvass. Under the sanction of the office which he had the honour to hold, the Court of Directors were entrusted with the government of India, and if persons, offended by any treaty or act of the Indian Government, were to come over to this country, and prosecute their claims by canvass and introducing Private Bills into Parliament, it would be one of the most objectionable systems they could by any possibility countenance. Speaking generally, it was perfectly notorious that the princes of India entertained very strong notions that everything was to be done by "kutput," and the House of Commons ought, by every means in their power, to discourage the practice of private solicitation in such matters. The question had been stated to be a merely legal question, but upon that depended the whole issue. Now, he decidedly held a contrary opinion. The public question resolved itself into two points—the title to the Nawabship and the annual stipend. The right to the Nawabship was, as he understood, completely given up by the present claimant, but there was an incidental question of inheritance. There could be no doubt that the Nawabship of Surat was in the hands of the East India Company to bestow upon whom they pleased. That certainly was the opinion of Lord Wellesley, of Governor Sir George Arthur, and of Lord Ellenborough. The argument that settled that question was, that the East India Company might have appointed the Bukshee as Nawab, and, if they had appointed him and given him the stipend of £15,000 per annum, could it have been said that the daughter or granddaughter of the Nawab was also entitled to that stipend? The question was, whether the stipend was to be given to the heirs of the body or to successors? The hon. and learned Gentleman (Sir F. Kelly) had omitted the word "successors" in the treaty, and yet that word governed the whole. The treaty was one between the Nawab of Surat, his heirs and successors, and the heirs must be successors as well as heirs. It was fair to say, therefore, that the heirs succeeding to the stipend should be successors to the Nawabship. Now, he must warn the House that there were other parties in the shade who did not appear before that House, but whose interests Parliament was bound to protect as well as the interests of those who came to this country and made themselves popular among Members of Parliament. [Sir F. KELLY: They may appear before the Privy Council.] He was aware of that, but their appearance in this country and before such a tribunal was much less easy than that of the wealthier heirs. With regard to the stipend, although the East India Government had a right to dispose of it as they thought fit, he would admit that it had never been the custom of the East India Company to deal otherwise than most liberally with the families of the native princes. The Bombay Government proposed to make these parties an allowance of 12,000 rupees a year at first. He thought this had been since increased and a case had been made out for dealing with them even more liberally, but the proposal he had to make was to be understood as consequent upon the withdrawal of the Bill. He considered a Private Bill the worst mode of dealing with the question, and the House would be doing the greatest possible mischief to the public service, if such claims upon the public revenues of India were to be made in Private Bills. It should be recollected that such claims really concerned the revenues of the Crown, of which the Directors of the East India Company were trustees for the benefit of the people of India, and he might have to discuss hereafter whether the Standing Orders ought not to be altered, so as to give the Indian revenues the same protection which the revenues of the Crown enjoyed in similar cases. As a Private Bill he should oppose the present measure; but if the Bill were withdrawn, he would undertake that the whole of the pension should be given to the descendants of the Nawab for the lives of the persons interested, to be distributed in the manner settled by the Government of Bombay. He did not propose that this allowance should be made perpetual to the families of the parties, because no benefit could possibly arise from maintaining a set of gentlemen for ever in pomp and luxury. Instead of becoming good citizens, they would probably become bad mock kings, the focuses of internal agitation, dissolute and unhappy in themselves, and cherishing hopes which could never be realised. He saw no reason, therefore, why those allowances should be granted in perpetuity. The offer of an allowance for the lives of the parties was, he thought, one of great liberality on the part of the East India Government, and perhaps the wisest course would be to adjourn the consideration of the question, so that the individual concerned might have an opportunity of reflecting whether he would accept the offer now made to him. If he should determine to persevere with this Private Bill, then, considering it to be unconstitutional, unwise, and improper, he (Mr. V. Smith) would take a division against it. The House must, however, remember that this was not a payment from a private fund, but from the revenues derived from the ryots of India. When the House was told, therefore, to compassionate the distress of this gentleman, he might appeal, if he chose, to the condition of those who would have to pay a person infinitely wealthier than themselves. He would now leave the question in the hands of the House, but he hoped the hon. and learned Gentleman (Sir F. Kelly) would fix such a day for the further consideration of this question, as would enable his clients to consider this proposal, which he hoped, as well upon their own account as for the constitutional question involved, they would be prepared to accept.

SIR FITZROY KELLY said, he must beg to correct an error into which the right hon. Gentleman had fallen in calling the applicant his (Sir F. Kelly's) "client." He begged to inform the right hon. Gentleman that he had undertaken to forward this claim as an independent Member of Parliament, from a conviction that it was a just and well-founded one. He and the applicant could not stand in the relation of counsel and client. He could not accede to the proposal made by the right hon. Gentleman on behalf of the Indian Government.

MR. CARDWELL said, the right hon. Gentleman the President of the Board of Control had objected to the form and constitution of the Committee, of which he, Mr. Cardwell, was chairman, and also to the limited functions which they had prescribed for themselves. He quite agreed with the right hon. Gentleman that the treaty part of this question ought not to have been left to the Committee on a Private Bill chosen by the Committee of Selection. That certainly was not the proper tribunal before which the matter should have gone. However, the officers of the House had no choice, and could do no otherwise than they had done, but there was an individual who had the power of remitting the question to another tribunal, and that was the President of the Board of Control. He might have taken the opinion of the Law Officers of the Crown, and he might then have stated his impressions to the House, or he might have availed himself of a clause in the Privy Council Act, and referred the matter to the consideration of a Committee of the Privy Council. The public part of the question ought to have been referred to an ordinary Select Committee, and the private question of property might have been referred to a Private Bill Committee. But when the subject was referred to the Private Bill Committee, after the Bill had been read a second time, their course was to deal with it as they thought best, and they did so by dealing in the usual way with the private question, and they reported specially on the public part of the question; and he would appeal to the House whether that, the unanimous decision of the Committee, was not the best course they could have taken? It was argued on the one side that the Nawabship of Surat became hereditary in 1800, by an agreement then made for the first time; and on the other side it was stated that the Nawabship was hereditary up to 1800, and that by the deed of alienation, called the treaty of 1800, it ceased to be hereditary, and had, in fact, never been hereditary since that time. It was, he thought, clear that before the year 1800 the East India Company did consider that they had vested in them the rights of the Court of Delhi, and that they had the power of disposing of the Nawabship as they pleased. But it was also clear that from the year 1759 down to 1800 there had never been an instance in which the line of hereditary succession had not been scrupulously observed; and it was also proved that when the Bombay Government proposed in the year 1792 to dispose of the succession as they pleased, and the question was referred to Lord Cornwallis, he said that the eldest son of the deceased Nawab had a claim by hereditary title, and he consequently acknowledged that claim. On the next vacancy in the Nawabship, the hereditary heir attempted to ascend the throne, but Lord Wellesley determined to take the Government of Surat into his own hands, and he sent Governor Duncan to Surat with an armed force, and with instructions that if Nasr-ud-Deen would not ratify the articles of agreement sent with Governor Duncan, the Nawabship was to be given to some one else. The real meaning of those instructions was—"Take possession of the power of Surat by treaty if you can; by force, if by treaty you cannot." The Nawab executed the articles of agreement submitted to him by Governor Duncan, on representations which the Governor had prudently left upon record, and which had on a previous occasion been detailed to the House. The Governor pointed out to the Nawab's agent the expediency of the Nawab's cheerful acquiescence in the treaty, as it would give him and his family from generation to generation a greater security than they had yet had of an honourable provision. He added that the Company, which had never failed in a strict adherence to its engagements, would now become bound in perpetuity to support the Nawab and his family. On another occasion, when the Nawab's chief objection to the treaty seemed to be the omission of the words "for ever" after "heirs" in the 4th Article, the Governor assured the agent that a stipulation for a stipend for a man and his heirs meant that it was to continue for ever, or until the heirs became extinct. It was under those circumstances that the treaty was signed. With regard to the interpretation of the treaty, there could be no doubt that, if it were regarded as an agreement between private parties, there being no words of limitation to control the word "heirs," that word must be construed generally, and the agreement must not be regarded as limited to a particular class of heirs. He would next show in what manner the agreement had been acted upon. Nasr-ud-Deen died in the year 1821, and was succeeded by his son, who clearly could not have inherited the Nawabship without the concurrence of the Company. The widow of Nasr-ud-Deen then applied for a portion of the annuity on the ground that it was separate from the Nawabship, but the Bombay Government declined to put that construction upon the treaty, and the matter ended by the son giving the mother an allowance equivalent to the portion she had claimed. The son of Nasr-ud-Deen dying in 1842, the male heirs became extinct, and the promoter of the present Bill, who had married a daughter, claimed by right of inheritance the dignity of Nawab, together with the annuity. Now, what view did the officers of the Indian Government take with regard to that claim? Mr. Elliot, the resident at Surat, dealt with the annuity as a continuing annuity, and apportioned it among the persons who, he thought, were entitled to it. The opinions both of Mr. Elliot and of Mr. Blane were laid before Sir George Arthur, who, after a full review of the case, came to the conclusion that "the Government was bound in honour, equity, and good faith to continue the stipend." Sir George Anderson, also, who had formerly held the situation of Judge at Surat, although he doubted whether at the time the treaty was signed the contingency of the lapse of the Nawabship was contemplated, thought that, according to the words of the treaty, the heirs, while any remained, were entitled to receive the annual stipend. The Government of India, however, took a different view of the case, but he cast no imputation either on the Government or on the East India Company for the conclusion at which they had arrived; they were supported by strong authority, and they had no interest on either side. The power of the Company to determine the Nawabship, on the death of Nasr-ud-deen, had been used as an argument in favour of their construction, but it appeared to him to bear the other way, because it could not have been intended to make a grant in perpetuity contingent upon an office about which there was no element of perpetuity. He had now stated the grounds upon which the Committee had decided, regarding the treaty as an agreement between private parties; but he doubted whether he could have consented to treat this as a Private Bill if there had been no opportunity of obtaining the decision of the House upon the great constitutional questions which it involved. He would now state in what manner he thought the matter ought to be settled. Agreeing with Sir George Anderson that the failure of male heirs was not contemplated at the time of the agreement, he thought the agreement ought to be interpreted by the words which had been used, and the stipend dealt with as an hereditary pension. It was, however, a question whether that part of it which was evidently intended to meet an expenditure which now no longer existed—the office of Nawab having been abolished—ought not to be retrenched. But, as it was by no means clear who were the heirs of the Nawab—as it was uncertain whether the promoter of this Bill would have any interest in the pension, supposing it to be hereditary, the money ought to be placed in the hands of trustees, there to remain until that question had been decided. He would now leave the House to deal with the matter in the manner they thought most consistent with the justice of the case, the rights of individuals, the dignity of the British Crown, and the honour of the British name.

MR. NAPIER said, that as a Member of the Committee, he had carefully examined the whole case, and was perfectly satisfied that there had never been a juster claim set up than that of the promoter of this Bill. In his opinion the original treaty was accurately worded, and there could not be the slightest doubt as to its construction, or that it conferred an annuity in fee on the Nawab without any limitation or relation to the continuance of the Nawabship. That was the construction which had been put upon the treaty by Sir George Arthur and Sir George Anderson, and he was quite sure it was the right one. The present claimant had now been fourteen years—half his lifetime—prosecuting his claim, and it was time that the question should be finally settled. The East India Company had been for that period trustees of this pension, and they ought to be compelled to give an account of its appropriation. By the Act of Parliament the right of appeal to the Privy Council in this particular case had been taken away, and one object of the Bill now before the House was to bring the decision of the Government at Bombay with respect to the heirship to the Nawabship before the Judicial Committee, and to have it determined whether that decision was in conformity with law or not.

MR. MANGLES said, that, after careful deliberation, he had come to a conclusion on this question totally opposite to that formed by the right hon. and learned Gentleman who had just addressed the House. The Court of Directors of the East India Company had not the smallest personal interest in this matter, and their opinion on the subject was as honestly and conscientiously entertained, and was entitled to the same degree of respect, as the opinion of those who supported the present Bill. The East India Company were trustees for the public of the revenues of India, and were bound to do everything in their power against attempts to appropriate it. The only question to be determined was, whether the stipend was given to the heirs of Nasr-ud-Deen being Nawabs, or to his heirs generally. The merits of the whole matter were to be found in Lord Wellesley's instructions for the conduct of the treaty, that treaty itself, and Governor Duncan's diary of what took place. If all those papers were read in connection with each other, he believed that they would be found to support the view taken by the East India Company. They must be regarded as State papers, and not as mere negotiations between private individuals, and the fair conclusion to be drawn from them was that which had been adopted by successive Governors General of India, by successive Courts of Directors, and by no less than three successive Presidents of the Board of Control. The right hon. Gentleman the Member for Oxford (Mr. Cardwell) admitted that Lord Wellesley fixed the *quantum* of the pension in reference to the continuance of the Nawabship, and for his part he believed that the whole thing was fixed in relation to such continuance. It was manifest that when in the course of the negotiation with Nasr-ud-Deen, Governor Duncan spoke of the perpetuity of the pension, he referred to the future perpetuity of the Nawabship (which had not previously been hereditary) in the family of Nasr-ud-Deen. The sole object of the Company was to protect the revenues of India; but they were willing to place a liberal and kindly interpretation upon the treaty, and to assent to the proposition of the Board of Control.

MR. WIGRAM said, he was opposed to the Motion of the hon. and learned Member for East Suffolk (Sir F. Kelly). If the treaty were looked to it was impossible not to see that it was at least doubtful if the East India Company were not right in the course it had taken. He (Mr. Wigram) objected to the Bill, because there being this reasonable doubt, that the case in question was not foreseen, the pension ought to have terminated with the extinction of the legitimate heirs to the Nawabship. The Bill, moreover, proposed to put an absolute interpretation on the treaty, and to completely shut up the question for ever, by making the pension payable even though the Nawabship was extinguished. He desired to point out that the justice of the case would be met by giving parties claiming a right to a suit in equity on the subject; and he was satisfied a court of justice would put the proper construction on the treaty. If the question was to be treated as a judicial question that was the proper course to take. He was opposed to the Bill on various grounds; amongst others, that it was not a matter to be dealt with by a Bill, but by an Address to the Crown, and he therefore deprecated any Parliamentary enactment on the subject, for the purpose of saddling the revenues of India with an additional burden.

**Mr. G. BUTT** said, he wished to explain that, as a Member of the Committee, the Bill had been framed and settled so as to leave it open to either party to proceed before a judicial tribunal. He would also state that, as the revenues of Surat were now paid to the East India Company, they would pay the amount claimed out of those revenues.

**Mr. DANBY SEYMOUR** said, that the right hon. Gentleman the President of the Board of Control, not thinking it his duty to divide the Bill into two parts, as the right hon. Gentleman suggested that he ought to have done, had left it for the Committee to do, or, at least, to recommend such a course. The right hon. Gentleman had also stated that the Government ought to have referred the matter to the Judicial Committee of the Privy Council. The President of the Board of Control had been anxious to take that course, but he had been informed by the highest judicial authority in the country that it was inadmissible, as the Privy Council had no power to consider the question. The merits of the case having been so fully gone into, it was unnecessary for him to touch upon them, and he would content himself, therefore, with expressing the highest esteem and respect which he entertained for Meer Jaffier personally. He was of an ancient and respectable family, he had no personal interest in this matter, but was merely seeking to do what he conceived to be his duty to his children.

**Mr. CARDWELL** said, he must state, in explanation, that it was not competent for the Committee to divide the Bill into two parts, unless the House had specially instructed them so to do.

The Bill was then ordered to be read a third time.

## OUR RELATIONS WITH THE UNITED STATES—QUESTION.

**Major REED**: I wish, Sir, to ask the hon. Member for Inverness-shire whether, pending negotiations between this country and the United States, he still intends to bring forward the Motion which stands in his name for to-morrow?

**Mr. BAILLIE**: Sir, I am anxious to state, for the convenience of the House, the course which I intend to pursue in reference to the Motion of which I have given notice for to-morrow. Having heard from various quarters that it might be inconvenient to the public service to enter at the present moment upon any discussion of American affairs, I intend to give up that Motion. At the same time, I wish distinctly to state, that I have in no way changed the opinions which I had originally formed upon the subject. They have, on the contrary, only been confirmed by the papers which have been laid on the table by Her Majesty's command, and, if I now withdraw my Motion, I only do so because I would not wish to pursue a course which might be thought to be prejudicial to the public interest.

**Mr. G. H. MOORE**: Sir, I regret exceedingly to hear that the hon. Member for Inverness-shire has abandoned the task which he had undertaken, and which he was so very competent to discharge; and I regret still more to find that hon. Members around him appear to acquiesce in that decision. But though this side of the House may abdicate the functions of an Oppostion, that is no reason why this House should abdicate the functions of Parliament, and I, for one, will certainly not abdicate the privilege of an independent Member, of calling upon the House to give its opinion upon any question on which it may think it expedient for the public service that its opinion should be expressed. I think it is right, Sir, that the sense of the House should be taken on this very important question. I therefore give notice that I shall take the sense of the House upon it on the very first day on which I can obtain an opportunity, and in whatever form I may think most convenient.

## DWELLINGS FOR LABOURING CLASSES (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clause 2. (Tenants' obligations as to defaults).

COLONEL GREVILLE said, he wished to propose an Amendment, the object of which was to dispense with notices to quit.

Amendment proposed, in page 2, line 10, to leave out from the word "landlord," to the word "whenever," in line 24.

Question put, "That the words 'and upon further proof' stand part of the clause."

The Committee *divided* :—Ayes 183; Noes 27: Majority 156.

Clause *agreed to*, as was also Clause 3.

Clause 4, (Outgoing Tenants entitled to Compensation for Crops).

SIR WILLIAM SOMERVILLE said, that the Committee, on a former occasion, struck out the process for the recovery of the rent due from an outgoing tenant, which he wanted the Committee to re-insert as follows—

> "The justices shall, by a distinct order, fix such sum (if any) as they shall think a fair compensation to him for the loss of such crop; and no warrant shall be issued to execute the order for possession until the landlord shall have paid or tendered to the tenant (or allowed him credit for) the sum so fixed by the order for compensation."

Clause *agreed to,* as were also the remaining clauses.

COLONEL GREVILLE said, he would now beg to move the insertion of a clause to the effect that every landlord of any tenement within the Act shall be bound to keep and maintain the said dwelling-house or place of abode in good and tenantable condition and repair; and in case it shall be proved that such dwelling-house or place of abode was, by the landlord's default, unfit for occupation by reason of the want of such repairs, it shall not be lawful for such landlord to recover any rent or compensation for the use and occupation of the said premises during the period of time they were in such state and condition.

Clause *brought up*, and read 1°.

SIR WILLIAM SOMERVILLE said, the clause could not be properly included in the Bill, as the Bill was of limited application, and there being no process in the Bill by which the proposition embodied in the clause could be enforced. If the hon. and gallant Member would bring in a Bill to make his clause of general application he would support it.

MR. G. H. MOORE said, the objection of the right hon. Gentleman was only technical. Surely the premises ought to be kept in tenantable repair, when the landlord possessed such extraordinary and summary powers to enforce his rent.

Question put, "That the clause be read a second time."

The Committee *divided* :—Ayes 39; Noes 154; Majority 115.

COLONEL GREVILLE said, he would now beg to move the insertion of another clause to the following effect—

> "In case any person shall feel aggrieved by any order, decree, or adjudication, to be made by any justices under this Act, it shall be lawful for such person to appeal against the same, and such appeal shall be to the like Court, and subject to the same incidents, and be heard and dealt with in the same manner as an appeal under the twenty-fourth Section of the Petty Sessions (Ireland) Act, 1851, save that in lieu of the seven days' notice of the appellant's intention to prosecute his appeal required by said Act, the appellant shall give notice in writing of his intention to prosecute his appeal to the opposite party five days at least before the commencement of the sessions to which the appeal shall be made, and save that the recognisance to be entered into shall be in the form (B) in the Schedule to this Act annexed, or to the like effect, and that such appeal shall not be dismissed on any point of form."

Clause *brought up*, and read 1°.

SIR WILLIAM SOMERVILLE said, he must oppose the clause, which would go a great way to defeat the object of the Bill. The effect of the clause would be that the landlord would avail himself of the law as it at present stood, where there was no appeal.

MR. M'MAHON said, he should support the clause. The Committee ought to consider the course of legislation the House was carrying by large majorities. The proposed Bill was, in point of fact, a short measure for the eviction of Irish tenantry. On the one side would be two justices (landlords), and on the other the unfortunate cottier tenant. Why should not the poor man have the right of appeal? A house and home was everything to the poor man. If the Committee did not allow this clause to pass, it showed the determination of the House of Commons to favour the eviction of the unfortunate Irish tenantry.

MR. KENNEDY said, he felt called upon to stand up for the poor man's right of appeal, equally with the right enjoyed by the rich man. He hoped the Committee would sustain the reasonable request of the hon. and gallant Member for Longford.

MR. CHICHESTER FORTESCUE said, he should vote for the clause of his hon. and gallant Friend (Colonel Greville), as he wished to avoid the slightest appearance of unfairness towards the poorer tenants. But he must protest against the tone assumed by the hon. and learned Gentleman (Mr. M'Mahon) on all occasions, as if he were the advocate of the Irish tenants, whenever questions affecting landland and tenant were mooted.

MR. J. D. FITZGERALD said, he should give his support to the clause. The dwelling-house of the poor man might be humble, but it was as much to him as the mansion to the nobleman. The Bill would supersede the necessity of the notice to quit, and the matter would go before Justices at petty sessions, who might mistake the law, and which mistake carried with it consequences the most disastrous to the unfortunate tenant. There could be no mischief resulting from the appeal. If the said appeal would neutralise the effects of the Bill, all he could say was, sooner than there should be unjust decisions he would not press the Bill. Every security in the clause was taken that there should not be frivolous appeals. The principle of appeal was guaranteed to the English law wherever the power of summary jurisdiction was conferred.

MR. BUNBURY said, that it was his intention to support the clause of the hon. and gallant Member for Longford. As a magistrate sitting in petty sessions and called upon to decide in a matter relating to the occupation of a tenement, possibly of a brother magistrate, it would afford him consolation to know that his decision could be appealed against. In all such cases the decisions of magistrates should be above suspicion. He should, therefore, vote for the clause.

MR. NAPIER said, if the clause was adopted, his right hon. Friend (Sir W. Somerville) might as well give up his Bill. The main object of the Bill was to give summary power, which could not be done if the right of appeal was conceded.

MR. SERJEANT SHEE said, one of the strongest feelings in the Irish mind was that they could not get justice done to them, and that was the reason why they so often attempted to do themselves justice, and why this country was occasionally shocked by deeds of violence, which were, however, confined to a comparatively small portion of the population. He was, for this reason, in favour of the clause.

CAPTAIN J. O'CONNELL said, he thought that it was essential to have an appeal. He would put it to the right hon. Gentleman (Sir W. Somerville) whether the decided opinion of the first Law Officer of the Crown in Ireland ought not to induce him to pause before opposing the insertion of the clause.

MR. M'MAHON said, if the hon. Member for Louth (Mr. C. Fortescue) had contented himself with supporting the clause instead of also attacking him, he should not have risen, but the hon. Member had attacked him and charged him unfairly with holding himself out on all occasions as the advocate of the tenants of Ireland. He did no such thing, although he represented as large a body of tenants as any Member in that House, and was interested in seeing that no injustice was done to them.

Question put, "That the clause be read a second time."

The Committee *divided*:—Ayes 107; Noes 91: Majority 16.

COLONEL GREVILLE said, he would now beg to move the insertion of the following clause:—

"The landlord of any tenement, or his agent, if justices of the peace, shall not as such take any part in the hearing of any complaint, or in the making of any order, decree, or adjudication under this Act, in relation to such tenement."

SIR WILLIAM SOMERVILLE said, that his only objection to the clause was, that it was unnecessary. The magistrate who could be guilty of anything so unfair and indecent as to sit in judgment on his own case was unworthy of holding Her Majesty's Commission.

MR. H. A. HERBERT said, he approved the principle of the clause, but he must express a hope that English Members would not suppose that it was the practice of magistrates in Ireland to take part in the hearing of their own complaints. He had never heard of such a case.

Clause *agreed to.*

House resumed. Bill *reported* as amended.

## POOR LAW (IRELAND) BILL.

Order for Second Reading read.

MR. NAPIER, in moving the second reading of the Bill, said, that its object was to remedy the defects of the system under which Poor Law elections were at present conducted in Ireland. That system was so faulty, that it afforded unlimited facilities for the commission of frauds and forgeries. At an election of Poor Law Guardians held in Dublin in 1855, no fewer than 800 votes were forged in one Union. Not only were the names of children five years old pressed into this service of imposture, but so, too, were those of persons long since dead, and of others who had never existed. Besides, what made the case worse was, that the law afforded no clue for the discovery of those who had been guilty of such fraudulent practices. It was the more to be regretted as accuracy in the Poor Law rating was a matter of great importance, that rating being the basis of other franchises in Ireland. It was, therefore, with the view of correcting this crying evil that the present measure was prepared. The Bill was founded upon the 7 & 8 *Vict.* c. 101, applicable to England, and substantially embodied the 14th and 15th clauses of that Act. It would enact that no person should be entitled to vote for a greater amount of rent or tithe than the rated value of the property; that none-occupying ratepayers should give a full description of the property in respect of which they claimed to vote, and of their interest therein; that proxies should be limited to five years, and a book of property voters be made out in each Union; that objections to the right to vote might be made in writing, together with other provisions, having for their object the maintenance of the rights of property and the interests of morality. A Session of Parliament ought not to be allowed to pass without measures being adopted to check the startling amount of forgeries and fabrications to which he had referred, and he therefore trusted that he should have the co-operation of the Government in endeavouring to effect so desirable an object.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. J. D. FITZGERALD said, that feeling that the sitting of the House was too near its termination for him to be able to explain his objections to the Bill in detail that day, he would beg to move the adjournment of the debate.

Debate *adjourned.*

## NATIONAL EDUCATION (IRELAND)— QUESTION.

On the Motion that the House do now adjourn,

MR. CHICHESTER FORTESCUE said, he was very anxious before the House adjourned, to put a question to the noble Lord at the head of the Government relative to the Vote to which the House came on the previous night. That Vote was, in his opinion, one of the most unfortunate decisions at which the House had ever arrived, and a day ought not to be suffered to elapse without some notice being taken of it. Its importance could not possibly be exaggerated; for they might depend upon it—in spite of all that had been said last night—that the Address to the Crown which had been adopted, not, he believed, by the deliberate judgment of the House, but, by an accidental majority, so far from involving, as had been represented, only a slight modification in the system of national education established in Ireland, amounted to the direct subversion and reversal of that system. Believing that the House of Commons did not mean to sanction so great a change, he thought it very desirable that they should have another opportunity of considering the question.

SIR WILLIAM JOLLIFFE said, he rose to order. The hon. Gentleman had risen ostensibly to ask a question, but had put none. He had merely animadverted on a former debate, without keeping either to the question before the House or to the inquiry which he perhaps wished to make.

MR. CHICHESTER FORTESCUE said, he only desired to say that it was his intention to submit a Resolution to the House, pledging them to support the national system of education in Ireland as it at present stood; and, being convinced that such a Motion ought, if made at all, to be made on an early day, he felt, as a private Member of that House, that any attempt on his part to obtain a speedy discussion would be futile, unless he had the assistance of the Government. He had, therefore, to ask, whether the noble Lord would give him an early day for the purpose he had indicated?

VISCOUNT PALMERSTON: Sir, I quite concur with my hon. Friend as to the importance of the subject to which our decision of last night related, and also as to the evil effects flowing from that decision. I likewise agree with him, that great advantage might result from the reconsideration of the subject, accompanied by a further expression of the opinion of the House upon it. I believe the decision of last night does not by any means represent the real sentiments of the House of Commons, and that therefore, in a matter of such vital concernment to the people at large, no unnecessary delay should be allowed to take place in enabling this assembly to express its true convictions regarding it. Under these circumstances, I shall be ready to give my hon. Friend, Monday next for the introduction of his Motion.

The House adjourned at ten minutes before Six o'clock.

## HOUSE OF LORDS,

*Thursday, June* 19, 1856.

MINUTES.] PUBLIC BILLS.—1ª Survey of Great Britain, &c.; Grand Juries; Oath of Abjuration Amendment.

2ª West India Loans; Industrial and Provident Societies; Factories.

3ª Sir William Fenwick Williams's Annuity.

### OATH OF ABJURATION AMENDMENT BILL.

THE EARL OF DERBY presented a Bill for amending the Oath of Abjuration. The noble Earl said, that his Amendment of the present Act was confined to striking out all the words which referred to the descendants of James II. He would not ask their Lordships to proceed further with the Bill until the result was known of the debate, which had been fixed for Monday next, on the abolition Bill brought up from the other House. If their Lordships should resolve to adopt the latter he would of course withdraw his Bill; if not, he would ask them to give it a second reading on an early day.

LORD CAMPBELL asked the noble Earl whether he intended to continue the words "upon the true faith of a Christian"?

THE EARL OF DERBY replied, that his Bill was confined to the object he had stated—namely, the Amendment of the Oath of Abjuration by striking out the words referring to the Stuarts.

LORD CAMPBELL suggested to the noble Earl that he might effect his object, which was a very laudable one, by moving an Amendment in Committee to the Bill which was about to come up from the other House.

THE EARL OF DERBY thanked the noble and learned Lord for his suggestion, but he did not think it would be either prudent or politic to adopt it.

Bill read 1ª.

*Viscount Palmerston*

### FACTORIES BILL.

THE EARL OF DERBY said, that, in asking their Lordships to give a second reading to this Bill, which had already passed the House of Commons, and which had there received the sanction of Her Majesty's Government—the more important clauses having, he believed, been framed under the direction of the Home Secretary—it would not be necessary for him to occupy much of their Lordships' time while he explained the main principles of the measure. The main object of the Bill was to relieve the manufacturers from the inconveniences which would result from a construction recently put upon the Factory Amendment Act of 1844—a construction which, carried to its full extent, would in some cases render the operation of the Bill absolutely impracticable, and in others would involve an amount of expenditure, inconvenience, and annoyance for which no corresponding advantage could be derived. While, however, the Bill proposed to give effect to what he believed were the original intentions of the Act of 1844, and to place machinery and mill-gearing, which were now dealt with separately under that Act, precisely under the same conditions; it contained also, provisions which would, he thught, render some of the protective portions of that Act more available than they had hitherto been. He would remind their Lordships that the original Act of 1833 and the Amendment Act of 1844 were intended for the protection of children and young persons in factories. They were protected against over-work, over-hours, against being employed under a proper age, and against various hardships to which they were exposed. After the Act of 1833 came into operation, the factory inspectors continued to report upon the danger which these children ran owing to portions of the machinery not being properly fenced. Many of the manufacturers had of their own accord boxed off the upright shafts, and all those portions of the machinery likely to endanger children and young persons; and by the Act of 1844 that was made compulsory. There was another provision in the Act to this effect—that if the factory inspectors considered any portion of the machinery to be dangerous to the workmen they should give notice to the mill-owner, and the mill-owner, if he thought the requirement of the inspector was unjust, had the option of calling for an arbitration to decide whether or not the inspector's notice should be cancelled. In order to show that the manufacturers did not wish to make this provision a means of escape from the operation of the Bill, he might mention that arbitration had only been resorted to in seventeen instances, and in fourteen out of those seventeen cases a decision had been given against the manufacturer. Now, the same clause which required the fencing of all portions of the machinery with which young persons were likely to come into contact provided that all the mill-gearing should be fenced, and mill-gearing was, in point of fact, interpreted in the Act to mean all the motive power—that was to say, every shaft, every drum and pulley appertaining to the process of manufacture. It was clearly the intention of the framers of the Act that the same principle should be applied to mill-gearing as was applied to machinery—namely, that that with which the operatives came immediately into contact should be absolutely fenced, but that in cases where there was any doubt about the danger, manufacturers were to have the power of calling in arbitrators. By the terms of the Act, however, it was provided that all mill-gearing should be absolutely fenced. So far was this from being the construction put upon the Act by the manufacturers and inspectors that, in a case which was carried into one of the law courts, Mr. Justice Cresswell ruled that where a horizontal shaft, being part of the mill-gearing, was at the height of nine or ten feet from the ground, the very space between it and the heads of those employed below, amounted to the secure fencing required by the Act. The Court of Queen's Bench, however, decided that that was, in point of fact, repealing the Act of Parliament, and that, according to the Act, it was necessary for all the mill-gearing, whether in a dangerous position or not, to be securely fenced. In some cases such fencing was admitted by the factory inspectors to be impossible, and he might mention that there were cases in which the horizontal shafts extended for eight or nine miles, and at a height of nine or ten feet from the ground—a height which precluded the possibility of danger except from straps. Under such circumstances, he would ask their Lordships whether it was reasonable to enforce such an enormous expenditure as would be rendered necessary by the boxing off of that machinery. But the manufacturers did not ask Parliament to exempt this mill-gearing from being fenced. All they wished was, that mill-gearing should be put precisely on the same footing as machinery, namely—that where its position was a dangerous one to children and young persons there its fencing should be absolutely required, but that in other cases the arbitration applicable to machinery should be applicable to mill-gearing. That was, in point of fact, the whole object of the Bill so far as the protection of the manufacturer was concerned. But there was an omission in the Act of 1844 which this Bill was meant to supply. It was remarkable that, though that Act required all mill-gearing to be securely fenced, there was no specific penalty for the neglect of this precaution. There was a penalty of from £5 to £20 for neglect to enclose dangerous machinery, and there was also a penalty for neglect to enclose that portion to which the attention of the manufacturer had been specially directed by the factory inspector, in the event of an arbitration going against the mill-owner, but this was only after some accident had arisen from that neglect. The only clause which applied a penalty to the non-fencing oft he mill-gearing was a subsequent clause, by which it was enacted that, in the case of any offence left unprovided for in the former portion of the Act, a penalty of not less than £2 and not more than £5 was to be inflicted. Practically, therefore, the penalty attaching to the most important offence was the least in amount, and this penalty was only inflicted incidentally. The present Bill was intended to supply that omission. He had already stated that, unless some accident occurred from the neglect of the manufacturer to comply with the recommendations of the inspector after an arbitration had gone against him, no specific penalty was provided. By this Bill it would be enacted that if, within a reasonable time after the arbitration had gone against the manufacturer he failed to comply with the requirements of the inspector, no matter whether an accident had occurred or not, he should be liable to the same penalty as if an accident really had resulted from his neglect. These were the provisions proposed. The Bill in no way infringed upon the protection at present afforded to the operatives; on the contrary, it practically rendered that protection more efficient than before; but it released the manufacturer from a construction of the Act which the inspectors themselves admitted it would be impossible in all cases to act up to. He trusted that, after the explanations he had given, their Lordships would not hesitate to give the Bill a second reading.

LORD CAMPBELL said, the measure met with his entire approbation. The language in the Act of 1844, which the Court of Queen's Bench was called upon to interpret, as alluded to by the noble Earl, appeared to them so plain that they could entertain no doubt about it. The Court decided upon the meaning of the Legislature as contained in the Act, although he did not believe that was the meaning of the framers of the Act.

THE EARL OF SHAFTESBURY owned that it was most important that the question should be settled by the Legislature. He thought some of the clauses considerably limited the right of the operatives to obtain compensation for injuries which they might sustain from coming in contact with the machinery in factories. As he read the 6th clause of the Bill, it limited the operatives to obtaining any compensation for accidents caused by any portion of the machinery, except such portions of it as might be considered dangerous to children and young persons. Now, in the present Factory Act there was no such limitation. All these matters could, however, be discussed in Committee, and he certainly should not oppose the second reading of the Bill.

Bill read 2ª, and *committed* to a Committee of the whole House on *Tuesday* next.

## THE QUEEN'S MESSAGE—THE SARDINIAN LOAN.

Order of the Day for considering Her Majesty's most gracious Message of Monday last read.

Message *considered* accordingly.

THE EARL OF CLARENDON said, in rising, my Lords, to ask your Lordships to agree to a humble Address to be presented to Her Majesty in reply to Her gracious Message, I have to state that the Convention which was laid upon your Lordships' table on Monday last had for its object to fulfil, not perhaps the letter, but certainly the spirit of the treaty concluded between Great Britain and Sardinia in 1855. With regard to that treaty, owing to an accident, for which the Sardinian Government was in no way responsible, a delay had taken place in the exchange of ratifications, and, consequently it was found impossible to bring in a Bill to give effect to it before the Easter of last year. A Bill was brought in after Easter, to which Her Majesty's assent was given on the 26th of April. The terms of that Convention were, that within twelve months the first instalment, £1,000,000, should be paid to Sardinia, and that, in the event of the war continuing, a like sum should be paid in the succeeding year. The first instalment of that loan was applied for on the 26th of April, and was paid on the 3rd of May. The treaty of peace with Russia was signed on the 27th of April—that is, a year and a day after the Royal assent was given to that Bill, and a year and a day after the first instalment had been applied for by the Sardinian Government. If, therefore, that instalment had been paid on the day upon which it was applied for, or if the treaty of peace had been signed two days later, the honour and good faith of this country would have been pledged by the letter of the treaty to pay the second sum of £1,000,000 as a matter of course; and as it is, I think, the country stands equally pledged to do so, if not according to the letter, at least according to the spirit of the treaty. Your Lordships are well aware that the loan was advanced to Sardinia for the sole and exclusive purpose of carrying on the war in which we were then engaged, and your Lordships also know well how great and noble were the exertions made by that country. Sardinia had also made the necessary arrangements, and had incurred the expense of preparation for another campaign in the event of the continuance of the war. It was only the other day, in Paris, that Count Cavour, being desirous that there should be no disguise or concealment about the matter, but that full information should be afforded to Her Majesty's Government with regard to the application of this money, placed in my hands an official statement of the expense which had been incurred by Sardinia, and which amounted to 75,000,000f.—that is to say, to £1,000,000 more than this country will have advanced. I think, therefore, that I need say no more in order to induce your Lordships to ratify the spirit of the contract which we entered into with an Ally whose foreign and domestic policy has recommended itself to all classes, and has excited universal sympathy and admiration. The noble Earl concluded by moving an Address in answer to Her Majesty's gracious Message.

THE EARL OF DERBY: I rise, my Lords, to express my entire concurrence in the Address moved by the noble Earl. If it be the case—and it appears that it is the case—that, according to the letter of the engagement into which we have entered with Sardinia, we might escape the payment of this money, still I think that, under the circumstances of the case, it is perfectly clear that by the spirit of that engagement the honour and good faith of the country are pledged to this advance. I quite concur with the noble Earl in thinking that if there is one country in the world with which we are bound more than with another to observe the most scrupulous good faith, it is a country which, at some risk to herself, came forward in the noble manner in which Sardinia did to take part in the struggle in which we have been engaged, and which, having thus come forward, behaved with the utmost loyalty and good faith and rendered most valuable service ; nor is it her fault that those services were not rendered for a longer period. I must also say that, although such considerations ought not to actuate us in our foreign policy, it is impossible not to feel the deepest interest in the prosperity and wellbeing of Sardinia. Situated in a position of great difficulty, she has known how to introduce a system of government hitherto unknown in Italy, and has established and sustained a representative system and a modified constitutional Government which stand out in bright and striking contrast with the despotism which prevails in some parts of Italy, and with the anarchy and revolutionary spirit in others. I should regret much to see added to the embarrassment of Sardinia a pecuniary embarrassment caused by the failure on the part of this country to discharge to the uttermost, and in the most extended spirit, any obligation into which we have entered.

Address *agreed to, Nemine Dissentiente,* and ordered to be presented to Her Majesty by the Lords with White Staves.

## POLICE (COUNTIES AND BOROUGHS) BILL.

House in Committee according to order.

On Clause 1,

THE EARL OF **ELLENBOROUGH** said, he trusted that the effect of the measure would be to establish a permanent and uniform system of police throughout the country. For many years he had impressed upon the Government the necessity of such a measure, and he had urged it more especially at the commencement of the late war ; because he was confident that the establishment of a police of the description contemplated by the Bill and that of a militia force were two measures which ought to be considered together, and which, so considered, would afford the best source for the recruitment of the army.

LORD **PANMURE** said, that as far as the present Act had been extended, it had worked admirably, and it was desirable that a uniform system of police should be established throughout the country as soon as possible.

VISCOUNT **DUNGANNON** fully admitted that the diffusion of police under a uniform system throughout the country would confer the greatest benefit on the population at large ; but if the law were not made compulsory, there was danger that it would not be put in force.

LORD **CAMPBELL**: The present Bill is compulsory. [Viscount DUNGANNON dissented.] It is, and thecounties must obey it.

VISCOUNT **DUNGANNON**: No.

LORD **CAMPBELL**: The measure is compulsory and they must and shall obey it. Wherever the police had been fully established in counties, he could bear judicial testimony to the decrease of crime. On the first occasion on which he visited Huntingdonshire, which had formerly been considered almost immaculate, he was surprised to find such a very heavy calendar. On making inquiries he found that all the surrounding counties had established a rural police, but that in Huntingdonshire there was nothing of the kind, the consequence of which was that the thieves and burglars of that part of the country all congregated in Huntingdonshire as their head quarters, whence they sallied forth to the adjacent counties, to be brought back ultimately to Huntingdon. He remonstrated with the grand jury on the subject, and the result was the establishment of a rural police, which remedied the evil.

Clause *agreed to.*

Clauses 2 to 10 *agreed to.*

Clause 11 postponed, on Motion of Earl POWIS.

Clause 12 *agreed to.*

Clause 13, (Number of Police to be maintained in each district).

THE EARL OF **ELLENBOROUGH** said, it was provided by the clause that inspectors should be appointed to inquire into the state and efficiency of the police in every county; but by another clause those inspectors were required to "report" whether the police had been maintained in a state of "sufficiency" in point of number and discipline. In the original Act one per 1,000 had been fixed upon as the proportion of police to population; but it was impossible to say what should be the actual number of police in any particular district without taking into account its position and circumstances. What the Government wanted was a "sufficient" police, and he would suggest that the clause should be so altered as to bring the subject-matter of inquiry into harmony with what the inspectors were required to report upon.

Lord PANMURE justified the wording of the clause, the object of which was different from that of the 14th clause, which described under what circumstances grants on account of the borough and county police should be made from the public funds, and those grants were not to be made unless the Home Secretary was satisfied that the numbers of police maintained were sufficient for the requirements of the district.

After a few words from Earl Fortescue and the Earl of Derby, the words "numbers and discipline" were inserted; and clause *agreed to.*

Clause 14, (Proportion of Expense to be contributed by the Treasury).

The Earl of ELLENBOROUGH said, they had been told by a noble and learned Lord that this Bill was compulsory; but he should like to know in what manner counties could be compelled to carry it out. This clause did not appear to him to be compulsory, but held out an inducement. Did they expect that any county would incur a great expense merely on account of the inducement here held out of one-fourth being paid from another source? He did not think his county (Gloucestershire) would be tempted by the offer.

Lord CAMPBELL, in reply to the noble Earl, had only to say that if the justices neglected to do a certain act which they were commanded to do by Parliament, and if the noble Earl would apply to the Court of Queen's Bench on the subject, the Court would grant a *mandamus*, and if they disobeyed that, then it would send them all to Gloucester gaol.

The Earl of ELLENBOROUGH: You could compel them to form a police, but you could not compel them even by this bribe of one-fourth to make an efficient police.

The clause was then *agreed to.*

The other clauses *agreed to.*

Amendments made.

The Report thereof to be received on *Tuesday* next.

## REFORMATORY AND INDUSTRIAL SCHOOLS BILL.

Amendments *reported* (according to Order).

The Bishop of OXFORD moved an Amendment to the fifth clause—a power to the magistrates to send the juvenile offenders to the schools without sending them to prison. The prison might be full, and at all events it seemed absurd to send the boys to the contamination of a gaol before commencing the process of reformation. The effect of the clause would be that the magistrates might commute the sentence of imprisonment in a gaol to confinement in the school.

Lord RAVENSWORTH said, he had had no notice of the Amendment, which was one of great importance. The main feature of the Bill was, that it abstained from introducing any new principle; and surely no new principle should be introduced without any notice, especially one so important. The question whether magistrates should have power to send boys at once to the schools, without sentencing them to imprisonment, had been much mooted.

The Bishop of OXFORD said, he would move his Amendment on the third reading.

Lord RAVENSWORTH said, the question was certainly one of great interest, and well worthy of consideration.

Amendment (by leave of the House) withdrawn; and Bill to be read 3ᵃ, on *Thursday* the 3rd of *July* next.

## SIR W. FENWICK WILLIAMS'S ANNUITY BILL—DEATH OF CAPTAIN THOMPSON.

On the Order of the Day for the third reading of this Bill,

The Earl of MALMESBURY: My Lords, I wish to say a few words on a subject that will not, I am sure, be regarded as wholly alien to the Bill which is about to be passed with unanimity in this House and satisfaction to the country. I desire to draw your Lordships' attention to a lamentable event which has occurred within the last week. I allude to the death of one of the three gallant British officers who assisted General Williams in the ever-memorable defence of Kars—namely, Major Teesdale, Colonel Lake, and Captain Thompson. The last and youngest of these brave officers, Captain Thompson, after distinguishing himself in India, where he served for ten years, and was wounded in the Burmese war, repaired to Asia Minor, and, as we all know, afforded most material aid in the defence of Kars, and especially in the great victory of the 29th of September. His conduct on that occasion has been specially described by his commander General Williams and by Dr. Sandwith. On his release from captivity, he returned with Colonel Lake to this country about a week ago, expecting, doubtless, to reap those honours which his country is always ready to bestow, and to receive in the bosom of his family those proud congratulations which his fame could not fail to awaken. It did not, however, please the Almighty that he should be thus rewarded; for within four days of his arrival in London, he died in his mother's arms. My Lords, I think I never heard of a more afflicting misfortune than that which has befallen Mrs. Thompson. I believe that if that bereaved Lady could have had her choice, she would have preferred to hear that her brave son had fallen on the field of battle, rather than that he should have expired, as he has done, at the moment when her maternal pride and happiness were about to be consummated by his return to his native land. But, my Lords, it is not to ask you to deplore the loss of this lamented officer that I have risen to address you—indeed, I am not sure that an early and even a premature death need excite deep regret for the sake of the deceased himself, when such an event has closed a life of honour; but I have learnt with great concern, that his mother is not possessed of a fortune that can assure to her those comforts which all must desire that she should enjoy; and if your Lordships will excuse my reading a letter which I have received from an intimate friend of the family, it will explain in a few words the matter which I wish to bring under your notice. This gentleman writes to me as follows:—

> "I feel convinced, knowing the straitened circumstances of his widowed mother, that at least one quarter of her annual income will be swallowed up in meeting the charges attendant upon the illness and funeral of her lamented son; and I can assure your Lordship that so fixed is her income, and so partitioned out to meet the yearly expenses of a large family, that it is with the utmost difficulty that funds can be provided to enable her to go to the seaside, immediately after her son's funeral (which takes place to-morrow), on the physician's recommendation, who says he will not answer for her life, so plunged in grief is she, if she does not get change of air and scene."

My Lords, I am not authorised to appeal to this House or to the Government for anything like charitable assistance for Mrs. Thompson—I do not even know whether or not such a thing would be acceptable to her or her family; but I could not refrain from taking this opportunity to apprise the Government of the circumstances in which this unfortunate lady is placed.

THE MARQUESS OF LANSDOWNE: In the absence of any previous knowledge of the circumstances to which my noble Friend had just adverted, I am not prepared on the part of the Government to give any assurance on the subject to which he has referred. At the same time, I am exceedingly sorry that such a statement should have been made to this House, in terms so just and with a feeling so honourable as that evinced by my noble Friend, without its being possible to give to it an immediate response; neither I, nor those with whom I have the honour to act, being aware of the position of a lady whose affliction must elicit for her the lively sympathy of every one of your Lordships and of the public. My noble Friend has done justice on this sad occasion to the merits of that eminent man, General Williams. That brave officer has, under the peculiar circumstances in which he was placed, had the good fortune, and the glory, I may say, to found a military school. His assistants and pupils have all equally distinguished themselves in their short but brilliant career; and they are, therefore, entitled to the admiration and respect of the country, as well as to the favourable consideration of the Government; and none of these was more distinguished than the gallant officer whose loss we now deplore. Further than this, I cannot go now; and I can only undertake that the circumstances to which my noble Friend has directed attention shall be made known in the proper quarter.

Bill read $3^a$, and *passed.*

House adjourned to Monday next.

## HOUSE OF COMMONS,

*Thursday, June* 19, 1856.

MINUTES.] NEW MEMBER SWORN.—For Leicester, John Biggs, esq.

PUBLIC BILL.—1° Church Building Commission; Corrupt Practices Prevention; Coatham Marriages Validity; Sardinian Loan.

2° Seamen's Savings Banks.

3° Stock-in-Trade Exemption.

### UIVERSITY OF ABERDEEN—QUESTION.

**MR. H. BAILLIE** said, he would beg to ask the right hon. and learned Lord Advocate whether he intended, during the present Session, to press through all its stages his Bill for the union of the colleges of Aberdeen with the University, or whether he only purposed to lay the Bill on the table. It was a question in which his constituents took a great interest, and he thought it would be impossible for any Bill on the subject to receive due consideration at that late period of the Session.

**THE LORD ADVOCATE** said, it had been considered, as he had stated on a former occasion, that the subject had reached that point in which it was ripe for legislation. At the same time, if any material opposition should be offered to the measure being proceeded with, he certainly should not attempt to pass it this Session.

### REGISTRATION OF VOTERS (SCOTLAND) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

**MR. G. DUNDAS** said, he objected to the further progress of the measure because there had been no discussion on the principle of the Bill. The Bill itself had been drawn up in a very hasty and clumsy manner; and, if it were passed into law, it would have a very pernicious and mischievous tendency. He entertained several objections to the Bill; first, as it affected the rights of parties to their property, in virtue of which they claimed to vote. It was an axiom in the Scotch law that no man could prove his ownership in property unless he could produce documentary evidence. But the Bill proposed entirely to do away with that requirement, and made the fact of a person's name appearing in the valuation of the county of a not less value than £10 to entitle such person to be on the registrar of voters. His second objection was, that the Bill imposed duties on the assessor which it would be impossible for him to discharge, while it afforded to the assessor facilities for striking out names from the list of voters, which he considered certainly ought to be retained. It would be most injudicious to place the assessor in a position in which improper actions might be attributed to him. His third objection to the Bill was, that a very great expense would be saddled on the counties. He thought, therefore, he was best consulting the interests of the public by moving that the Bill should be committed that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

**THE LORD ADVOCATE** said, that whatever weight the objections of his hon. Friend might be entiled to might be very properly considered when the House went into Committee; but his present course was neither usual nor convenient. The Bill had been referred to a Select Committee, composed of ten county Members and five borough Members, indifferently chosen from both sides of the House, and the Report of that Committee was unanimously adopted. The understanding, on referring the Bill to the Select Committee, was that it might save the necessity of any lengthened discussion in the Committee of the whole House. He was sorry to find, however, that it was not likely to effect that object. If he, for the present, declined entering into the criticisms of his hon. Friend, he begged it to be understood that it was because he thought the topics to which his hon. Friend had referred could be far better discussed in Committee.

**MR. BLACKBURN** said, that no explanation of the Bill had hitherto been given. The Bill was read a second time at a late hour of the night, without any discussion. For his own part, he was not aware why any such Bill should be passed at all. He did not deny that in Scotland the system of registration, especially in the boroughs, might be amended. The register certainly wanted purging; there was, however, no one sufficiently interested to see that the bad votes were struck off the list, and this Bill would not remedy that evil. Besides, it was impossible that the Bill could be made to apply this year to the counties.

SIR ARCHIBALD CAMPBELL said, the right hon. and learned Lord had complained of the course taken by the hon. Member for Linlithgowshire (Mr. G. Dundas) as being unusual and inconvenient; but he was sorry to say the right hon. and learned Lord was adopting a very unusual and inconvenient course, especially with regard to the Bill now under consideration; for, relying on the numerical strength of the borough Members behind him, he disdained to reply to any arguments that had been opposed to him. The fact was, this was a Reform Bill, and ought to be considered very carefully before it was passed. A measure on this subject ought not to be treated as a matter of theory or speculation, but as one that required a practical knowledge of the working of the registration system. The Bill would introduce great changes in the present law. It was likewise objectionable upon principle. By this Bill a voter might be objected to without any notice being given to him. The assessor would have the power of taking an objection to a voter, and of striking him off the list, unless the voter happened to see the objection and attend to support his vote. Again, the assessor would have the power of placing persons on the list, whether they claimed a right to vote or not. Another great change was, as regarded the title of the voter. Hitherto the voter had been obliged to sustain his own title by proof; but henceforth the mere fact of his name appearing on the valuation roll, which, for many purposes, was a very convenient system in Scotland, was to be taken as a proof of title. The next change proposed by the measure was the throwing of the expense of carrying out the Act upon the county assessment. There was also another great change which would be made by the Bill. At present, if a voter disposed of his property which constituted his qualification before an election, he might be objected to; but by this Bill he would retain a right to vote for a year after he had sold his property. Now, those were matters which ought not to be introduced into a Bill brought forward so late in the Session as the month of May, and to be carried into operation in the month of July. If the right hon. and learned Lord Advocate wished to go into Committee merely for the purpose of making the Bill as perfect as possible, in order that it might be introduced again next year, he would not oppose the Motion that Mr. Speaker leave the chair.

MAJOR CUMMING BRUCE said, he was desirous that a good registration for Scotland should be established, but he must say that the Bill had been introduced in a very hurried manner. If it were desired to make the Bill, as his hon. Friend who had just spoken had said, as perfect as possible, but not to pass it into a law till another Session, then he would not object to the House going into Committee.

MR. BLACK said, he could assure the House that a strong desire existed on the part of the people of Scotland that some such measure as the present should be passed. It would afford a great relief to the constituencies of Scotland, and he believed that the expense of registration would be reduced by one-half.

SIR JAMES FERGUSSON said, he was very anxious not to vote against the right hon. and learned Lord, but on this occasion he should feel himself obliged to do so. He thought the right hon. and learned Lord ought to give some answer to the very strong objections which had been made against the Bill. There was no such principle in England as that of giving a man a vote whether he wished it or not; but by this Bill the assessor would have the power in Scotland to do so. The valuation roll in Scotland was a matter of great convenience in many ways, but it was too much to say that the assessor should make up from that roll a list by which men should be entitled to vote at elections.

SIR GEORGE GREY said, he considered that all those questions might be much better discussed in Committee.

MR. W. LOCKHART said, that the principle contended for was, that the English system of registration should be introduced into Scotland; but the Bill would not effect that object as far as the counties were concerned; he would, therefore, urge upon the right hon. and learned Lord Advocate to postpone the Bill to another Session.

MR. H. BAILLIE said, that as no opportunity had been afforded to discuss the Bill, the right hon. and learned Lord not having even condescended to explain its provisions, he was of opinion that it ought to be postponed.

SIR GRAHAM MONTGOMERY said, he fully concurred in the opinion expressed by the hon. Member for Inverness (Mr. Baillie), and hoped the Government would withdraw the Bill for the present Session.

MR. SMOLLETT said, he should not object to the Motion for going into Committee if the Government would consent that the Bill should not come into operation till next year.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 102; Noes 49: Majority 53.

House in Committee; Mr. FITZROY in the chair.

Clause 1.

THE LORD ADVOCATE said, he would briefly explain the provisions of the Bill now before the Committee. The object of it was to remedy the evils which existed in Scotland in respect to the registration of voters. He most strongly denied that it was an ill-digested measure, or that it had been pressed forward with undue haste. Several meetings of the Scotch Members had been held for the purpose of discussing the Bill; and, at the suggestion of the county Members, various alterations had been made in its provisions. Under those circumstances he did not think he was justly chargeable with any discourtesy in declining to discuss the merits of the Bill on the question that Mr. Speaker do leave the chair. As doubts existed in the minds of certain hon. Members with respect to the possibility of carrying the Bill into operation in regard to the counties during the present year, he had no objection to limit it to the boroughs.

MR. ELIOTT LOCKHART said, he was unwilling that there should be one law applicable to the counties and another to the boroughs, and would therefore suggest the propriety of postponing the operation of the Bill till next year.

MR. ALEXANDER HASTIE said, he believed the Bill would work equally well in counties as in boroughs, and he should be sorry that its operation should be postponed for one year even, especially with respect to the boroughs.

It was then moved that the word "counties" in the clause be omitted, which was *agreed to*, and the clause, as amended, ordered to stand part of the Bill.

The clauses up to Clause 54, as amended, by the omission of all that was in them relating to the counties, were then *agreed to*.

Clause 55 (Expenses of Annual Registrations—how to be defrayed).

MR. ELIOTT LOCKHART said, he wished to move the insertion of the following proviso:—

"Provided always, That for the purposes of this Act no person shall be liable to be assessed whose property is not of sufficient amount of valuation to entitle him to be placed on the register of voters heretofore mentioned."

THE LORD ADVOCATE said, he must oppose the Amendment as being unnecessary.

Qustion put, "That those words be there inserted."

The Committee *divided* :—Ayes 59; Noes 103: Majority 44.

The remaining Clauses and Schedules were then *agreed to*.

The House resumed.

Bill reported with amended title.

## PEACE PRESERVATION (IRELAND) BILL.

On the Order of the Day for the consideration of the Amendments in this Bill,

MR. I. BUTT said, that there was much difficulty in the form of the Bill, inasmuch as the measure, although a renewal of the Crime and Outrage Bill which was enacted in 1847, and which was continued by temporary measures up to the present time, had now, for the first time, omitted many of the provisions of the original measure. It was, therefore, he considered, necessary to recommit the Bill, with a view to the insertion of certain clauses, which he thought necessary to render the Bill intelligible in its present shape. If the right hon. Gentleman (the Home Secretary), would consent to this, he would pledge all the hon. Members for Ireland on his side of the House that no objection should be taken to any portion of the Bill in Committee. He should therefore move, that Mr. Speaker leave the chair.

SIR GEORGE GREY said, he did not at all dispute that the form in which the hon. and learned Gentleman proposed the Bill should be put would be the most convenient form; but at that late period of the Session, and considering it would only be continued for two years, he did not think it would be advisable to adopt the course suggested. It was true the hon. and learned Gentleman had pledged himself that no opposition would be offered to the Bill if it were re-committed; but it was impossible the hon. and learned Gentleman could be in a condition to give that guarantee. Besides, it would no longer be a Continuance Bill, but an entirely new Bill.

After a few words from Colonel Dunne, Mr. Bland, and Mr. Horsman, the Motion for Mr. Speaker leaving the chair was withdrawn, and the Amendments to the Bill *agreed to;* and the Bill *ordered* to be read a third time *To-morrow.*

## POSTAL COMMUNICATION WITH AUSTRALIA—QUESTION.

Mr. T. CHAMBERS said, he wished to know whether there was any objection to lay the tenders for the conveyance of the mails to and from Australia, and which he understood had been opened on the previous day, before the House.

Mr. WILSON replied, that the tenders had reached him only just before he came down to the House, and would be examined by him in the course of the evening. There certainly were objections against laying them on the table, but the Government intended to accept the lowest in price and the shortest in time, and he would state the result to-morrow.

## NATIONAL EDUCATION (IRELAND)—QUESTION.

Mr. WALPOLE: I understand, Sir, that the noble Lord at the head of the Government made an announcement yesterday to the House, in answer to a question put to him by the hon. Member for Louth (Mr. C. Fortescue) that he considered that the Resolution to which the House came on Tuesday ought to be reversed, and that he would give up Monday, a Government Day, to the hon. Member to move a Resolution on the subject. That I think was the effect of the noble Lord's announcement. [Viscount Palmerston: Hear, hear.] Will the noble Lord permit me to ask him, supposing he sees no objection to putting the House now in possession of the information, whether he is prepared to state what course the Government proposed to take on Monday on the subject of National Education in Ireland.

Viscount PALMERSTON: It is perfectly true, Sir, that my hon. Friend the Member for the county of Louth announced yesterday that it was his intention to propose to the House on an early day some Motion or Resolution tending to reverse the decision to which the House came on Tuesday, and begged to know what early day the Government would be prepared to give him for that purpose. I stated in answer that I thought the matter was so highly important, the decision to which the House had come so mischievous, and the urgency of reconsideration so great, that I would give him the earliest day the Government could place at his disposal for bringing the question forward, and that he should have precedence on Monday next.

Mr. WALPOLE: The noble Lord will pardon me for saying that that is scarcely an answer to my question. It is important that Parliament should require—and it ought to require—to be informed what course Her Majesty's Government propose to take in reference to any Motion that may be made for rescinding the Address to the Crown which was voted on Tuesday last by the House of Commons on the subject of National Education in Ireland.

Viscount PALMERSTON: I really can hardly suppose, Sir, after what I have already stated, that the right hon. Gentleman can entertain any doubt on the subject. Always assuming that the Motion of my hon. Friend (Mr. C. Fortescue) is unobjectionable in point of form, which I cannot doubt, Her Majesty's Government will feel it their duty to support it, or any Motion tending to reverse the decision of the House came to on Tuesday last.

Lord NAAS: When the hon. Member for Louth is in his place, I shall beg to ask him what is the form of the Motion he proposes to bring forward on the subject of National Education in Ireland.

## BUSINESS OF THE HOUSE.

Mr. HANKEY said, he would beg to ask the right hon. Baronet the Secretary of State for the Home Department when he intended to take the discussion on the City of London Corporation Reform Bill?

Sir GEORGE GREY said, he had been desirous of finding a day in the course of the present week for the second reading of the London Corporation Bill. It now, however, seemed unlikely that it would come on during the week, but he would give his hon. Friend early notice when the Bill would be taken. It was proposed to take the National Gallery Site Bill and the Cambridge University Bill to-morrow, if possible.

Viscount PALMERSTON (in reply to Mr. Newdegate) said, he hardly thought the Church Rates Bill would come on to-morrow, and as other business intervened to prevent the Wills and Administration Bill being proceeded with on Monday, as previously arranged, his hon. and learned Friend the Solicitor-General would bring it on on Thursday next. Of course the arrangements contemplated by his right hon. Friend (Sir G. Grey) depended upon getting through the Estimates. Otherwise the Government would begin to-morrow with the Estimates. The Agricultural Statistics Bill would be taken to-morrow if there were time.

## STAFF OF THE ARMY.

On the Motion for going into Committee of Supply,

Captain LEICESTER VERNON said, he would beg to move as an Amendment, the Resolution of which he had given notice, having reference to the advantage it would be to the service to employ general officers from the scientific corps on the staff of the army. The House would probably remember that there had been a sort of promise that this should be done, but although we had been engaged for sixteen months in actual war, not one of those officers had ever been so employed, and the anticipations of the officers of the Artillery and Engineers to be employed on the staff had not yet been realised. To give an illustration of the manner in which the existing system was carried on, he would refer to a recent instance. When General Simpson was removed from Portsmouth, and went out to take a staff appointment in the Crimea, the command devolved upon a Major-general of Engineers: now, who so proper to command a fortress as a General of Engineers? but the appointment was not permanent, for the command was given to a general officer of the line, who was junior to the general officer of Engineers. That officer was then removed to Aldershot, the command at which camp would have been properly given to an officer of the scientific corps, because that camp was intended to be a school of instruction for the army. But this general officer of Engineers had no military duty to perform at the camp, and his scientific duty consisted in running up wooden sheds, making drains, and levelling and gravelling parades. He would now give an instance of an officer of the scientific corps on foreign service, and he would take the case of Sir John Burgoyne, who was second in command in the Crimea, and senior officer next to Lord Raglan, so that the command would have devolved upon him if anything had happened to Lord Raglan. Now that was not what the Horse Guards wished; but they could not have had a better man than Sir John Burgoyne to command at the siege of Sebastopol. Sir John Burgoyne was, however, removed. Lord Raglan died, and the command devolved upon General Simpson. If Sir John Burgoyne had succeeded to the command of the English army he would no doubt have demanded the right of attacking the Malakoff with a division of the English as well as the French army. It was admitted that he had pointed out the Malakoff as the weak point in the defence, and his attack on the Redan would have been a false attack. His words were, "When once the Malakoff is taken, the rest of the Russian defences will fall like a pack of cards," as they did. In the French service it was very different, for there the officers of the scientific corps, when they attained the rank of General, were placed in command equally with their comrades in the general service. Vauban, the defender of Lisle, who took part in fifty-five sieges, and 144 actions, was an officer of Engineers, and so also was Pichegru, the conqueror of Holland. Every one knew that the Emperor Napoleon I. was an officer of artillery, and that his fortunes were promoted by the perfect use which he made of that important and powerful arm. Marmont, Duc de Raguse, was an officer of artillery, who originally served in the line, but who went into the artillery because the line did not afford sufficient scope for his abilities. Count D'Erlon, who commanded a division at Waterloo, was an officer of artillery; and, to come down to later times, Lamoriciere and Cavignac were considered of such remarkable eminence that the whole French army regretted that in consequence of their political opinions they could not be employed in the late war. They were considered far superior to Pélissier, Canrobert and St. Arnaud—who was superior to the other two—and they were officers of engineers. Bedaud was an officer of Artillery, and Marshal Vaillant, the Minister of War, was an officer of Engineers. In our own East India Company, they gave officers of Engineers commands, and if the advice of Sturt, a lieutenant of Engineers, had been listened to by Elphinstone, Cabul would not have fallen. The credit of the British arms after the disasters at Cabul had to be restored by another campaign, and that campaign was brought to a most triumphant issue by Sir George Pollock, who was an officer of Artillery. At the commencement of the Kafir war, a subaltern of Engineers—Tylden, who was afterwards killed at Sebastopol—being at the frontier with about six Sappers and Miners, it was expected he and his party would be cut off; but he assembled around him a force of 2,000 boers, and, by gallantry and scientific knowledge, did the State eminent service. When the Government wanted to raise a Turkish Contingent, they selected Major General Chesney, an officer of Artillery; and when they sent a Commissioner to Omar Pasha, they selected Simmonds, an officer of Engineers. And when they wished to defend Kars, did they not take General Williams, an officer of Artillery, whose right hand was Teesdale, also an officer of Artillery, and whose left hand, if he might be permitted to use the expression, was Lake, an officer of Engineers? He had now shown that, in the French army, officers belonging to the French scientific corps were placed not only in the command of divisions and brigades, but likewise of armies, and had therefore an opportunity of arriving at great distinction. As long as we remembered Sebastopol, so long must we remember the names of Dupuis, Dacres, and Williams, all generals of Artillery; and the names of Chapman and Gordon, colonels of Engineers, who commanded the right and left attacks on Sebastopol—men who would shortly be general officers; but if we persisted in our habit of not employing scientific officers—and unless the House of Commons made itself heard—the military talent of such men would be lost to the country for ever. He therefore asked the House to affirm his Resolution as a matter of justice to the officers of the scientific corps of the British army.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "it is the opinion of this House that it will be to the advantage of the Service to employ General Officers from the Scientific Corps on the Staff of the Army," instead thereof.

MR. FREDERICK PEEL said, he entirely agreed in the principle of the Resolution of the hon. and gallant Gentleman; and he believed it would be an advantage to the Government to be able to employ generals of the scientific corps to command mixed bodies of troops; but the question, whether the Government should employ a particular officer in any particular command, such as Portsmouth or Aldershot, was a matter which ought always to be left to their discretion. By the warrant of 1854 power was given to employ not merely generals but colonels in commands; and he saw no reason why colonels who were officers in the scientific corps should not be selected for those commands, and if they gave satisfaction being confirmed in them. Colonel Chapman and Colonel Gordon, of whom the hon. and gallant Gentleman had spoken as commanding the right and left attacks at Sebastopol, who had attained brevet lieutenant colonelcies while on that service, when they had attained the rank of colonel would be perfectly eligible for the staff and the commands of districts. So also would be any colonel who while holding a command had given satisfaction to his superior officer. He could see no objection to the spirit of the Resolution, but he saw no advantage in its being adopted by the House; because he considered that the Government ought to be left free to decide when it was necessary to avail themselves of the advantage of drawing commanding officers from the scientific corps. It would be very inconvenient to adopt a Resolution which would imply that the Government should always employ officers of the scientific corps, either in a given ratio to their own corps, or in a given ratio to the whole army. There were reasons, of which, of course, the hon. and gallant Member for Chatham was aware, why, hitherto, general officers of the scientific corps were not selected for commands so frequently in proportion as officers of the line. Those general officers were usually advanced in years, because the Artillery and Engineers being seniority corps, had not the advantage of purchase to ensure the promotion of younger men, and, besides, their promotion to the rank of general was not made according to their standing in the army, but according to their regimental rank. For the future, however, the only question would be what promotions were best for the service of the country, and if any general of Artillery or Engineers should be selected to command a body of mixed troops, there could be no objection, and no jealousy felt as to what arm of the service he belonged. There had been hitherto a jealousy on that point, for it was only natural that the Horse Guards should not be anxious to employ officers who were under the command of the Master General of the Ordnance, and over whom they had comparatively no control; but now that these corps were transferred to the Horse Guards, there would be no interest felt there for employing one set of officers rather than another; and the Government would be able to select the best instruments for the command of troops wherever they could find them, without regard to what arm of the service they belonged.

Major STUART KNOX said, the hon. Gentleman had stated that officers who had reached the rank of colonel, and were afterwards appointed to the command of brigades or divisions, would be continued in the commands if they gave satisfaction. It would seem, then, that the colonels who had commanded brigades, and, in one instance, a division, in the Crimea, had not given satisfaction, for they were to return to their respective regiments and were not to be made major generals.

Question, "That the word proposed to be left out stand part of the Question," put and *agreed to.*

## SUPPLY—ARMY ESTIMATES.

House in Committee.

Mr. FitzRoy in the Chair.

(1.) £10 in addition to £450,000 already voted, for Civil Establishments at home and abroad.

Mr. MONSELL said, that a sum of £101,000 had been taken for the excess of expenditure in this department made necessary by the war; but it was now calculated at one-half. That sum would be amply sufficient for the purpose. A good many of the persons employed at the Bosphorus and in the Crimea had already returned home. It had, however, been found necessary to leave behind a staff sufficient to make up the accounts; and he had reason to expect that the whole of the accounts of the expenditure of the army of the East would be made up by the end of the present year. There was also a reduction of between £13,000 and £14,000 from the Vote for lodging and victualling allowances, and he considered, though he could not speak with certainty on the subject, there would be even a greater reduction than that. Taking all the various items of reduction into account, he believed he could say with confidence that the sum of £450,000, which had been voted for this service, would be amply sufficient to defray the whole of the expenditure that was likely to arise in the course of the year.

Colonel DUNNE said, he would beg to inquire whether, now that the war had concluded, there was any intention of making any alteration in the War Department? Was the establishment to be conducted by a War Minister at a great expense, or by a Secretary for War at less cost? He also wished to know whether the large establishments for providing the clothing and accoutrements of the army were to be kept up on an undiminished scale while the army itself was reduced?

Mr. MONSELL said, he was fearful he could not hold out an expectation of any large reductions being made during the present year. He could inform the hon. and gallant Member for Portarlington that in some branches of the War Department it had been found necessary since the peace to appoint additional clerks, for in winding up the accounts the amount of labour was quite as great, perhaps, as during the expenditure of the money. With regard to another point referred to by the hon. and gallant Gentleman he had to state that undoubtedly the existing constitution of the War Department was to be kept up. Lord Panmure had under consideration the question whether certain reductions might be made, and probably reductions could be effected, though not to any great extent; but it was to be doubted whether during the present year any such advance could be made in the matter as would insure a large reduction of expenditure. He could assure the Committee that from the very moment peace was declared no industry had been omitted to discover every possible means of economy, and directions had been given to different heads of departments in Pall Mall and Woolwich to send in monthly returns of the reductions which it would be possible to effect. A very considerable reduction, which he should explain on the next Vote, had already been made at Woolwich, and the best exertions were being used to economise wherever it was possible to do so.

Mr. W. WILLIAMS said, that the Vote of above £500,000 required during the war was only reduced by £50,000, and it appeared to him extraordinary that so large an amount should be needed for a peace establishment. He would suggest that a short printed statement should be distributed to the Members of the House, pointing out the different items on which it was proposed to effect reductions.

Mr. SPOONER said, he had asked the other night whether any workmen had been sent out to Belgium at the request of the Ordnance, and, if so, for what purpose; and whether any expense had been incurred, for no item on the subject appeared in the Estimates; and he was told that no workmen had been sent out to Belgium, and consequently no expense had been incurred. Now, he (Mr. Spooner) owned that he was astonished at that answer, having received information upon the subject from a quarter which he thought was entitled to credit. Subsequently he had made further inquiries, and found that workmen had been sent to Liege as viewers, for the purpose of instructing persons in the employment of the Ordnance department of Belgium in the art of viewing. Moreover, he was informed that those workmen were there at this moment, and that they received considerable wages, which were paid to them by some branch or other of our own Government. He now wished to know if that information were correct; and if so, how it was that in the answer returned to him by the Secretary of the Treasury he was told that no workmen had been sent out, and that, therefore, no expense had been incurred?

Mr. MONSELL said, there could be no doubt that the answer of his hon. Friend (Mr. Wilson) arose from a misapprehension. It was true there had been cetain persons employed in Belgium during the past year in viewing arms. A deputation, he understood, of the hon. Gentleman's (Mr. Spooner's) constituents had also gone to Liege on their own account, for the purpose of seeing for themselves how the gun business was carried on there. These latter, to whom he supposed his hon. Friend (Mr. Wilson) to refer, were not paid by the Government, but they had received every assistance that the Government could give them, and yesterday he had the satisfaction of receiving a most interesting report from them as to what they had seen, with comments upon the manner in which business was transacted there.

Mr. SPOONER said, he was still at a loss to discover how the Secretary to the Treasury could have made a mistake. It appeared now that viewers had been sent out, and of course they had been instructed as to the mode in which they should view, in order to enable the gunmakers of Liege to compete with the manufacturers at Birmingham and Enfield. These persons were sent out at the expense of this country; they certainly taught the Belgians how to view arms, and in so doing were, in fact, teaching them to compete with our own people.

Mr. MONSELL said, the expense incurred for these viewers of course formed a portion of the cost of the arms which we got from Belgium, and was charged in the small arms Vote. The Government had obtained all the arms they could from Birmingham, and adopted every means in their power, by giving the most unlimited contracts, to satisfy the Birmingham people, who had since intimated to him over and over again that they were satisfied; but the supply from Birmingham being insufficient they were obliged to require certain arms also from Liege, and the viewers no doubt went there to instruct the workmen as to the character of the work which the English Government would receive. As far as that went, therefore, they had done what the hon. Gentleman said they had done.

Mr. SPOONER said, the explanation of the hon. Gentleman was anything but satisfactory to him, and he was sure it would be equally unsatisfactory to the country.

Mr. NEWDEGATE said, he had been himself to Liege, and seen the work for the English Government carried on there, and he must say that he was surprised the Committee were not made aware of the fact that a staff of the very best workmen had been sent out from Birmingham as viewers of arms, not only to Belgium, but also to the United States of America. The right hon. Gentleman the Clerk of the Ordnance justified the sending out these men as viewers upon the plea that there was a great necessity existing for arms last year and the year before, that arms could not be procured in sufficient quantity from the English trade, and that the Government were fully warranted in getting a supply wherever they could. It afterwards appeared, however, that the orders had been sent out from this country as long ago as October, 1854, and that the product of those orders was 14,000 guns from Liege—none of which, the Committee must understand, were delivered in time to be seviceable during the war, and only 100 from America, the whole of which were stranded on their way to this country, and so much damaged as to be utterly useless. Literally, therefore, the orders sent to foreign establishments and manufacturers had resulted in this, that not a single musket for the purposes of the war had been obtained from the foreign trade. That was a notorious fact. But from the English trade the Government had received more than 150,000 stand of arms, though the Government had declared to that House that the English trade was incompetent to furnish them with a supply. He was quite aware that viewers, as they were called, had been sent abroad last year; but he then refrained from mentioning the circumstance, because he knew it would have been said in reply that he represented the Birmingham trade, and that on their account he was so fearful of competition, and so careless of the great interests of the country, that he would prevent the Government from obtaining the supply of arms from abroad, for which they declared there was a necessity. He had reason to remember in the spring of last year that the House was in a hurry on this subject, and did not choose to attend to it farther than to vote whatever the Government proposed. These arguments, however—excuses he might call them—could not be urged against him now, as the war was over; and he thought it only reasonable that the Committee should know what had been the result of the applications which had been made to foreign countries and foreign trades for arms. He had been at Liege, and he found, what he indeed knew before, that the Leige manufacturers there were regular manufacturers for the Russian Government. They had manufactured for the Russians for years, and still continued to supply them with arms, and of course gave their old regular customers a preference over the orders of the English Government, which they had every reason to think casual. Well, what had our Government done? Why they not only sent out the model pattern musket of 1853, which was the best in the world, and a great improvement upon the Minié rifle. True, they might say that that pattern might have been acquired without our Government sending it out, but they had sent out viewers as instructors in making muskets after this pattern. And had they not experienced at Enfield that the difficulty was to get workmen instructed in numbers sufficient to make a large number of that pattern? He confidently appealed to every person who had the least acquaintance with the subject to say if the difficulty was not to get the work done in sufficient quantity and with accuracy in the form requisite to project the ball the proper distance. It was one thing to get 1,000 muskets made in that way—it was another to get 100,000 or 200,000; inasmuch as they must have trained hands in proportion to the quantity required. The effect of sending the viewers to Belgium was this, that the manufacturers there who had contracted for the supply did not continue to work with the same hands whom the viewers first instructed, but were constantly replacing these men by others in succession; so that by retaining the staff of viewers in Liege we were gradually training a large body of Belgian workmen to supply, not only the Russian, but any of the Continental adversaries of this country with this superior arm. We were instructing a large body of foreign skilled workmen to make arms of the pattern which had been devised for ourselves, after they had declared that they could not make these arms without instruction. The Government, the representatives of England, are teaching the workmen regularly employed by the enemies of this country to make arms from that pattern which might hereafter be turned against ourselves. So far then with respect to Liege. Now, what was the case with regard to the United States? Not content with teaching the Belgians, the Government had apparently determined upon teaching the Americans also. Now, the Americans valued our Minié rifle, but they had great difficulty in making it. Although we were, for aught he knew, on the eve of a war with the United States, we were still maintaining a staff of instructors there, to teach the American workmen to make these formidable arms that might—no one could say how soon—be used against ourselves. Arms, which they confessed they could not make in any large quantity until they had been instructed. He held this to be at best a foolish and short-sighted policy, more especially as it had not resulted in producing as many as 15,000 stand of arms altogether in the course of two whole years, and not one single weapon for the use of our army during the war. He put it, therefore, to the Committee, whether it was sensible or prudent to maintain those staffs of viewers in Liege and the United States, for the purpose of educating foreign workmen in the manufacture of an improved musket which had been devised for the army of our own country? It was found from experience that the real difficulty was to obtain a sufficient number of skilled hands to make a large number of those muskets. The Government were instructing hundreds of foreigners while they were withdrawing their orders from the English trade. The question was one of a very serious nature. The subject had attracted the notice of the American press, who said that the gun trade of England was so totally wanting in skill that the English Government were obliged to have recourse to American manufacturers for the arms we required. The fact was, that we were doing very great damage to our gun trade, by allowing the conduct of our Government to afford grounds for these libels, and by giving our rivals instructions in the manufacture of these arms, at a moment when the pressure of the demand occasioned by the war had ceased. It was a hardship to spend the public money for the purpose of instructing the foreign rivals of our domestic industry. The Government would do well to consider whether the time had not arrived when those foreign contracts might be put an end to, seeing that they were taken advantage of to maintain a system of education for foreigners, and operated to the discouragement of a trade which the hon. Gentleman the Secretary for the Ordnance himself acknowledged had stood by the country manfully at a period of great emergency.

MR. STAFFORD said, he wished to inquire whether the Vote No. 8 included the expense of the surgeons of the civil hospitals; also whether a determination had been come to as to the pay of the civil surgeons, and whether it had been determined to draw a distinction between the pay to be granted to the assistant surgeons and the surgeons to the militia?

MR. FREDERICK PEEL said, the hon. Gentleman must be aware that the pay of the civil surgeons was not under investigation.

MR. STAFFORD said, he thought there was an understanding as to the civil hospital surgeons, that they were to have three months' pay, and the assistant surgeons two months; whereas the militia surgeons were to receive a larger sum.

MR. FREDERICK PEEL said, he must inform the hon. Gentleman that all the civil hospitals but one had been discontinued. No question had arisen as to the gratuities to be given to civil surgeons, but only as to the time at which their services were to be considered as being dispensed with. That question was at present under the consideration of the Government. No assistant army surgeons having yet been dismissed, no question had arisen as to the gratuities to be given to them.

MR. SPOONER said, he must beg to ask the right hon. Gentleman the Clerk of the Ordnance whether the staff of viewers in Belgium was still continued, and if so, at what expense, and whether there would be any objection to laying on the table an account of the expense.

MR. MONSELL replied that the viewers would be kept up till the contract was completed. The expense was about 2*s.* a gun. He should not have the least objection to lay a statement of the expense on the table.

COLONEL DUNNE said, he believed that he was quite in order in referring to the former Votes, because there was an agreement with the noble Lord at the head of the Government that if they passed the Votes, they should have an opportunity of discussing them afterwards. He understood also that it was intended during peace to retain the office of the War Department on the same extravagant footing as at present. He also wished to know if the headquarter staff was to remain as it was now. Government determined to procure arms from America, but there were no manufacturers in America in a position to supply them, and they advanced a firm £20,000 to build a factory, and the rifles cost £5 each, which they were not worth. The same thing happened with regard to powder, for which they were paying 8*s.* or 9*s.* a barrel more than its value.

THE CHANCELLOR OF THE EXCHEQUER said, he wished to say a word in reference to the understanding alluded to by the hon. and gallant Member for Portarlington as to the discussion on the Estimates. A portion of the Votes were taken definitively. In those cases it was understood that the discussion as well as the Vote was closed. There was another set of Votes which were taken on account, but if the Government found the amount already voted was sufficient for the year, there was to be a discussion on those Votes, and a mere nominal sum was taken in order that the Committee might have a fresh opportunity for discussing those Votes.

Vote *agreed to.*

(2.) £10, in addition to £450,000, already voted, for Wages of Artificers.

MR. MONTAGU CHAMBERS said, he wished to have an explicit understanding with the Government on the subject of the expense incurred by reason of the recent display of fireworks. He was credibly informed that it was intended to make out the account in such a manner as to induce the belief that the total cost would not exceed £8,000, whereas the true state of the case was that, independently of that sum, it was contemplated that the wages of all the workmen who had been employed in the manufacture of the fireworks at the Woolwich Arsenal should go into the ordinary expenses of the year. Now, certainly, if that were so the case was hopeless, and we should never arrive at a correct calculation of the expenditure. What he wanted to know was how and where he was to procure precise information as to the amount of wages paid to the artisans and workmen whose time and labour had been applied to the making of the fireworks? The expense of the whole pyrotechnic display should of course be classed under two heads—the first representing the material used, the second the labour employed. It was essential to know whether the £8,000 already alluded to was in respect of materials only, or whether it also included the enormous wages paid to the workmen engaged in the Arsenal. Possibly he had been wrongly informed, but he had been given to understand that the sum he had alluded to would be wholly inadequate to cover the cost of wages alone.

Mr. MONSELL said, he believed that £6,000 would cover all the expenses except those incurred in the Arsenal at Woolwich. The latter were, of course, in addition to the sum of £6,000. He could not tell the hon. and learned Member what the total outlay would be, nor was he aware whether there were any means of discovering. If it would suit the hon. and learned Gentleman's purpose to ascertain the number of men employed in the Arsenal and the amount of wages paid to them, he might possibly obtain that information on application to the authorities at Woolwich, but for his own part he (Mr. Monsell) knew nothing about it.

Mr. MONTAGU CHAMBERS said, he had been assured that the sum of £6,000, which the right hon. Gentleman had just named, was a mere drop of water in the sea of expense. It would appear from the statement of the Clerk of the Ordnance that that sum merely represented the expense incurred outside the walls of the Arsenal. The fireworks, it should be remembered, were made in the Arsenal. They were from six weeks to two months in process of manufacture, and various experiments had been made in the marshes of Woolwich, when, if he was correctly informed, there had been great waste on account of the number of pieces which did not burn effectively. What he wanted to know was, not the expense outside the Arsenal, but rather that incurred within—he meant, in the very place where the fireworks were manufactured; for there was a rumour current that the fireworks for the celebration of the Peace would cost the country upwards of £30,000.

Mr. STAFFORD said, that if the gunpowder required for the manufacture of the fireworks had been taken from the stores designed to be spent upon the Russians, if the paper had been supplied from the Stationery Office, if the timber had been furnished by the Board of Works, and if the cost of labour was to be charged against the ordinary wages of the men employed in the Arsenal at Woolwich, he was utterly at a loss to understand to what purpose even the £6,000 was to be applied.

Mr. W. WILLIAMS said, that it was idle to ask any more questions on the subject. The cost of the fireworks would never be known to the public, and it was all nonsense hon. Members attempting to solve the mystery. He saw from the beginning that it was intended to make it a close affair.

Mr. E. BALL said, he was of opinion that no money voted on account of the war had been half as well expended as that which was now the matter of such severe criticism. The money spent on the fireworks had been devoted to the vindication of the great principle, that peace was a matter for national rejoicing, that it was a good thing, and that the people had cause to rejoice when it came. It was worth all the money to see the millions of people who were brought together on the night of the illuminations, and to observe the harmony, goodwill, sobriety, and kind feeling which were everywhere exhibited. Go to what part of London you might on that evening everybody looked happy, contented, and gratified.

Captain LEICESTER VERNON said, he must beg to express a hope that the right hon. Gentleman the Clerk of the Ordnance would give an assurance that the expense of the fireworks would not be allowed to fall on that department. When the question was under discussion on a former occasion no one seemed to know who was to pay; but it was admitted on all hands that the Ordnance Department was not to pay.

Lord HOTHAM said, he would remind the hon. Member for Cambridgeshire (Mr. E. Ball) that no objection had been made to the fireworks. The hon. and learned Member for Greenwich (Mr. M. Chambers) did not object to the celebration of peace by means of fireworks; what he required was to be informed as to the cost of the pyrotechnic display. The Clerk to the Ordnance, from his observations, appeared to know nothing about the expenditure; but he was quite confident that the reason was simply that the right hon. Gentleman had taken especial pains not to inquire. If, however, he went to Woolwich, and asked any person about the Arsenal what the probable cost would be, he would find that the general estimate was about £30,000, while many persons placed it even much higher. The amount expended would not be made known until next year, when the Vote of civil contingencies came under discussion; but he expected that when that time arrived, considering the pledge which the Chancellor of the Exchequer had given, that £8,000 would be about the amount expended, the right hon. Gentleman would feel himself bound to give to the House a full, clear, and honest account of the whole expenditure. The display was ordered by the Minister of War, and when questions were put to Members of the Government in that House, no one appeared to know anything about it, and were unable to give such explanations as that House had a right to demand.

MR. MICHELL said, he did not believe that the cost of the fireworks would not exceed £8,000, for he counted one night forty waggons, drawn by 120 horses, conveying the materials for the display. What he wished, however, to state was, that where he had stationed himself to view the fireworks a rocket one pound in weight had fallen on the head of a poor lad and killed him, and he thought that if a similar exhibition were to take place at any future period, the Clerk of the Ordnance should be especially careful that such large projectiles were not thrown into the air in such a way that they might fall on the heads of persons.

Vote *agreed to.*

(3.) £10, in addition to £4,000,000, already voted for Clothing, &c.

MR. MONSELL said, before he made any reference to the Vote now before the Committee, he would assure the noble Lord (Lord Hotham) that he was quite mistaken as to his having taken pains not to find out what the cost of the fireworks would be. He was willing to give any information that lay in his power with regard to the fireworks. One of the first directions that he gave to the officer at Woolwich was to keep the account as separate as possible, in order that if any hon. Member wished to have it, it might be forthcoming. He was willing, indeed anxious, to lay the whole account on the table. With regard to the present Vote, he was happy to be able to inform the Committee that although at the time the reduced Estimate was framed it was considered it would be necessary to take a Vote of £500,000 in addition to the Vote already taken, they had now ascertained that they were able to dispense with that sum, and therefore this was one of the nominal Votes. The reason that the former calculation had been discovered to be erroneous was, that the troops had come more rapidly from the Crimea than had been originally anticipated. The first item in the Vote was for clothing. The original Estimate was £1,826,000. The Estimate now was £1,023,124. With regard to the Commissariat, the amount that was required, exclusive of the troops at the seat of war, was for provisions £571,764; forage, £385,000; fuel and light, £206,000. Of course, in those items there could be no reduction. It would appear at first sight that there would be an increase on account of the number of troops coming home, but that increase would be slight, because the disembodiment of the militia would reduce the number of troops to be provided for by the Commissariat. A sum of £328,000 was taken for provisions at the seat of war, instead of £1,600,000, as in the original Estimate. The original Estimate was calculated on the assumption that we should have 100,000 men at the seat of war throughout the year, and in point of fact, in the month of April, there were 106,000. For the article of forage at the seat of war the Vote was only for three months, making a sum of £486,000, instead of the enormous sum of somewhere about £4,500,000 asked for in the original Estimate. For fuel and light, instead of a sum of £222,000, only £53,000 was taken, making altogether in the Commissariat a reduction of £2,315,000, and leaving a margin, without taking an additional Vote, of somewhere about £400,000 for the purpose of meeting contingencies.

COLONEL DUNNE said, he must complain of the inconvenience of putting so many things into one Vote. He wished to know the intention of Government as respected the clothing of the army; and whether it was to be made by contract and sent to the army. If there was any real administrative reform in the country, that was a question which ought to be very closely looked to. There was no Army Clothing Board now, and the clothing of the army did not seem to be the business of any one. The cost of clothing the army was immense, and the clothing this year appeared even worse than it was last year. The Guards alone, consisting of about 7,600 men, cost £249,000 for the year for clothing, while an equal number of the line cost little more than £140,000. It was requisite, therefore, that the strictest economy should be practised consistent with the efficiency of the service.

Mr. OTWAY said, that when he last saw the returns he remembered to have been amazingly struck with the price charged for the clothes of the bandsmen of the Guards. He should wish to see the whole army clothed as well as the Guards; but if one thing were more hideous than another, it was that unsoldierlike and gewgaw dress of the bandsmen of the Guards. It was a great disfigurement to those fine men, and the expense was enormous.

Mr. MONSELL said, that the mode by which the army was now clothed had only come into operation on the 1st of April last, and he believed that the fatigue clothing for the Indian regiments was all that had yet been prepared under it. The whole of the material for making up the clothing was supplied by the clothing department, and the clothing for the Artillery, Guards, Engineers, Sappers and Miners, and Cavalry, was to be made up by those respective corps themselves. The clothing for the infantry was made by contract, which was managed by the clothing department. He thought that the former of those systems was the preferable one, and he should be glad to have all the clothing made up in depôts throughout the country. The new clothing would be made of what was called "drummer's cloth," which was an article infinitely superior to the cloth formerly in use; but the saving which would be effected by the new system would amply compensate for the increased cost of the cloth, and the army would be much better clothed, and certainly at no greater expense, than formerly.

Colonel LINDSAY said, he wished, as bearing upon this subject, to draw attention to the sum charged to the soldier for his summer trousers. Formerly the garment would last some few seasons, but under the new regulations it had to be made out of a description of tweed which would not last more than two or three months, and yet the soldier was charged from 8*s*. to 9*s*. for each pair.

(4.) £10 in addition to £2,500,000 already voted for Stores.

Sir CHARLES NAPIER said, he would beg to ask, if the new Lancaster guns had been found to have a sufficient range, and likewise if proper measures had been taken to prevent the bursting of the guns now manufactured. It was notorious that both at Sebastopol and Sweaborg, all the mortars but one or two, which had been made in former years, had burst in a very short time. It had been said that this was due to the quickness of the firing, but artillery officers were of opinion that those mortars, whether fired quickly or not, would burst all the same. At the siege of Martinique, which was taken entirely by mortars, they were not fired more than once in a quarter of an hour, and scarcely a mortar burst. He could not therefore understand how some artillery officers could have expressed the opinion that quick firing made no difference. In the war previous to the one just concluded the bursting of a gun was very rare indeed. He would wish to inquire if Government would take steps to ascertain if quick firing was more liable than slow to cause the bursting of the guns.

Mr. MONSELL said, that professional men had given their opinion that quick or slow firing made no difference. Experiments were now being made at Shoeburyness to decide the point, and the result would, in a short time, be made known. As to the Lancaster guns, it had been ascertained that they were better adapted for long range than others, but experiment had shown that they were not satisfactory in other respects.

Sir CHARLES NAPIER said, he wished to know whether he was to understand that artillery officers at Shoeburyness were of opinion that a mortar from which 1,000 rounds were fired in a week was quite as liable to burst as a mortar from which 1,000 rounds were fired in twenty-four hours?

Mr. MONSELL said, he could only repeat that experiments were being made to test the fact. With regard to the particulars of reductions on the Vote now before the Committee, the original Estimate was for £4,371,165. Reductions would be made on the item of small arms,

£200,000; on iron ordnance, shot, and shells, £381,655; on saltpetre, £25,000; on gunpowder, 120,000; on camp equipage, £123,334. In the items for miscellaneous stores, reductions would be made, on the Tower, £228,254; on the Royal Carriage Department, £79,019; on the Royal Laboratory, £368,239; on the storekeepers' department, £144,239; on the establishment at Enfield, £3,515. There would also be very large reductions on the item of timber, and the whole would amount to £1,871,155, which would reduce the original Estimate to £2,500,010. He could assure the Committee that the Government were taking means effectually to prevent any undue expenditure of stores. After the present year, in consequence of the large quantities of stores coming back from the East, the Vote would be much less, and the reductions would now have been greater but for the fact of large contracts, entered into when there was no reason to hope for the discontinuance of war, being still subsisting.

MR. PELLATT said, he wished to know how much of the reduction on the manufacture of small arms applied to the manufactory at Enfield, and on which the expense incurred had been entirely thrown away. He wished particularly to know what was the loss on the small arms which had been already manufactured there.

MR. MONSELL said, that that question opened up a fruitful field of controversy; but he could state that within the last few days he had seen arms turned out of the Enfield factory made in first-rate style, and admitted by the Birmingham gentlemen to be quite equal to any work made at a price which certainly astonished him. In fact, the saving in the cost of producing small arms would be such that in two or three years it would be enough to pay the expense of erecting the factory. Recently a meeting of the principal gun manufacturers of Birmingham was held, and at that meeting the majority decided on taking steps for the erection of similar machinery in their own establishments; but at all events, if they do not, they would soon find out that the Government could beat them at their work. However, every opportunity would be given them to see what was going on at Enfield, and he hoped they would take advantage of what they saw.

MR. MUNTZ said, he was disposed to doubt whether a Government factory could beat Birmingham; however, he wished to have the whole of the expenses connected with the erection of the Enfield manufactory fairly before the House. When the amount was before the House he had no doubt that what he had previously predicted would turn out to be true. With respect to the defective mortars, Colonel Mitchell had recently assured him that the bursting arose from the want of due proofing, for the proof was with 20lb. of powder, while the practice was with 21lb. To be of any real use as a test of the serviceable quality of the mortars, the proof ought, of course, to be higher than the practice.

MR. MONTAGU CHAMBERS said, that, with regard to the manufacture of such arms, it had been suggested that a large store of them should be laid in. Now, in former ages it had been the practice to lay in a large store, consisting of from 20,000 to even 100,000 stand of arms. Then certain inventions were discovered which rendered the whole of that stock useless. Besides which it would be imprudent to lay in a large store of arms, as such a course might tend to prevent the Government from availing itself of the latest improvements. There was a prospect of breech-loading arms alone being adopted, and in that case the formation of large stores of weapons upon the old plan would be unadvisable.

Vote *agreed to.*

(5.) £45,000, in addition to £1,794,069 already voted for Charge of Works, &c.

MR. MONSELL said, in answer to a question which had been put on the preceding Vote, he had to state that the Committee of Small Arms had instituted a series of experiments with respect to breech-loading firearms; but that no arm had as yet been found which was altogether satisfactory. Some 2,000 or 3,000 stand of breech-loading arms had been constructed, which was very serviceable and useful, but the discovery had not yet reached that degree of perfection which in the course of time might be expected. The Government had been availing themselves of the valuable assistance of Mr. Whitworth, of Manchester. He (Mr. Monsell) had not been present, but Lords Hardinge and Panmure had witnessed those experiments, and they thought the best course they could adopt would probably be to wait till the result of further trials were ascertained.

VISCOUNT BERNARD said, that until the last year we had not paid a proper attention to the wants of the army; but we had lately applied ourselves to the improvement of the barracks, and particularly of the cavalry barracks. Military stations had disappeared, and other improvements had been introduced. There still remained many deficiencies—one of which was the establishment of barracks on the side of hills, where they could get no water. That had been the case with the militia barracks near Cork. There was, moreover, a great defect in the absence of riding-schools at Ballincollig, in the vicinity of Cork. Major General Sir James Scarlett, Sir Edward Blakeney, and His Royal Highness the Duke of Cambridge had expressed themselves strongly in favour of the establishment of a riding school, and the want was generally acknowledged to exist by various other military authorities.

Captain LEICESTER VERNON said, he could second the appeal of the noble Lord. He had served in various military capacities in Ireland, and had had frequent opportunities of experiencing the want of such a school at Cork, which was both an artillery and a military station.

Colonel LINDSAY said, he wished to bring to the notice of the Committee the question of the improvement of the condition of the soldier. The object of Government had been to raise the soldier in the social scale, so as to induce the people to enlist in the service of the Crown. Improvements had been made, not only for the sake of the service, but in order to let the nation know that when a citizen enlisted into the service he got into a higher social scale than had heretofore prevailed in the army. Twenty years ago there was much to alter, and since that period great improvements had from time to time been made. The criminal code of the army was very severe, that severity had, however, been reduced. In order to promote good behaviour Government established higher pay, libraries, and reading-rooms; but the reading rooms were too small, and one of the objects in wishing for improvement in barracks was to get those rooms enlarged, for certainly the one thing most wanted was a better mode in the barrack accommodation, and more means of amusement. The Government had also established savings banks, had reduced the term of service, altered the system of canteens, and established regimental schools. With the exception of two or three barracks in such localities as Preston, Sheffield, and Anglesea, the barracks were old. But in all the barracks the men were too much crowded, gas light was only partially introduced, and a tone of discomfort prevailed in the barracks, which naturally drove men to seek comfort out of the barracks. That state of things required to be ameliorated, and he hoped the subject would have immediate attention. The Committee of last year, who paid much attention to the subject, and to whom the officers ought to be much obliged, made various recommendations which had not yet been carried out, and he hoped Government would state how far they were disposed to enter into the views of the Committee. The Report of that Committee declared that the existing barracks were inadequate to the comfort and social condition of the soldier, and that the consideration of expense ought not to interfere with proper improvements for the moral and sanitary condition of the soldier. When so much money was spent on our gaols for these purposes, it surely ought not to be grudged to our soldiers. Under those impressions, the Committee had made three recommendations. The first was that the space of the barracks should be enlarged; the second was that married men should not be allowed to occupy the same room with the single soldiers; and the third was that there should be a better system of canteens. Besides those things, it was essential to establish proper lavatories, so essential to the health and cleanliness of the soldier, and to provide places of amusement so that the men might believe themselves at home in their barracks. Many men would be prevented from going to the public-houses and getting drunk if they were permitted to play at bowls or quoits in barracks, and the moral condition of the soldier would be improved. Now, that he thought, was a most desirable object for the Government to consider. Then again, there should be proper kitchens. One of the witnesses before the Committee was asked if he would like to have Irish-stew every day for dinner. Of course he said no. But that was what the men had, while at a very small expense the means of boiling and roasting might be given them. Then again, light was an essential element to their comfort. Thus when the men were off guard, one man read the papers to the rest; it was the only thing they could now do in barracks—all they had to resort to when there was but one candle in a room. The Government had already done much, and he hoped that it would continue in its present course. The hon. Member for Lambeth (Mr. W. Williams) had found fault with the mode of heating the barracks, and said that the heat was more than was wanted. Now the fact was, that if the passages were not warmed, the whole place became cold and comfortless. The Committee in its Report had especially recommended that the passages should be warmed in an efficient manner. He would suggest the propriety of at once advancing a large sum out of the Consolidated Fund in order to carry out the great improvements at once rather than spread them over a number of years, as was proposed.

Mr. MONSELL said, he entirely agreed with all that had fallen from the hon. and gallant Member for Wigan, and so far as those barracks which were about to be built, or which were in the course of erection, were concerned, all that the hon. and gallant Gentleman wished could be effected without entailing any such additional expense as would be likely to meet with opposition. The cost of building barracks for a thousand men on the old system would be about £70,000; the cost upon the proposed plan, giving one-fourth the number of cubic feet additional per man, separate quarters for married soldiers, additional rooms for staff-sergeants, a sufficient number of lavatories, and the like, would only be about £15,000 extra. With regard to the existing buildings, however, a much more serious question had arisen. It was now agreed, on all hands, that the principle on which alone the army could be satisfactorily organised, would be its concentration to as great an extent as possible. He assumed, therefore, that, with the exception of forts, and places where considerations other than mere housing of the troops were involved, it would be useless to keep up any barracks where there was not accommodation for at least one thousand men. The buildings of that magnitude, at present in existence in England, would accommodate 30,000 men, allowing to each the amount of space recommended by the Committee. In Scotland there was accommodation for about 3,000 men, and in Ireland for about 18,000 more, making altogether room for about 50,000 men. To put all those barracks in the condition for which the hon. and gallant Member (Colonel Lindsay) was contending would cost no less than £500,000 or £600,000. Now it appeared to the Government that the best thing to do would be to devote a certain sum every year to that purpose; but he was quite prepared to admit that at the rate of only £40,000 a year it would take a long time to complete the entire work. If, however, they laid out that sum in the present instance, they would be able to come down to the House with more exact information and more detailed Estimates next year; so that, perhaps, after all, the plan proposed would be the most satisfactory. With respect to the riding school at Ballincollig, the noble Lord (Viscount Bernard) had adduced authorities more than sufficient to make out his case; and if the work was not begun this year an Estimate should be given for it next. The mistake had been in treating Ballincollig as an isolated district. If it had been dealt with as the country station of the Cork district, the application would have worn an entirely different aspect.

Sir JOSEPH PAXTON said, that as a Member of the Barrack Committee, he thought the argument of the right hon. Gentleman the Clerk of the Ordnance was rather against proceeding with the Vote at all. He agreed with the hon. and gallant Member (Colonel Lindsay) as to the necessity of making the improvements he had advocated in the existing barracks. The condition of the soldier had not been attended to as it deserved up to the present moment. From the evidence taken before the Barrack Committee it was evident, indeed, that the soldier was the worst-lodged person in Her Majesty's dominions. It was proved that the accommodation for each prisoner in our gaols cost £150 per man, and, when they considered the importance of providing for the morals and comfort of the soldier, it could not be denied that he deserved at least as much consideration, and ought to be as well lodged as the criminals of the country. Instead of voting so insufficient a sum as £40,000, it would be far better that the Government should go into the whole question, and inquire how much barrack accommodation was wanted in the country. If the troops were to be moved in divisions and brigades, they must be housed and barrack accommodation must be provided for them. The barracks, too, must be near to each other, instead of being spread over the country. The existing barracks could not, therefore, without great expense, accord with the proposed plan. All the barracks in the country ought to be improved, not piecemeal, but simultaneously. Supposing they spent £40,000 in putting one barrack into a proper condition, the troops quartered in it must in due course be removed to one of the unimproved buildings, and he need not say how greatly aggravated would be the misery of men, who, for a time at least, had enjoyed the blessings of decency and comfort. A barrack ought not merely to contain the means of comfortably housing the troops, but it ought to have within its precincts everything necessary for fully instructing them in the art of war, and for teaching them how best to meet the exigencies of a campaign. It ought likewise to be so arranged that if a regiment received orders to march suddenly on to Salisbury plain, it should be able to set out at once, fully equipped. The great point, however, which they ought to have in view was to improve the social standing of the soldier. At present, if a person enlisted he was regarded by his friends almost in the light of a lost man. ["Oh, oh!"] He could assure hon. Members that such was really the general impression. A man who enlisted was regarded as one that had got himself into a dreadful position; whereas he would like to see that feeling exactly reversed. He should like to hear people say, when an unruly son entered the army, that he had placed himself in a position in which he would be so trained that when he came back he would be a better citizen than when he left his friends.

Sir CHARLES NAPIER said, he would recommend that all the military departments should be placed under one roof, and he believed it would be possible to accomplish that object by purchasing all the houses between the Ordnance Department and the House of the Duke of Buckingham at an expense of about £30,000. It had been proposed to pull down a stack of buildings in Parliament Street, and place all the Government Offices there; but, considering the time which had been occupied, and the enormous sums which had been expended in building the Houses of Parliament, it was not probable that any such plan would be carried out in less than twenty or thirty years. He had for the last twenty years urged the necessity of bringing together all the departments of the Admiralty under one roof, and he believed that the money which had been expended in enlarging Somerset House would, if properly applied, have been sufficient for that purpose; but the First Lord of the Admiralty would never consent to give up his house, and even the Junior Lord had not given up his without great difficulty.

Sir DE LACY EVANS said, he would beg to offer his thanks to the hon. and gallant Gentleman who had introduced the important subject which was under discussion. Hd sincerely respected the right hon. Gentleman who represented the Ordnance Department, but he was not quite satisfied with the right hon. Gentleman's answers to the questions that had been put to him upon that subject. The right hon. Gentleman stated that £40,000 would be expended in the course of the year in barrack improvements, but what would be the use of such a sum spread over the whole of the United Kingdom? The right hon. Gentleman said, "Don't hurry us, wait another year, until we can see what is done." It would be very convenient to answer all suggestions in that manner, but the question under consideration was one of great importance, as it affected the class of men who entered the service, and ought to be attended to without delay. It had hitherto been supposed that only the lowest class of men entered the British army. He hoped and believed that that was not the case; but the reason for such an opinion being entertained was that the men were neglected. The statement of the hon. Gentleman behind him (Sir J. Paxton) had made a strong impression on his mind, and he was consequently very much dissatisfied with the manner in which the right hon. Gentleman had treated the question. He had the greatest respect for the noble Lord at the head of the War Department, but the noble Lord, he was sorry to say, had yielded very gradually and with much reluctance to the remonstrances which had been addressed to him as to the necessity of doing something to improve the moral and physical condition of the soldier, and when he at last consented to grant an additional penny a day it was announced by his supporters as a prodigious boon. The consequence of the reluctance of the Government to improve the condition of the soldier was, that when it became desirable to induce people to enter the service they found a great prejudice existing against it. He hoped the right hon. Gentleman (Mr. Monsell), or the noble Lord at the head of the War Department, would reconsider this subject. The arrangement for relieving the army from police duties, and maintaining it as a purely military force, was, undoubtedly, a very great improvement; but he thought still more comprehensive reforms were necessary, which did not appear to be contemplated by the Government, who, in his opinion, had not yet dealt with the question in a just, a politic, or a generous manner. The object seemed to have been to frame the Estimates in the most niggardly spirit, and he believed an idea had prevailed that, the greater the hardships which the soldier was compelled to endure in barracks in time of peace, the better fitted would he be to encounter the hardships of war. Now, he entertained a decidedly contrary opinion, for he believed that soldiers would be the better fitted for the privations and hardships of war if ample provision was made for promoting their health and comfort during peace. Some years ago the War Department sent out a Commission to inquire into the condition of barracks on the Continent, which in many cases was far superior to that of the barracks in this country. That Report had not been laid before the House, although he had repeatedly asked for its production, and he now ventured to express a hope that, as the views of the War Department had undergone a change on this subject, it would no longer be withheld.

Mr. STAFFORD said, he did not think that the tone of complaint in which the hon. and gallant Member (Sir De L. Evans) had spoken of the Government was justified by the facts; for, in his opinion, a debt of gratitude was due from the country to the present Government for the wise and liberal measures which they had adopted for ameliorating the condition of our soldiers. If abuses existed in our military system, it was right that they should be exposed; but it must be remembered that, during the last twelve months, an enormous change for the better in the condition of the British army had been effected by the Government. He thought when that House pressed all possible economy upon the Government on one night, and the next night urged upon them an increase of expenditure, they were pursuing a somewhat inconsistent course. His right hon. Friend the Clerk to the Ordnance had stated that in the case of new barracks the Government were prepared to carry out the philanthropic and liberal principles he had explained, but that considerable difficulty existed with regard to the introduction of modern improvements into old barracks; and he (Mr. Stafford) did not think, therefore, there was any ground for complaining, in the present state of the public finances, that the Vote demanded for this purpose was somewhat smaller than the Committee might have been disposed to grant if they had taken the question more fully into consideration. The Government had tried numerous experiments abroad, with the view of promoting the comfort of the army, and they had done so most successfully. He understood the Government were about to recall an officer to whom he could not pay too high a tribute of praise, General Storks, the commandant at Scutari, who had not only had the control of the hospital there, but who had had under his command a considerable number of troops in barracks, and who, by providing for their employment and amusement, had successfully combated their tendency to vice and drunkenness. He therefore trusted that the experience which that officer had acquired abroad might be turned to good account in providing for the comfort and welfare of our troops at home. His hon. and gallant Friend (Colonel Lindsay), who had called attention to this subject, had always evinced the most earnest desire to improve the condition of the common soldier, and he had practically refuted the assertion that ameliorations in the condition of our soldiers could only be originated by civilians. He (Mr. Stafford) believed that the colonels of militia regiments would be able to afford very valuable suggestions to the Government on the subject of barracks. A colonel of militia had that day informed him that the hospitals and barracks at Gibraltar were in a state most detrimental to the health of the troops, and he hoped the attention of the Government would be directed to the condition of the military establishments at that garrison. He trusted that his noble Friend the Member for Marylebone (Viscount Ebrington) would have an opportunity of expressing his opinion on the subject under discussion, as he had devoted much time to the amelioration of the condition of the soldier, and there was hardly a hospital which he had not visited. His noble Friend was now prevented from attending the House, in consequence of a disease which he had caught in one of those hospitals. He (Mr. Stafford) had never found the Government wanting in readiness to support anything which they thought would tend to improve the condition of the soldier both at home and abroad, and he begged again publicly to tender them his thanks.

Sir DE LACY EVANS said, he was well aware that the hon. Member (Mr. Stafford) had undoubtedly rendered great personal services to our army in the East, and he agreed with the hon. Gentleman that the present Government had exerted themselves to promote the comfort of our troops, especially abroad. The hon. Gentleman was, however, a very new reformer with regard to military matters, and he ought to have a little consideration for old reformers, who had been struggling unsuccessfully for a quarter of a century or more to improve the condition of the soldier.

Mr. W. WILLIAMS said, he conceived that the best economy was to make every possible provision for the comfort of the soldier; but that, looking at the expenditure, our soldiers ought to be the most comfortable men in the kingdom. No less than £1,500,000 was included in this Vote for barracks; the amount exceeded £1,000,000 last year, being above £2,500,000 for the two years. The number of men for the home stations was 40,000, thus giving an average of £60 for barrack accommodation for each man. He believed that amongst the labouring classes £70 a year was about the average cost of each family for a year, being very little more than the amount paid for barracks for each soldier. The Barrack Committee had recommended that passages in barracks should be heated by hot water. But if we made exotics of our soldiers, how could they stand such exposure as they had had to endure in the Crimea? There were few gentlemen's houses where it was thought necessary to heat the passages: it was not done even in that House. Surely the soldiers might go along the passages in barracks without the risk of catching cold. He wished to see the soldiers comfortable, but he decidedly objected to a lavish expenditure.

Colonel BOLDERO said, he regarded the erection of barracks as an expensive, but not as a wasteful operation. Experience showed that there was very little difference between the cost of barracks constructed by contractors and those constructed by the Government for themselves. As to overcrowding in existing barracks, the opinion of the late Duke of Wellington was taken as to the number of men to occupy each room, and that great authority decided on fourteen. If the number were excessive the fault lay, not with those who built the barracks, but with the authorities who forced too many inmates into each department. Defensive barracks situated on the coast ought to be provided with every requisite; but economy might be effected in regard to the accommodation furnished for the troops stationed in the inland districts.

Mr. TITE said, he wished to inquire whether the Government intended to carry out the plans which had been approved for the construction of new cavalry and infantry barracks, and which had very properly been thrown open to the competition of the architects and engineers of the country? As to the item of £250,000 for huts, it was to be hoped that those buildings would be provided with substantial roofs. The huts at Aldershot might have been covered with slate instead of felt, without either loss of time or an increase in the expense. The item of £25,300 for the purchase of three houses in Pall Mall demanded explanation; as did also that of £33,000 for a site for barracks at Chelsea.

Sir JOSEPH PAXTON said, he wished to ask whether the recommendations of the Committee on Barracks were to be carried out at Aldershot? From the plans, it would appear that the buildings in that locality would be far too close together. The accommodation designed for 6,000 men ought to be spread over a much larger space than the plans indicated.

Mr. OTWAY said, that it might be supposed, from the observations of some hon. Members, that the House of Commons had shown a niggardliness in voting money to provide accommodation for the soldiers, but the fact was that, during the last and current years, the very large sum of £2,500,000 had been voted for barracks and huts, and yet they were told that the soldier was the worst-lodged individual in Her Majesty's dominions. He did not believe that the hon. Member for Lambeth (Mr. W. Williams) desired to curtail the proper comforts of the soldiers, but the Committee ought to know how that sum had been expended. A certain number of soldiers were married by leave of their commanding officers, and he should like to be informed whether fit accommodation was provided for them, or whether they were still huddled together in rooms with the other soldiers not married?

Colonel DUNNE said, that the soldier must, of necessity, when he entered the army, be prepared to sacrifice much in the way of comfort, and to submit to occupy the same sleeping apartment with several of his comrades. He ought, of course, to be provided with all that was requisite for the purposes of health and ordinary convenience, but more than that he ought not to be encouraged to expect. He might also add that, in his opinion, the accommodation for married soldiers ought to be upon a very limited scale. The soldier now enlisted but for a limited period, and therefore there was not that hardship in calling upon him to live without a wife, which under other circumstances would be the case. The truth was, it was rather a misfortune for the soldier to get married while in the service. If barrack accommodation were provided for our troops upon the same scale as at Sheffield, great expense would be incurred, and no adequate result would, so far as he could see, be attained. He might also say that it would be better that our barracks and huts, instead of being made of wood, which was of an extremely perishable nature, should be built of some more durable material.

Mr. MONSELL said, in reply to the inquiries of the hon. Member for Bath (Mr. Tite), that the plans for barracks were under the consideration of the Inspector General of Fortifications, with a view to certain reductions in the expense. With respect to the houses purchased in Pall Mall, near the old Ordnance Office, it appeared to the Government to be a matter of great importance to arrange the building so as to contain the whole staff of the new department, and the public would gain an equivalent for the expenditure in the efficient way in which the business would thereby be conducted. The scheme of erecting barracks at Chelsea had been abandoned, inasmuch as Battersea Park could not, as had been anticipated, be made available as exercise ground for the soldiers who might be stationed in that quarter. He might state, in answer to the hon. Member for Coventry (Sir J. Paxton), that the accommodation at Aldershot would be found amply sufficient in providing for the health and convenience of the soldiers, when it was taken into account that they had a large common at hand, by which means of exercise were afforded which did not exist in connection with other barracks. With respect to married soldiers, he might observe that the Government were extremely desirous to provide for them sufficient accommodation, and were prepared to take the necessary steps for that purpose. A considerable amount of expenditure with that view would of course be necessary, but then he believed that the moral effect in the case of the soldiers would be extremely beneficial.

Vote *agreed to.*

(6.) Motion made, and Question proposed—

> "That a sum, not exceeding £38,404, be granted to Her Majesty (in addition to the sum of £200,000 already voted on account), towards defraying the Charge of the Educational and Scientific Branches, which will come in course of payment from the 1st day of April, 1856, to the 31st day of March, 1857, inclusive."

Mr. E. ELLICE said, he wished for some explanation of the item of £50,000 for the Ordnance Survey of Scotland. The plan proposed by the Government, which had been approved by a Committee of that House, was to survey the whole of Scotland on the scale of twenty-five inches to the mile. Such a scale would give every landed proprietor in that country an accurate map of his estate, complete to the minutest details, with every road and even every ditch marked in, and the position of all the farm buildings laid down. No doubt that would be very pleasant for the landed proprietors, but not so pleasant for the landless tax-payers, at whose expense it was to be furnished. To justify such an expenditure, the benefit which was to be gained ought to be shown to be of a permanent nature, but it was manifest that the continual changes which would take place — the fresh sub-divisions of holdings, for instance, the construction of new farm buildings, and so on—would, in a very few years, make the map inaccurate and comparatively worthless. The Committee would be rather taken aback to learn that if it sanctioned this item of £50,000 it would commit itself to an expenditure of no less than £5,000,000. Sir Charles Trevelyan, who appeared before the Committee on behalf of the Government, to say all that could be said in favour of the scheme, boldly avowed that he contemplated the survey of England and Ireland on a similar scale, and allowed that the cost would amount to somewhere about the sum which he (Mr. E. Ellice) had just named. But, in addition to that, there would be the expense of a new department which it was in contemplation to establish, with surveyors in the principal towns to revise the plans periodically, so as to keep up their accuracy. Now, the Committee should remember that a survey on such a gigantic scale was as yet a mere experiment. The six-inch plan was condemned by every one but the Ordnance, and appeared to be kept up by them only as an engineering curiosity. As the survey for Scotland must be gone on with—he should suggest upon their one-inch scale—he did not think he should be justified in moving the rejection of the Vote. He should, therefore, to bring the matter to a point, move to reduce it by £8,000.

Mr. MONSELL said, that no one could have supposed, from the speech of the hon. Gentleman, that this matter had been submitted to the careful consideration of the most eminent scientific men of the country, a vast majority of whom had decided in favour of the scale to which the hon. Gentleman was so much opposed. That plan had also been recommended by the Committee of which the hon. Member was himself a member, and was, at the time that it was temporarily departed from, petitioned for by large numbers of the people of Scotland. The six-inch scale would cost £700,000, the twenty-five-inch only £900,000, and it was, therefore, comparatively much the cheaper of the two. The hon. Gentleman had said that the surveying of the United Kingdom upon this scale would cost £5,000,000. Even if that were so—which he (Mr. Monsell) doubted—it must be borne in mind that this expenditure would be extended over a great number of years; and that the greater portion of the work was performed by that most valuable corps, the Sappers, which, if not employed upon these surveys, would have nothing to do, but which must be kept up to provide for the defence of the country and its preparation for war. Frequent changes of plan in this matter were most disastrous, prevented the proper conducting of the survey, and caused a lamentable waste of public money. He would, therefore, urge the Committee not to depart from a plan which had been recommended not only by the authorities to whom he had referred, but also by Colonel James, who was so ably conducting the survey, and to reject the Amendment of the hon. Member.

Sir THOMAS ACLAND said, he must express his regret that the map of England on the one-inch scale was still left incomplete.

Sir WILLIAM JOLLIFFE said, that while he had great difficulty in supporting the Amendment, he could not defend the system on which this survey had been carried on. He did not see why the survey of Scotland should have been commenced before that of England was completed. Why, too, should the Ordnance have surveyed thinly populated districts, where estates were large and maps little in demand, and have left unsurveyed others where there was a dense population, many large towns, and numerous manufactories; and where the demand for the maps would have been so great as almost to repay the expense of the survey? The six-inch map of Lancashire had been found exceedingly useful, and it was much to be regretted that Yorkshire, Staffordshire, and London had not been surveyed upon the same scale. It was absurd to delineate with such minute accuracy the mountainous regions of Ireland and Scotland, while there were many of the most populous districts of England which had not as yet been mapped.

Mr. STEPHENSON said, he must admit that each scale had its peculiar advantages, yet at the same time he must contend that for practical references the one-inch map was the best of all. The habit which unfortunately prevailed in this country of continually changing the scale occasioned a profitless expenditure of the public money and endless confusion. The great *desideratum* was a map of Great Britain on a uniform scale. In Ireland the scale had been altered once or twice, and the result was most deplorable. He had frequently consulted the six-inch maps in that country, but invariably found them worse than useless for engineering purposes. It gave him nearly as much trouble to gather information from them as to realise it on the ground. What the engineers engaged in various parts of the United Kingdom had for years been endeavouring to obtain from Parliament was an assurance that the one-inch map would be completed before any other piece of surveying was taken in hand. If it were to be continually interrupted, as it had heretofore been, fifty or sixty years would elapse before it was perfected. At present there was no uniform map of England on which engineers could depend. In France and other countries through which he had travelled on professional business, he had never found any difficulty in procuring lucid and accurate maps; but such could not be said for England, though the English had probably spent on their surveys ten times as much as any other people in Europe. Over and over again the engineers of Great Britain had given the Government to understand that maps on the six, the twelve, or the twenty-five-inch scale were alike useless to them, but the Ordnance turned a deaf ear to all their protestations, and went on constructing maps which the engineers did not want and would never consult. He was in no degree responsible for the Report of the Committee of which he was a member. He disapproved every paragraph of it from the first to the last, and, suffering under a malady which rendered it undesirable that he should expose himself to excitement, he stayed away from the Committee for fear he might express himself too strongly on the subject.

VISCOUNT DUNCAN said, that as chairman of the Committee he felt called upon to defend their Report, which had found favour with all the members of that body except two. The one-inch survey of England had been found useless for all purposes to which a national survey should be applied. The evidence of Colonel Dawson went to show that it was one of the most expensive scales that could be adopted, and that it would have been more economical to have constructed the maps originally on the twenty-five-inch system. A one-inch survey could not be enlarged to a twenty-five-inch survey, whereas a twenty-five-inch might easily be reduced to any smaller scale. He had heard it insinuated that the adoption of the twenty-five-inch scale was a job on the part of the Scotch proprietors—an attempt to thrust their hands to the very bottom of the pockets of the English people. [Mr. W. WILLIAMS: hear, hear!] He was not astonished to hear that cheer; but when grants were proposed for metropolitan police and metropolitan parks, who so ready to vote away the public money as the hon. Member for Lambeth? Let all parties share alike, and certain he was that the Scotch Members would not ask anything for themselves which they were not prepared to give to others. If he could not prove that the twenty-five-inch scale was the best that could be adopted, not only in Scotland, but in other parts of the country also, he would be the first to ask the hon. Member for Lambeth to vote against it. On probing the matter to the bottom, he had found that there was no truth in these insinuations against the landed proprietors of Scotland. It was not correct to say that the twenty-five-inch scale originated with them. When the people of France saw the mistakes into which England had fallen, they referred the whole subject to a Commission consisting of the most able men—Laplace and others—who could be found in that country. Those gentlemen sat for ten years on the subject (Laughter). He could inform hon. Members that they were not in the habit of rushing to a conclusion so rapidly as some hon. Gentlemen were. They took time to consider the subject, and if those who seemed to be so highly entertained by what he was saying would take the trouble to read the Report of the Committee of which he had the honour to be Chairman, and to glance over the labours of the French Commission, he thought they would hesitate before they pronounced so rashly upon so difficult and intricate a question as that of a national survey. Laplace and his colleagues, after their mature deliberation of ten years, made a Report to the Emperor Napoleon, no mean authority on such a subject, and upon their recommendation the Emperor adopted a twenty-five-inch scale. The survey upon that scale was so successful in France that it was executed in Austria, Bavaria, and almost every other country in Europe, except Great Britain. In Bavaria, as the Committee were told by M. Vignoles, the survey on the twenty-five-inch scale had been so successful that it had actually done away with the system of conveyancing. The same witness stated that there would be no difficulty in applying the same survey to Great Britain. And, then, high authority—the right. hon. and learned Lord Advocate for Scotland—told the Committee that, after the completion of such a survey, he was perfectly satisfied that, although conveyancers would, in all probability, keep up descriptions, as lawyers did for greater safety, especially in large estates under ancient titles, yet he thought the system would be gradually dispensed with. The Committee did not confine their attention to the production of a mere geographical map. Nobody denied that for such a map a one-inch scale would be sufficient; but, after inquiry, the Committee came to the conclusion that a national survey ought to subserve, among other purposes, the registration of titles, the simplifying and cheapening of conveyances of land, local valuation and assessments, adjustment of civil and ecclesiastical divisions, enclosure of waste lands, sanitary purposes, statistics, and geological and mineral surveys. A geographical map might be of use to travellers, but to the permanent residents in a country, to the people generally, it would be of comparatively small value. He had often heard in that House the name of "the public" taken in vain, but never more so than when it was said that the people wanted a mere geographical map. What was the fact? The one-inch scale was acted upon through all the southern counties of England, but in the northern districts it was found utterly impracticable to proceed with the survey upon that scale. There actually was not room to put down the names of the places, and the survey was given up in despair. It had been asked why should the survey of Scotland take precedence of that of England? He had no wish that it should; and, in point of fact, while the survey had been proceeding in Scotland it had also been carried on upon the large scale in Durham, York, and all the northern counties of England. It had been stated that a sum of £5,000,000 was about to be thrown away upon this survey. Now, to that assertion he gave an unqualified contradiction. The Estimates placed before the Committee led them to believe that the outside cost of the survey of Scotland, conducted upon the best possible principles, would not exceed £917,000, and the expenditure was not likely to amount even to that sum. Then it was declared that the survey had been begun, but would never end, whereas Colonel James, on the contrary, stated that it would be almost certain to be concluded in ten years. He had been intrusted by the Committee over which he had had the honour to preside with the task of drawing up the Report, and now stood there prepared to justify every word of it. In conclusion, he would call upon the Committee to support one of the most economical Votes it could possibly pass, and to allow the funds necessary to carry on this survey on something like a uniform and intelligible plan.

Lord ELCHO said, he regretted that the hon. Gentleman who had brought forward the Amendment had not given notice of his intention to submit it to the Committee. In 1851 the unanimous opinion of a Committee which had sat to inquire into this subject, of which Committee he was Chairman, had been in favour of the one-inch as compared with the six-inch scale, that being the only point upon which the Committee had to decide. The people of Scotland, however, objected to be bound by that decision, although almost all the Members of the Committee were Scotchmen, and they prayed for the adoption of the six-inch scale. Afterwards, when Lord Aberdeen was in office and he (Lord Elcho) was at the Treasury, the advice of men of attainments and experience was sought for on this question, and Colonel Dawson, among others, expressed a strong opinion that as the six-inch scale was not sufficient for property purposes, and as there was a feeling in favour of a larger scale, the twenty-inch cadastral survey should be carried out. Circulars were also sent to high authorities on the subject as well as to a number of scientific bodies, and the testimony appeared to be quite conclusive in favour of the larger scale of from twenty to twenty-five inches. While thirty-two replies were given in favour of the six-inch scale, 120 were for the larger scale of from twenty to twenty-five inches to the mile; and not only was there a large majority in point of numbers on the side of the larger scale, but the weight of authority was likewise clearly on the same side. There had been an understanding last year that no further steps should be taken on the subject until the question had been referred to a Select Committee, and that Committee had, with two exceptions, been in favour of the large scale. The work was one of great national importance, and he hoped the Committee would not be led away by the observations of the hon. Member (Mr. E. Ellice).

Mr. W. LOCKHART said, he fully concurred in what had fallen from the noble Lord who had just sat down, and in the recommendation made by the Committee.

Viscount PALMERSTON said, he hoped the Committee would not agree to the Amendment of his hon. Friend the Member for St. Andrews. He could understand that Parliament should decide upon having no survey of any part of the country, because such a decision, although unwise, would at least be intelligible; but he could not understand Parliament deciding that a survey should be made, but that the survey should be an imperfect one. All other European nations had agreed that a survey should be made on a scale which was the one best adapted to combine all the purposes for which a survey was necessary, and the scale of twenty-five inches to the mile was considered to be the scale best calculated to record all the information which might be of practical utility. It had been said, "Let us have a map on the one-inch scale." Well, there would be such a map; but in order to have a map on that scale the survey must be made on a much larger scale, in order to obtain accuracy. If, therefore, it was necessary to make a survey on a larger scale, it became a question whether it might not be desirable to make it upon a scale large enough for all purposes. It was not proposed that the map on the twenty-five-inch scale should be published, but it would be a matter of record from which persons who required one might have a copy made at their own expense. His hon. Friend (Mr. E. Ellice) had complained of the expenditure which would be incurred, and he had stated that the principle, if agreed to, as far as Scotland was concerned, would have to be extended to England and Ireland, and that then an expense of £5,000,000 would be incurred. Now, that he considered was as strong an argument as could be advanced in favour of the present Vote, because, unless experience in the case of Scotland proved the advantage of the system, it could not be extended to England. He hoped that hon. Gentlemen would not be led away by the argument that England was now called upon to do for Scotland that which she had not done for herself, because that argument would apply equally to every scheme for local improvement. The whole question now was, whether the Committee would agree to apply to Scotland a principle which the highest authorities regarded as being likely to produce most beneficial results.

MR. E. ELLICE said, he thought that the publication of a map for the Highlands on the twenty-five-inch scale was a perfect absurdity, and he must remind the Committee that the present Vote included the publication of the map. As to the statement that the maps of other countries were on a large scale, he would beg to call the attention of the Committee to the evidence of Sir Roderick Murchison. That Gentleman said:—

> "The largest scale on which any map of a foreign country has been published is that of Bavaria. It is a lithographed map, on the scale of about one and five-tenths of an inch to the mile. The maps of Austria are on the scale of seven-tenths of an inch to the mile. Those of France on the scale of nearly three-quarters of an inch to the mile. No great European country has published a general engraved map upon so large a scale as the one-inch map of Great Britain."

To complete the survey of Scotland on the one-inch scale would cost about £317,000, while the adoption of another scale would lead to an expenditure of £917,000.

MR. COWAN said, that as one of the Committee of 1851, he should support the Amendment, though he would be much better pleased if the hon. Member would withdraw it. The execution of the large scale would be providing gentlemen with beautiful plans of their estates at the public expense.

THE LORD ADVOCATE said, he should support the larger scale, on the ground that a six-inch scale was too large for an ordinary map and too small for public purposes; and that the Committee had come to the unanimous conclusion that, upon the whole, it was the most economical and most advantageous scale that could be adopted.

LORD ELCHO said, that those who were conducting the survey proposed to publish it on the large scale; but that, by aid of the anastatic process, they would be enabled to produce the maps in so cheap a form that a sale of thirty-three copies would more than cover the cost of publication; but for that discovery the expense would have been enormous.

Motion made, and Question put—

> "That a sum, not exceeding £30,404, be granted to Her Majesty (in addition to the sum of £200,000 already voted on account), towards defraying the Charge of the Educational and Scientific Branches, which will come in course of payment from the 1st day of April, 1856, to the 31st day of March, 1857, inclusive."

The Committee *divided*:—Ayes 69; Noes 160; Majority 91.

COLONEL LINDSAY said, before the Vote was passed, he wished, with the consent of the Secretary of State for the War Department, to put a question to the Chancellor of the Exchequer respecting an institution in the metropolis devoted to the advancement of naval and military science. This was the only country which did not support an institution for that special object. The House passed annually votes for the Royal and Geographical Societies, but no Vote for the advancement of naval and military science. At the Institution in question lectures were delivered and discussions took place on naval and military subjects. For example, there was last year a long discussion upon Mr. Fergusson's system of fortifications to which allusions were made in that House. The institution was well worthy the support of the Government, and he wished to ask whether the matter would receive consideration?

The CHANCELLOR OF THE EXCHEQUER said, he believed the institution referred to might be considered as tending to promote those branches of knowledge which were interesting to the naval and military professions. Lord Panmure had mentioned to him his wish that the ground-rent should be defrayed at the public cost instead of assisting the institution by a Vote, and in his noble Friend's view that amount of public money would be usefully bestowed. He could only state at present that the matter was deserving and should receive the consideration of the Government.

Vote *agreed to;* as was also—

(7.) £1,500, Education of Cadets.

The House resumed.

## AGRICULTURAL STATISTICS BILL.

Order for Second Reading read.

MR. BENTINCK said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer when it was the intention of the Government to bring forward this measure? He had understood the right hon. Gentleman to say that it would not be brought on that night, and that there was no probability of the Bill being read a second time before that day week. Since that announcement was made the noble Lord at the head of the Government had stated that it would be brought on to-morrow. Now, as those two statements did not tally, he should like to know upon what the House might rely?

VISCOUNT PALMERSTON said, that hon. Gentlemen who attended to the business of the House must know how impossible it was to say at what time any particular measure would come on. Things arose suddenly which frequently threw over all previous arrangements. If it could be brought on to-morrow, at a time when it could be discussed, it should be proposed; but if that opportunity did not then occur, it would be postponed to some other time.

MR. BENTINCK again rose, and was met with loud *cries of* "Spoke, spoke!" The hon. Gentleman said: Well, then, I move the adjournment of the House.

MR. SPEAKER informed the hon. Gentleman that he had already spoken on the question, and was out of order in making such a Motion.

MR. E. BALL said, he would move the adjournment of the House. He might inform Her Majesty's Government that a good deal of excitement on this question prevailed in the agricultural districts, and he trusted that if the noble Lord did not intend to proceed with the measure he would at once say that the pressure of public business was so great that no time could be given to it.

MR. CAYLEY said, the matter could hardly come on to-morrow, as the Poor Law Amendment Bill stood for discussion, as well as the Militia and other Estimates.

MR. BENTINCK said, he would admit that it might be very difficult to determine generally what would occupy them on a particular day: hence the noble Lord was master of the situation, and it rested with him to determine when the Bill would be brought on. The noble Lord, however, had had no difficulty whatever in granting Monday to the hon. Member for Louth (Mr. Fortescue) to bring on his Motion.

VISCOUNT PALMERSTON: The instance quoted by the hon. Gentleman was one in support of the rule which he had laid down; namely, that when subjects of great importance intervened, everything else had to be postponed in order that an early opportunity might be allowed for their discussion. He must beg leave to say that it appeared very extraordinary that hon. Gentlemen, who by their votes and speeches, attached so much importance to the subject referred to in the discussion about to be raised by the hon. Member, should now dissent from that conclusion. With regard to the Agricultural Statistics Bill, if the Bill could not come on before ten o'clock, they would not press it for discussion if hon. Gentlemen did not wish. But the object of the Government was to have the Bill read a second time in order to refer it to a Select Committee.

The Motion for the adjournment of the House was then withdrawn, and the second reading of the Bill postponed.

## COALWHIPPERS' (PORT OF LONDON) BILL.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. LOWE said, the Bill was originally introduced by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), and was intended to remedy the grievances of the coalwhippers of London, who were enslaved by the publicans in whose houses they were hired. The Act had had the desired effect. Those men were no longer hired in public-houses, but from a central office established for that purpose. It had, however, been represented by the coal trade of the north and by the shipowners that the Bill was no longer necessary, and the Government was willing to discharge the order for the second reading upon an undertaking being entered into—which had been privately done, and which he hoped would be renewed by the representatives of the coal trade and shipowners in that House—that they would establish an office for the engagement of coalwhippers which they would support, and that they would not hire men from nor pay them wages in any public-house, and that if those terms were broken in letter or in spirit they (the coal and shipowners) would not offer opposition to the renewal of the Act in the next Session. Upon these terms the Government being fully satisfied as to the honour and good intentions of those gentlemen, and being convinced that the undertaking would be fully carried out, thought that the matter was better in their hands than those of any public Board, and, therefore, was quite willing that the order for the second reading of the Bill be discharged.

MR. FENWICK said, he begged to express his gratification at the course adopted by the right hon. Gentleman. Had the Bill been persisted in he would have been prepared to prove that greater evils had been caused by the Bill than any it had remedied. He was, however, quite willing to abide by the conditions of the right hon. Gentleman, and if those conditions should be broken he would not offer any opposition to the re-introduction of the Bill.

MR. INGHAM said, he could inform the House that the sentiments expressed by the last speaker were shared in by all the coal-owners. They thought that the Act had now become superfluous, and measures had been taken by which the coalwhippers would not be subject to the impositions of the publicans. The agreement had been signed by the coal-owners of the Tyne and the Wear.

MR. GLADSTONE said, he had heard the statement of the hon. Member for Sunderland (Mr. Fenwick), that if the Bill was persevered with, he was prepared to show that much greater evils had arisen under it than those which it was intended to remedy, with great regret. Now what were the evils which the Bill was intended to remedy? Why that a body of 2,000 or 2,500 labourers, representing a population of something like 12,000 souls were reduced by the system with which their trade was conducted to a state of squalid poverty, and almost hopeless demoralisation. Special circumstances alone had justified the introduction of the Bill, but its moral objects had been completely achieved, and he was altogether at a loss to know what were the evils to which the hon. Gentleman referred as having counterbalanced those great results. He considered that a peculiar responsibility in regard to the Bill rested upon him since he had originally introduced the measure under the administration of Sir Robert Peel. His right hon. Friend (Mr. Lowe) had stated, that the Government, after full consideration, had arrived at the conclusion that the time had come when the renewal of the measure was unnecessary, and looking at the circumstances of the case he (Mr. Gladstone) was indisposed to dispute that conclusion. He would admit that the Bill was not intended to introduce into our law a permanent exception with respect to a particular class of labourers; and if the necessity out of which it sprung had ceased to exist, it was time that the Bill should cease to exist also. On that matter the Government were in a high, though not the highest, sense the proper and peculiar judges; for there was no power in that House with respect to a class of men, who were little in the public eye, which could possibly maintain or be responsible for the maintenance or operation of such a law except the Government. It followed that the judgment to which they might arrive ought to be all but conclusive as to the propriety of supporting the renewal of such a measure, and he felt sure that his right hon. Friend and the noble Lord at the head of the Government were fully conscious of the weight of the responsibility that rested upon them with respect to the condition of this class of labourers. If the time had really come, and they were right in their judgment, undoubtedly the House would give way to it. The House had, however, he apprehended, but very imperfect means at its command of forming an opinion on the subject. It must be led to act in the main on their recommendation, and in proportion to the imperfection of the means of judging given to the House would obviously be the responsibility under which his right hon. Friend the Vice President of the Board of Trade placed himself by the conclusion to which he had arrived. Placing, then, the fullest confidence in the assurances given by his right hon. Friend and by the hon. Gentleman who had last addressed the House, and the hon. Member for Sunderland, he for one thought it to be his duty to accept these assurances in the spirit in which they had been made. There was no class of labourers who had more claim on the consideration of that House than the coalwhippers. Their good conduct at a time of crisis to all interests had been the subject of eulogy in that House, and he was quite sure that would be liberally conceded to them which in justice was no more than their due. What he meant was this. The first announcement of his right hon. Friend's intention had been made that night, and he understood his conclusion had only been arrived at in the course of that very day. He thought, therefore, that it would be desirable both that they should give some notice to the persons immediately interested in the Bill of the course the Government intended to take, and likewise that they should take measures for placing on record the considerations which had induced the Government to adopt that course. The proceedings in both respects were plain. The declarations made in the House were perfectly satisfactory to him and were justly regarded as of the best authority; but out of doors they had not the convenience and certainty which attached to a document. He believed he was correct in saying that a written document, signed by persons whose names were a perfect guarantee of its validity, had been presented to the Board of Trade on the subject; but he believed that there was one point in which that document was less full than it was desirable that it should be, and having been signed by parties a portion of whom were absent from London, he thought there would be great inconvenience in attempting to refer afresh to the whole of those parties. If he were rightly informed, however, the gentlemen who were now in London upon the business, or who sat in that House, were abundantly authorised to represent the wishes and intentions of the parties who had signed the document, and to declare and assure the Government that those wishes and intentions came fully up to the measure of what had been declared that night by his right hon. Friend (Mr. Lowe), and by Gentlemen who, answering to his appeal, had addressed the House. Those Gentlemen were, therefore, in a condition to supply anything that might happen to be wanting in fulness in the document presented to the Board of Trade. He would venture to propose, then, that either his right hon. Friend should lay upon the table of the House, or that he (Mr. Gladstone) or some hon. Member should be allowed to move to-morrow for the production of the important assurances which had been conveyed in writing on the part of the owners of coal and of shipowners in the coal trade, and which had led his right hon. Friend the Vice President of the Board of Trade to the conclusion at which he had arrived. It would be obviously improper to proceed to discharge the order for the second reading of the Bill that night; but, with the view of contributing to the harmonious settlement of the question, and showing that very meritorious class of labourers that the House took a serious view of the question, and was not disposed to deal with it in an off-handed manner, he would move, as an Amendment, that the Bill be read a second time that day fortnight.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon Friday the 4th day of July next."

MR. LIDDELL said, he willingly admitted the evils of the old system, and that the present law had, to a certain extent, corrected them; but whilst suppressing one set of evils, he regretted to say that the artificial system now in operation had created others in their stead. It had taught a body of labourers who were second to none in physical power or good conduct, to relinquish that which was the birthright of the British labourer—namely, self-reliance. Again, it was no small evil to have thrown upon an important branch of trade, exposed to severe competition, the sole cost of maintaining an artificial system of this description. Lastly, the system had failed to ensure that regular employment which every man in all other branches of labour enjoyed when left to seek employment in a market that was open to the world. While enumerating those evils, however, he granted that they were not to be compared for one moment to the moral evils which the Act had suppressed. But those moral evils having ceased to exist, and the Bill having perfectly accomplished its object, by rescuing the men from the state of degradation into which they had been permitted to fall, there was now, he considered, no necessity for sanctioning the continuance of a law which went to perpetuate a Trades Union, with all the evils which combinations of that kind necessarily produced.

Mr. LOWE said, his right hon. Friend (Mr. Gladstone) had made two propositions—one, that the document presented to the Board of Trade should, for the satisfaction of the coalwhippers, be laid upon the table of the House; the other, that the second reading of the Bill should be adjourned for a fortnight. For his (Mr. Lowe's) own satisfaction neither of these measures was necessary. He was perfectly content with the assurances he had received from hon. Gentlemen who had spoken that night, and he was satisfied that no document of any kind would bind them more firmly than the honourable understanding that had been come to upon the subject. He thought that there was no occasion to adjourn the debate for a fortnight; but he had no objection to do so if the House desired. It would be on the understanding, however, that no alteration would be made in the Bill in the meantime.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *deferred* till *Friday,* 4th July.

The House adjourned at half after One o'clock.

## HOUSE OF COMMONS,

### *Friday, June* 20, 1856.

Minutes.] Public Bills.—1ª Intestates' Personal Estates; Metropolis Local Management Act Amendment (No. 2).

2° Joint-Stock Companies Winding-up Acts Amendment; Sardinian Loan.

3° Peace Preservation (Ireland).

## THE MURDER IN PANTON STREET—ESCAPE OF FOSCHINI—QUESTION.

Mr. BOWYER, pursuant to notice, rose to ask a question respecting the non-apprehension of the Italian Foschini, who had recently attempted to assassinate three men in a house in Panton Street, all of whom were severely wounded, one so dangerously that it was feared he would not survive. A reward of £100 had been offered by the Government for the apprehension of Foschini. Placards had appeared all over London describing his appearance, and every exertion was apparently made to effect his apprehension. All the endeavours of the police had, however, been found of no avail, and he was informed, on authority upon which he could rely, that this man was safe in America. He was further informed that so certain was Foschini of his escape that he had actually returned to the house where he lodged after the commission of the crime; that he slept there that night, and breakfasted there on the following morning, and that he then went off. From the premeditation of the crime and the craft of the individual, there was enough to show that there was some agency employed in it that was capable of baffling the efforts of the police. He was also informed that the Italian refugees in England, as well as elsewhere, were divided into two factions or sects. The one was composed of the more moderate men, who looked forward to an amnesty with the hope of being able to return to their native country. The other comprised what was called the "Reds," who were men of a more desperate character, and who wished to keep up an agitation in different parts of Europe, and thereby to prevent any amnesty being granted. Of this latter class Foschini was a member, and was the intimate friend and associate of Pianori, who had attempted the life of the Emperor of the French. This party was on intimate terms with Mazzini, whose government—["Question, question!"] Those men were closely connected with Mazzini—["Question!"] It was necessary for him to mention those facts, in order to explain the reasons for his question. Those attempted assassinations were committed by persons who did those acts for their own purposes, and to prevent the more moderate refugees from getting back to their own country. Although the offer of £100 reward for Foschini would be very likely to tempt persons to give such information as would lead to his apprehension, yet the members of that party were deterred from doing so from the fear that they would fall victims to the knife of the assassin. Such being the facts which he had received from an authority upon which he could rely, he submitted that something ought to be done to put down the evil of such an organisation, which evidently existed in this country, and with which the police were unable to deal. The fact of this man Foschini being a foreigner rendered him a more marked character, and more likely to be apprehended. It was, therefore, the more extraordinary that the police had been unable to effect his capture. This was a matter upon which Her Majesty's subjects should receive the fullest information from the Home Office. He would, therefore, ask the right hon. Baronet whether there is at the Home Office, or with the Commissioners of Police, any Report or other papers regarding the escape of Foschini, for whose apprehension a reward was lately offered; and if so, whether Her Majesty's Government will lay such Report or other papers on the table of the House?

SIR GEORGE GREY: I know nothing of the facts which have been alleged by the hon. and learned Gentleman, and I am not without hope that the crime to which he has alluded may yet be made the subject of a judicial investigation. Every means were taken by the police, immediately they received information of the crime, for the discovery and apprehension of Foschini, the person charged with its commission. Not only was a search made for him in London, but a description of him was sent by telegraph to all the ports by which it was thought possible that he would attempt to escape, and measures have been taken for his identification and apprehension if he should have reached any of those countries with which we have treaties of extradition for offences of this kind. The hon. and learned Gentleman must not therefore assume that if he has left the country he is beyond the reach of justice; but I have no positive information as to whether or not he has left it. No doubt there is reason to believe that the crime was premeditated, and that immediate means were taken for the concealment and escape of the person by whom it was committed, which have been the cause of his not yet having been discovered.

## REDUCTION OF OFFICERS OF THE ARMY—QUESTION.

LORD HOTHAM said, he had the other day asked the Under Secretary for War in what manner the Government intended to deal with those officers who were to be taken from the active list in consequence of the termination of the war. The hon. Gentleman then stated that the Minister of War had every desire to bring those officers back into the service as opportunity might offer, and he entertained a confident expectation that no long time would elapse before they would be absorbed into the service. Since that statement was made he had received numerous communications upon this matter, which naturally excited great interest among the officers and the families of the officers who were likely to be included in the reduction. If it were possible, he should be very glad for no practical reduction to take place, but he would not shock the susceptibility of the Chancellor of the Exchequer by such a proposition. It appeared, then, that a reduction must take place, and the only question was, in what manner such reduction should be made. It was desirable that that reduction should be carried out with the least amount of individual hardship. A plan had been put forward in the public journals, the merit of which was that the reduction would be confined to the lowest class of officers in the regiments—that was, the ensigns. The great advantages of such a plan was, that those officers who had the larger amount of experience would be retained in the service. He hoped, at all events, that an opportunity would be given to the lieutenants to continue with the regiments in which they served upon ensigns' pay, if they pleased to do so. To those who were acquainted with the military service it was very well known that there was no such difference in the duties of ensigns and lieutenants as could raise any difficulty against the adoption of this plan; but to those who were not acquainted with military matters it was necessary to state that in every regiment there were five classes of officers from the lieutenant-colonel downwards. Practically, however, the duties of the officers were confined to three classes—namely, the field officers, the captains, and the subalterns. Consequently, there was no duty of an ensign which a lieutenant could not perform, and no objection to the proposed plan could be offered on that ground. He would, therefore, ask the Under Secretary for War to explain in what manner it was proposed to carry into effect the intended reduction of officers in those regiments whose establishments were increased in consequence of the late war?

MR. FREDERICK PEEL said, whatever might be the hardship occasioned by the reduction, it appeared to him that nothing could be clearer than the course the Government were bound to take. In the regiments placed on the war establishment there were sixteen companies, and in each regiment there were twenty-six lieutenants and fourteen ensigns. On the peace establishment there were twelve companies, and in each regiment there were fourteen lieutenants and ten ensigns; consequently, there would be reduced twelve lieutenants and four ensigns in each. The junior officers in each grade would be reduced. There could be no doubt that the senior officers had the right of preference. He did not think that the suggestion of the noble Lord could be carried out to its extent, inasmuch as the proposed plan would not reach the captains. As far as he was informed, there was no intention of adopting the course alluded to. The ensigncies would, no doubt, shortly be absorbed, as vacancies arose. It would be hard to postpone the promotion of the ensigns by filling all those vacancies from the half-pay lieutenants' list. Perhaps a satisfactory settlement of the matter might be arrived at by filling up the vacancies, alternately, from the ensigns and from the half-pay lists.

## OUR RELATIONS WITH THE UNITED STATES—QUESTION.

MR. GLADSTONE: Sir, in putting the question of which I have given notice, it is hardly necessary for me to add more than a word of explanation. The House will recollect that on Monday last, and at the time my noble Friend at the head of the Government announced to this House that Her Majesty's Government had not thought it necessary to advise Her Majesty to suspend diplomatic relations with America, he did not add any explanation of the motives which had led to that course being taken by the Government; nor did he advert to the view taken by the Government in regard to the conduct of the American Government with reference to the dismissal of Mr. Crampton. At that time there was reason to expect, from a notice which was then on the paper, that there would be an immediate discussion on the subject; and whether my noble Friend thought it better that the views of the Government should be declared on that discussion, or whether he thought that they would be better disclosed by producing to this House the despatch of Lord Clarendon in answer to Mr. Marcy, I do not, of course, know; but either of those reasons I construe as the probable motive of his silence on Monday last. I beg it to be understood that I do not complain of that silence; but that Motion has, at least for the present, been withdrawn, and it is now uncertain at what time the hon. Member opposite (Mr. Moore) may think it right to refer the House to this subject. It is, therefore, Sir, that in my notice I naturally refer in terms to the despatch which my noble Friend said would be prepared in answer to Mr. Marcy; and, without at all attempting to press upon the Government for the production of this despatch at an earlier period than may be consistent with the most ample pains in its preparation—without any such desire or attempt, yet having regard to the advancing state of the Session, and to the state of the business of the Session, which is advanced—I may say happily advanced —even more than is usual at this period of the year, I venture to express an opinion that it is desirable that this despatch, which contains in the clearest and most authentic form the views of the Government in reference to the dismissal of Mr. Crampton, should be brought under the notice of the House at the earliest period possible. It may conduce to the convenience of the House if the noble Viscount give us the best information in his power as to the time at which he may be able to produce it. As regards the production of the despatch, I make no question at all, because I think the inference to be drawn from the speech of my noble Friend on Monday evening was, that it was the intention of the Government to produce the despatch when prepared. I beg, Sir, to ask the First Lord of the Treasury at what time it may be expected that the answer of the British Government to the recent despatch of Mr. Marcy, with reference to the dismissal of Mr. Crampton from Washington, will be laid before the House?

VISCOUNT PALMERSTON: My right hon. Friend quite rightly understood the motives which induced me not to enter on an explanation of the views of Her Majesty's Government on this subject. These motives continue equally strong at the present moment. I shall, therefore, say, in answer to my right hon. Friend's question, that I have no doubt of being able to lay those papers, including the answer of Lord Clarendon to Mr. Marcy's despatch, on the table of the House early next week —probably on Monday.

SIR JOHN PAKINGTON: It appears to me, Sir, that the right hon. Gentleman the Member for the University of Oxford has done quite right in asking the Government the question he did respecting the production of those papers; and I am glad to hear from the noble Lord, that we may hope to receive in a few days the answer which Her Majesty's Government propose to return in reply to the despatch of Mr.

Marcy. Perhaps it may be fair to the Government, till that despatch is on the table, and in the hands of hon. Members, to postpone any discussion on the conduct of the Government with regard to the enlistment question; but I do very earnestly hope that that discussion may not be long postponed. I speak in no party sense—I assure the House that I speak with no party object when I say that I regard with feelings of the greatest anxiety—I may go further, and say, that I regard with feelings of shame the present state of our relations with the United States of America. For that painful state of affairs I attach blame—judging from the public documents in the hands of us all—to the serious misconduct and the unwise policy of Her Majesty's Government, by which the Government of the United States has been irritated, deceived, and offended. Under those circumstances, I think that the day ought not to be distant when we shall enter on some discussion on this subject. I regret very much that my hon. and learned Friend the Member for Inverness-shire (Mr. Baillie) should have felt himself under the necessity of postponing his Motion; but I do hope that either on the Motion of the hon. Member for Mayo (Mr. Moore), or on some other Motion or Resolution, the independent Members of this House may be at liberty to call the attention of the country to the present state of our relations with the American Government.

Sir GEORGE GREY: I must say, Sir, that the right hon. Gentleman in assenting, as he professed to do, to the remarks of my right hon. Friend the Member for the University of Oxford, would have exercised more discretion, and would have acted more in conformity with the course which he usually adopts in this House, even towards those who are politically opposed to him, if, while deprecating any discussion on the question at present, and admitting that my right hon. Friend had exercised a wise discretion in postponing that discussion, he had not himself anticipated it by the expressal of a most decided opinion on the question. However, Sir, I gladly perceive, not only from the cheers on this side of the House, but also from manifest indications which I see from hon. Gentlemen who sit behind the right hon. Baronet, that there is a general concurrence in the sentiments which I express. I do hope, Sir, that if there is to be a discussion on this question —and it will not be the fault of Her Majesty's Government if that discussion shall not take place—the House will in the meantime suspend its opinion as to the conduct of the Government or of Her Majesty's representative in the United States.

Mr. G. H. MOORE, while acceding to the general feeling that he should postpone his Motion, in consequence of the announcement made by the noble Lord, thought it was not unreasonable to ask the Government to fix some time when the discussion might be brought on.

## CAMBRIDGE UNIVERSITY BILL.

Bill, as amended, *considered.*

Mr. WIGRAM moved the insertion of a clause to provide that the (Statutes made by the Commissioners to be laid before the Council of the Senate before the same are submitted to Her Majesty).

Mr. BOUVERIE objected to the clause as unnecessary.

Clause *brought up* and read 1°; but was *withdrawn.*

Mr. HEYWOOD proposed to add the following clause:—

> "It shall not be lawful either for the University, or any of the Colleges, or for the Commissioners, to introduce any new religious test, or new religious qualification, relating to any university or college office or emolument, into any statute of such University or of any of such colleges."

Mr. BOUVERIE agreed that it was not desirable to introduce new religious tests in these colleges, but he thought the hon. Gentleman's clause would not accomplish the object he had in view.

Clause *withdrawn.*

Mr. HEYWOOD then moved the following clause:—

> "From and after the first day of Michaelmas Term, one thousand eight hundred and fifty-six, it shall not be necessary for any person on obtaining any exhibition, scholarship, or other College emolument available for the assistance of an undergraduate student in his academical education, to make or subscribe any declaration, or to take any oath, any law or statute to the contrary notwithstanding."

Clause *brought up,* and read 1°.

Mr. BOUVERIE said, he had no objection to the adoption of the clause.

Mr. WIGRAM thought that the insertion of this clause was unnecessary. Why should they introduce into this Bill what was not required in the case of the Oxford University Bill? Such matters as this clause proposed to deal with ought to be left in the hands of the college authorities —more especially since their proceedings were to be supervised by a Commission.

Mr. GLADSTONE had heard no reason, political or practical, in favour of the clause, which involved a most essential deviation from the principle Parliament had adopted in the case of the Oxford Bill. There was no ground for supposing that there would be any disposition on the part of the college authorities to prevent the enjoyment of undergraduate endowments by Dissenters. It was true that in the case of Exeter College, Oxford, a test of membership with the Church had been introduced, but that had been done in compliance with the statutes of the college and the will of the founder; but where no such restrictions interposed, no test was required. In reference to Oxford, the intention of Parliament was to leave a discretion to the colleges, acting in concurrence with the Commissioners, and there was no reason why the same trust and confidence should not be placed in the University of Cambridge.

Mr. J. G. PHILLIMORE supported the clause, and reminded the right hon. Gentleman that the founder of Exeter College, who, the right hon. Gentleman said, required by his will the test of membership in the Protestant Established Church as a qualification for scholarship, was a Roman Catholic bishop.

Sir WILLIAM HEATHCOTE warned the House against too much interference in this respect, lest they should defeat one of their principal objects—the conversion of fellowships into scholarships. The scholarships in Exeter College, in regard to which the test of church membership had been imposed, had been formed from fellowships, and that test had been rendered necessary by the fact that these fellowships were confined to the clerical profession, which of course implied belonging to the Church.

Viscount PALMERSTON said, he should decline to enter into any discussion with regard to Oxford upon a Bill relating to Cambridge. He should support the clause proposed, because it rested on the broad principle which he thought was now universally admitted, that it was desirable to abolish all unnecessary oaths. Nothing could be more repugnant to common sense and common feeling than to call on people to take oaths when the solemnity of the case did not require so grave a sanction, or to call on men to take oaths without being deeply sensible of the engagements which they took. Now, to call on undergraduates to take oaths about college observances and rules and the practices of daily life, was, he thought, a course which no one could wish to perpetuate. A young man was called upon to swear that he would conform to and obey all the statutes of the college to which he belonged, and then that was accompanied by a saving clause that if he did not he should submit to the punishment which they imposed. Could anything more unnecessary be conceived than the sanction of an oath in such a case? Then they had been told that they might obstruct reform by legislating on such a subject, and that it was desirable to leave to the colleges and to the Commissioners perfect freedom of action. That might be if the clause was one enjoining something to be done; but he hardly thought it could apply to the case of a clause forbidding something to be done.

Mr. WALPOLE said, that the object of the clause was apparently to say that you should take no oath on obtaining any emolument in the course of an undergraduate career. This object was already provided by the 27th Section, which gave the Commissioners, in conjuction with the college authorities, power to abolish all oaths which they thought unnecessary. He was averse to interfering with the freedom and discretion of the colleges.

Mr. CARDWELL said, that the 27th Section of the Bill only permitted the college or the Commissioners to give endowments without restriction. This clause went further; it said in the name of Parliament that no such restriction should be imposed. He (Mr. Cardwell) thought that it was extremely desirable to emancipate undergraduates from restrictions of this kind, and did not think that the reasoning of his hon. Friend the Member for the University of Oxford (Sir W. Heathcote) ought to induce the House to reject this clause.

Motion made, and Question put, "That the clause be now read a second time."

The House *divided*:—Ayes 151; Noes 109; Majority 42.

Clause read 2°, and *added to the* Bill.

Mr. HEYWOOD then moved the following clause:—

"From and after the first day of Michaelmas Term, one thousand eight hundred and fifty-six, a declaration to the following effect shall be substituted in lieu of any declaration heretofore subscribed, or any oath heretofore taken, on obtaining a fellowship or any other employment, or a professorship, headship, or any other office in the said University, any law or statute to the contrary notwithstanding:

"'I, A. B., do solemnly and sincerely, in the presence of God, profess, testify, and declare that I will never exercise any power, authority, or influence which I may possess by virtue of the employment of [or office of], to injure or weaken the Protestant Church as it is by law established in England, or to disturb the said Church, or the Bishops and Clergy of the said Church, in the possession of any rights or privileges to which such Church, or the said Bishops and Clergy, are or may be by law entitled.'

"The said declaration shall be made and subscribed as aforesaid before the Vice Chancellor of the University for the time being, or his deputy."

It was his intention to substitute the declaration contained in this clause, and which was the same as that prescribed under the Municipal Reform Act for all municipal officers; but he did not intend to divide on it, because no similar clause had been passed with reference to degrees; and as he had no doubt the subject of oaths at Oxford and Cambridge would come before long again before the House, he would not press the clause.

Clause *withdrawn.*

Mr. HEYWOOD then moved the following clause:—

"It shall be lawful for the governing body of any College, or the major part thereof, at any time before the 1st day of January, 1858, to prepare a form or order of prayers, of a short and comprehensive kind, for the use of the chapel in the said College, and such form or order of prayers shall be submitted to the Commissioners, and if approved by them, may lawfully be used in such Chapel, any law or statute to the contrary notwithstanding."

He said he should not press the clause for similar reasons, and especially as it involved a change in the Act of Uniformity.

Clause *withdrawn.*

Mr. WALPOLE moved in Clause 27 the insertion of the words, "for promoting the interests of religion and learning, and the main designs of founders and donors," previous to the words "it shall be lawful for the governing body of colleges to make alterations of the statutes, and if such colleges fail to do so, that then the Commissioners shall," and so forth. Unless some Amendment of that kind were adopted, neither the Commissioners nor the colleges would have any guide as to the way in which they should exercise the large powers which the Bill entrusted to them, in reference to the remodelling of statutes. Those powers went to the apportioning and redistribution of the revenues of the colleges, to rendering a portion of the college property available for the University at large; to the consolidation of the fellowships and scholarships; the disannexation of colleges from schools, and other powers of the like kind. Unless, therefore, the Commissioners had something to guide them, the Bill would entrust to a body of men who were entirely unconnected with the colleges the most arbitrary powers for making any alterations they pleased, whatever the original trusts on which the property was given, or whatever the purposes for which that property was designated; consequently they would be violating almost every principle that was recognised either by Parliament or by the laws of the country with reference to property so given for charitable and educational purposes. Believing that to be the case, he would press his Amendment earnestly on the attention of the House, for without it they would bring about that very undesirable result which had already occurred in one or two cases, where threats had been held out of interfering with the administration of charitable property—namely, that of entirely stopping benevolent persons in future from making their gifts for these excellent objects, and so drying up all such sources from the exercise of charity and benevolence, than which a more deplorable consequence could not ensue.

Question proposed, "That those words be there inserted."

Mr. BOUVERIE said, he had already placed in the hands of the Speaker an Amendment to answer the end aimed at by the right hon. Gentleman—namely, to serve as a guide to the Commissioners in the exercise of their powers. This he sought to effect by the insertion of words declaring that for the promotion of "useful learning and religious education" it should be lawful, &c. Further than this, however, he was not prepared to go, and could not consent to bind the Commissioners invariably to have reference to "the main designs of the founders," whether those designs contemplated the advancement of useful learning and religious education or not. It was desirable that the colleges should be enabled to appropriate a portion of their income to purposes beneficial to the University at large; yet that was an object clearly inconsistent with the main designs of the founders. Moreover, as a power of petitioning the Queen to withhold her approval of any proposed statutes was to be given to the colleges, the adoption of the right hon. Gentleman's Amendment would open the door to a small minority to appeal to the Judicial Committee of Privy Council in any case, and raise endless controversies as to what really were the intentions of founders 300 or 400 years ago. He trusted, therefore, that the right hon. Gentleman would, on reflection, feel satisfied that the words he (Mr. Bouverie) suggested provided a sufficient remedy for the evil to be apprehended.

Mr. HEYWOOD also said, it was difficult to ascertain what the main designs of founders were, and he mentioned the case of the statutes of Eton College, which had been altered so often—erasures and alterations being found in the original charter—that it was hardly possible to know what was the will of the founder. In the case of Trinity College the fellowships were originally intended only for bachelors of divinity, and yet the intention had been systematically set aside, and the fellowships were held by laymen.

Mr. J. G. PHILLIMORE thought that the main designs of the founders ought not to be disregarded, and believed it to be a gratuitous assumption to suppose that those designs were necessarily irreconcilable with the promotion of useful learning and religious education. He thought the invasions of property contemplated by this measure ought to be watched with the utmost possible care; and he was prepared to prove that the system which it was proposed to subvert had tended to supply the State with a numerous body of useful and eminent citizens. Some hon. Gentlemen were earnest advocates for the cultivation of physical science; but did they believe that there was any danger in the present day of yielding too much to abstractions, and of disdaining material advantages? Those who looked to past ages, and who saw that such danger at one time existed, might suppose the same danger was still to be apprehended, but in his opinion the danger against which they had now to contend was that of becoming too material.

Mr. GRANVILLE VERNON agreed with the hon. Member who had just spoken, and said that at a meeting the day before, of gentlemen educated at Westminster School, to found a monument to those officers who had been educated there who fell in the Crimea, there was a strong feeling in favour of founding an exhibition at a university connected with the school. But this difficulty was felt, that they were afraid that at some future time, some one might say that the exhibition which was intended as a memorial for heroes connected with the school ought to be turned to some other purpose.

Sir WILLIAM HEATHCOTE suggested, that after the words proposed by the right hon. Gentleman (Mr. Walpole), "for promoting the interests of religion and learning, and the main designs of founders and donors," the following words should be inserted:—"So far as they are consistent with such interests." That addition would, he thought, remove the objections which had been taken to the Amendment of his right hon. Friend.

Viscount PALMERSTON observed, that hon. Gentlemen opposite seemed to forget that it was contemplated that a portion of the endowments should be transferred from college to University purposes, and it was perfectly clear that in such cases the main design of the founders must be departed from. The Amendment of the right hon. Gentleman would, therefore, prevent an arrangement which, as far as he was informed, everybody admitted to be desirable. The Amendment was also liable to the objection that it would render necessary an inquiry as to the main designs of founders, which it would frequently be very difficult accurately to determine; and he thought it might be fairly presumed that the main design of all founders must have been the promotion of useful learning and religious education. He would, however, go a step further, and say that where it appeared that the main designs of founders, some 200 or 300 years ago, had not been directly for the promotion of useful learning and religious education, Parliament was entitled to set those designs aside. The hon. and learned Member for Leominster (Mr. J. G. Phillimore) had abjured them not to violate those feelings which connected the present with the past, and which led persons who derived advantages from educational endowments to look back with respect and veneration to those by whom such endowments had been established; but surely that feeling of veneration would be increased in proportion to the more extended usefulness of the endowments. He hoped, therefore, that his right hon. Friend would not press his Amendment, which would prevent the accomplishment of one of the objects of the Bill, which every one had agreed should be included in it.

Mr. GLADSTONE said, his noble Friend who had just spoken had stated the case very fairly. The noble Lord intimated, however, that in all cases, unless there was some indication to the contrary, the main design of founders must be considered the absolute and exclusive appropriation of the endowments to the purposes of colleges, and the withholding that property from any contribution to the purposes of the University at large. There were not many things in which he could compete with his noble Friend; but with all respect for his noble Friend, he (Mr. Gladstone) might say he believed he had spent many more hours in reading the statutes of colleges than the noble Lord could have done, and he thought the noble Lord formed an exceedingly unjust idea of the main designs of founders. Undoubtedly the founders of these colleges were the very flower of the age in which they lived, whose views were directed forward, and whose great desire was to meet the emergencies of society as they might rise to the surface. As far as he could judge, it appeared to him a most rational belief that, under the present circumstances of colleges, considering the vast increase which had taken place in their property and the great influence they exercised in the government of the University, the founders would at once have recognised the perfect equity of contributions from the property of colleges to the University, in return for the advantages derived by the colleges from the University. The Oxford Act contemplated as the great object in view the promotion of religion and learning; but it also made a specific, although not a paramount reference to the main designs of founders. The House then admitted the principle that they were not to obstruct the intention of gifts devoted to the promotion of religion and learning, but only to modify the particular form in which those endowments were to be applied. There were some founders whose views were directed to the study of theology; others showed more anxiety to promote the study of ancient learning or natural science; while others, again, chose to place their foundations in connection with particular schools. Those founders were men who represented the character of their age and nation, and whose memory deserved to be held in reverence; and the indications of their peculiar inclinations should be respected, unless, from the alteration of time and circumstances, the carrying out of their views would interfere with the promotion of religion and learning. The interests of religion and learning were held out as the great end to be kept in view, but in so far as they did not interfere with the interests of religion and learning the main objects of the founder were to be respected. It was impossible to put things on a basis more just and rational than this; and therefore he hoped the Amendment of his right hon. Friend (Mr. Walpole) would commend itself, if not to the favour of the noble Lord, at least to the approbation of the House.

MR. WIGRAM thought it must be evident to everybody that Gentlemen on the Opposition side of the House were doing everything in their power to commend the views they entertained on this point to the approval of the Government, as the object they aimed at had been offered in various shapes. He hoped that, whatever might be the form of words used, the spirit of the right hon. Gentleman's Amendment would be accepted by the House. There was one foundation in King's College which was for the promotion of medical science, and there was Bell's foundation, which was confined to the sons of clergymen, and the object of which was to promote learning and science among clergymen. To divert such foundations from the main designs of the founder would be little better than sacrilege.

THE CHANCELLOR OF THE EXCHEQUER said, that though he had for a short time been a Member of the Oxford University Commission, he would not presume to compete with the right hon. Gentleman (Mr. Gladstone) in his knowledge of the statutes of the colleges; but he thought he had somewhat mistaken the effect of the noble Lord's remarks. His noble Friend said that, if they were to be limited in reforming the colleges by the main design of the founders, there would, in the first place, be a difficulty in determining what that main design was; and he went on to say, in the second place, that these founders were founders of colleges, and that their entire design as to each of these colleges must have been limited to the college itself—that though the original design was to promote religion and learning, yet the principal design was the foundation of a college; and his noble Friend argued that if the endowment was diverted from the college to the University admitted to be a good object—it could scarcely be said that this was carrying into effect the main design of the founders. Such was the substance of the view expressed by his noble Friend. Now, provided it were clearly understood that there was no wish to tie the construction of the statutes to the main design of the founder, considered as a college founder, but only that the general design he had in view—viz., the promotion of religion and learning, was to be considered, then there could be no objection to the Amendment of the right hon. and learned Gentleman. He proposed that some such words as the following should be adopted—viz., "In order to promote useful learning and religious education in the colleges and University, and the main design of the founders and donors, so far as consistent with those purposes."

Mr. WALPOLE had no objection to these words, and therefore consented to the alteration.

Amendment by leave *withdrawn.*

Clause, as amended by the Chancellor of the Exchequer, *agreed to.*

In the same clause,

Mr. WIGRAM proposed to insert the words "or of Jesus College," which would have the effect of retaining the right of nominating the head of the College in the hands of the existing patrons. He only asked that the same exemption should be extended to Jesus College that was given by the Bill to Magdalen College, and he might observe that it was universally admitted that the patronage of Jesus College had been uniformly exercised in a beneficial manner.

Mr. BOUVERIE admitted that the patronage had always been exercised with a due regard to the interests of the college; but the question was whether it should or should not be left to the governing body of the college to say whether the present was the right way of appointing the head, and whether some other way might not be advantageously resorted to.

Mr. STAFFORD regretted that the right hon. Gentleman had not applied the principle of free competition to Jesus College, so as to leave the field of selection as wide as at present. He trusted that he would even yet consent to the Amendment.

Question put, "That those words be there inserted."

The House *divided :*—Ayes 61 ; Noes 130: Majority 69.

Clause *agreed to.*

On Clause 44 (No person to be required on matriculating, or taking any degree in arts, law, medicine, or music, to take any oath or to make any declaration whatever.)

Mr. WIGRAM moved to leave out "any," and insert "the ;" and after "degree," to insert "of bachelor ;" the effect of the Amendment being to exclude all persons at Cambridge from taking any degree other than that of B.A. without a subscription to a religious test. He said he should not object to the clause if it carried the test at Cambridge to the same extent as at Oxford. There a B.A degree might be obtained without subscription to any religious test whatever ; it was now proposed that persons at Cambridge should be admitted to the M.A. degree in the same way as they were admitted to the B.A. degree. He would explain the principle on which he acted in opposing any extension of the provisions of this Bill beyond those which had been inserted in the Oxford Bill. The question was one of the most important character—if they were to have in this country an Established Church they must have places of education appropriated exclusively to the Church of England in which those who were intended for the ministry in the Church might be brought up. This clause, as it stood, would abolish education of an exclusive Church of England character altogether. He thought the reasonable course would be to keep the two Universities upon the same footing entirely; and as they had the rule established at Oxford, to preserve a similar rule at Cambridge also.

Mr. BOUVERIE said, this was a very important clause ; but he might state to the House that this was precisely the form in which it had come down from the House of Lords last year. At present, no test whatever was required for matriculation at Cambridge. Upon taking the B.A. degree, it was necessary to take the academical oath of obedience to the statutes, and to subscribe a declaration that the candidate was a *bonâ fide* member of the Church of England. But, upon taking the M.A. degree, persons were required to sign the 36 canons of 1608, whereby they declared that they were *bonâ fide* members of the Church of England, that they adhered to the Articles of that Church, and that they acknowledged the supremacy of Her Majesty in matters ecclesiastical. The intention of the clause was that for the taking of any degree, except a theological degree, no oath or declaration whatever should be necessary. The hon. and learned Member (Mr. Wigram) had proposed to limit the change to Bachelors of Arts. He would allow them to take a bachelor's degree without any test, but not an M.A. degree or any degree in divinity, music, or medicine. But what he (Mr. Bouverie) wanted to know was, upon what principle the hon. and learned Member could make that limitation? As it was, none but doctors of law at Oxford and Cambridge could practise in the ecclesiastical courts; and he should like to know what connection there was between practising in the courts at Doctors' Commons and being a member of the Church of England; why a Protestant Dissenter or a Roman Catholic should not be as good an advocate as a member of the Church? Now, as regarded the degrees which were higher than that of B.A., they were merely signs of academical rank. These further degrees were merely evidence of a man's having received a good education, that he was a cultivated man, and as such they ought to be open to every member of the community. The hon. Member (Mr. Heywood) wished by this clause to carry the admission to Cambridge degrees further than at Oxford; but there were many men whom the hon. and learned Gentleman opposite would allow to take a B.A. degree, but whom he would prevent from proceeding in either music or medicine. He (Mr. Bouverie) thought that if they were to give a University education at all, it ought to be open to all classes of the community.

Mr. ROUNDELL PALMER conceived that the arguments of the right hon. Gentleman were fallacious and required to be answered. The right hon. Gentleman asked what reason there was for drawing a distinction between the degree of B.A. and the higher degrees. Now, one reason was, that the degree of B.A. did not entitle any one to take any share in the government of the University, while hitherto the higher degrees did so. The right. hon. Gentleman admitted that the government of the Universities should only be placed in the hands of Members of the Church of England; but if he wished to adopt one course which more than another would leave the matter unsettled, that course was to introduce for the first time the distinction between governing and non-governing masters of arts. The degree of M.A. was not founded upon any examination, but was merely a mark of academical rank; and to draw a distinction between persons holding that degree would give rise to confusion. The right hon. Gentleman complained that the valuable practice of Doctors' Commons, by being confined to doctors of law, was, by the present system, placed beyond the reach of Roman Catholics or Protestant Dissenters; but that argument appeared to him to carry little weight, because Doctors' Commons was about to be abolished; and even if some delay took place, it did not appear to him very absurd to say that the business of the ecclesiastical courts of the Church of England should be conducted by persons who were best acquainted with the rules of that Church. As regarded doctors of medicine, the argument of the right hon. Gentleman might be of great force if that degree could not be conferred anywhere but at Cambridge; but when it was conferred at various other Universities, it lost all the weight which it might otherwise possess. The effect of the present Bill would be, for the first time, to divide the higher degrees, which were only a symbol of academical rank, into two classes, which would always be ranged against each other, and which would keep up a perpetual dispute. For his part, he did not see why the rule which had been laid down in the case of Oxford should not be adhered to, of admitting all persons to the degree of B.A., but of not going beyond that grade. If a different principle were established with regard to Cambridge, the result would be the renewal of agitation upon the question at Oxford. The step further was wholly unnecessary, and he could not imagine how it could prove useful for any purpose whatever.

Mr. MILNER GIBSON said, he hoped his right hon. Friend (Mr. Bouverie) would keep the University of Cambridge in the same position in advance of Oxford as it always occupied—a position of a more enlightened and liberal character. He remembered a time when boys were not admitted to the Universities without subscribing to theological propositions which had puzzled the greatest divines. Cambridge, however, had broken through such an absurdity, and admitted students without such tests, while Oxford persisted in maintaining them; but still she would not confer the higher degrees without them. But if a person was not to be admitted to an M.A., an M.D., or an LL.D. degree at Cambridge without submitting to a religious test, he (Mr. M. Gibson) would be glad to know what that test was to be. He himself was a B.A. of Cambridge, and was not an M.A.; and he, and those in the same position as himself, wished to be informed what was the theological proposition they were to be compelled to subscribe to in order to take an M.A. degree. As a member of the Church of England, he (Mr. M. Gibson) said distinctly, he considered it a very offensive thing to be continually requiring persons in secular professions to subscribe to debateable theological propositions.

MR. WALPOLE said, that the question really was, whether the Universities of Oxford and Cambridge were for the future to be Universities immediately connected with the Church of England or not? The right hon. Gentleman (Mr. M. Gibson) had said that it was desirable that a distinction should be kept up between Oxford and Cambridge; and, certainly, if they were to keep up that distinction, it would not be necessary that they should alter the Cambridge Bill as it stood at present. It was said that Cambridge ought to be in advance of Oxford. He (Mr. Walpole) was a great admirer of the liberality of Cambridge, and he thought it had been attended with great benefits; but this keeping a little in advance of Oxford had this disadvantage—it would induce hon. Members to say, "Now let us do a little something for Oxford," which would lead to a little more—then, again, following Oxford, the House would be asked to grant Cambridge a little further latitude; and thus the two Universities would be running a race as to which should be most liberal. Unless they intended to open the door to great alterations, they had better say that the same rule should apply to the two Universities; and he (Mr. Walpole) was ready to adhere to that which had been laid down for Oxford.

VISCOUNT PALMERSTON said, he had a great respect for the University of Oxford, and he admitted that Cambridge and Oxford were sister Universities, but he objected to their being looked upon as Siamese twins, and to its being said that whatever was done by one should be done by the other also. He repudiated the argument that any particular proposition which had been placed in the Oxford Bill should therefore be placed in the Cambridge Bill; and, for his part, he had no fear of the result of the race referred to by the right hon. Gentleman. The right hon. Gentleman had stated that the Universities were connected with the Established Church. Well, he would admit that such was the case; but still the exclusive object of the Universities was not to educate persons for holy orders. If such were their sole purpose, then he would admit that it might be right to enact that no one should take any degree, or derive any advantage from the Universities, who was not qualified to perform the functions for which his education had destined him; but, although in a great degree connected with the Established Church, the education of clergymen was not the only object for which the Universities were established; and, in order to give full effect to the working of those educational institutions, the laity ought to be freely admitted to those seats of learning, and no unnecessary obstacle should be placed in the way of those who wished to partake of their advantages. It was argued, however, by the right hon. Gentleman that by conferring the higher degrees on the laity you admitted to a share in the government of the University persons who were not members of the Church of England; that was really not so. The present Bill did not admit any one who was not a member of the Church of England to any share in the government of the University. Well, then it might be said, what would be the value of conferring the degree of M.A. if it did not confer a share in the government of the University? But were there not hundreds of Masters of Arts whose names were not on the books, but who retained the degree as an honourable distinction, and without any desire to share in the government of the University?—and could it be said that it was no gratification to a man who had passed honourably through a course of education to obtain a high degree from the University where he had studied? It was said that he might go to the London University, to Durham, or to other parts of the kingdom, and might get his degree there; but was that the same thing to a person who was attached to Cambridge, and who valued his degree, not simply for the few letters which he was then enabled to add to his name, but, because it was an honorary record of a distinction acquired by him in the University where he had received his education, and with which all his early associations were mixed up? It was a mockery in such a case to tell a man that he might go elsewhere, but that he should not receive this degree in the University in which he had been educated. There was no ground for this restriction, even as regarded an honorary degree; but there were degrees which conferred solid advantages to persons in the professions to which they might afterwards devote themselves, and he was really quite at a loss to understand why it should be necessary that a Doctor in Medicine, or a Doctor in Law, or a Doctor in Music, should be compelled to be a member of the Church of England. So to employ these tests tended, he thought, to cast ridicule upon things which were of themselves worthy of respect. It should be remembered that the restriction now proposed was not inserted in the House of Lords. In the House of Commons, hon. Gentlemen were apt sometimes to think that they were more disposed to go forward in the work of improvement than noble Lords in another place. He hoped they would not on this occasion set an example of the opposite kind, but would allow the Bill to stand as it had come down to them from the other House.

Question put, "That the word 'any' stand part of the Bill."

The House *divided*:—Ayes 118: Noes 41: Majority 77.

Mr. HEYWOOD proposed to leave out the words "entitle him to be or to become a member of the Senate, or," the effect of which would be to allow persons who had qualified themselves as Masters of Arts to take their seats in the Senate, and to vote for Members of Parliament. Unless this Amendment were adopted, many members of the University would virtually stand in the same position as one of the Members for the City of London did with regard to the House. They would have seats provided for them below the bar of the Senate, and they would be entitled to attend and listen to the proceedings, but they would not be allowed to take any part in them, or to vote for Members to represent the University in Parliament. An objection was taken to this proposal—namely, that it would allow a Dissenter to become a member of the governing body of the University. Now, he was of opinion that it would be very much for the benefit of the University that there should be in the Senate a moderate sprinkling of persons of other religious denominations besides the Church of England. He was not aware that there was any valid objection to this proposition, except that, if carried, it would render the corporation of the University less exclusive, but in that respect it would only be following the general course of the nation.

Mr. BOUVERIE said, the effect of the hon. Gentleman's Amendment would be, to confer upon Dissenters who took the higher degrees a right of interference in the affairs of the University and a vote for Members of Parliament. If he (Mr. Bouverie) had the sole power of decision upon the point, he might not see any abstract objection to the proposition; but he feared that it would mar the usefulness of the Bill by exciting a feeling of hostility and alarm in the minds of those whose co-operation was necessary for the efficient working of the measure. It must not be forgotten that there was a strong connection between the Church of England and the Universities, and a proposal to allow Dissenters to interfere in fixing the theological studies to be pursued in those Universities would excite great alarm in the minds of many persons. He opposed the Amendment, believing that it would tend to impair the practical usefulness of the Bill.

Mr. I. BUTT explained his reasons for supporting the Amendment. He could see no reason why, if Dissenters were admitted to the higher degree, they should not be permitted to become members of the convocation of the University. The Church of England had too strong a hold upon the Universities, to make it at all likely, or probable, that she could ever be ousted by the Dissenters.

Question put "That the words proposed to be left out, stand part of the Bill."

The House *divided*:—Ayes 60; Noes 85: Majority 25.

### *List of the* Ayes.

Acland, Sir T. D.
Alexander, J.
Archdall, Capt. M.
Baring, rt. hn. Sir F. T.
Barrow, W. H.
Bentinck, G. W. P.
Blackburn, P.
Bouverie, rt. hon. E. P.
Bramley-Moore, J.
Bruce, Major C.
Buck, Col.
Bunbury, W. B. M'C.
Burrowes, R.
Chambers, M.
Cole, hon. H. A.
Coote, Sir C. H.
Davies, J. L.
Davison, R.
Drumlanrig, Visct.
Duncombe, hon. W. E.
Dunne, Col.
FitzGerald, J. D.
FitzRoy, rt. hon. H.
George, J.
Gordon, hon. A.
Grey, rt. hon. Sir G.
Guinness, R. S.
Gwyn, H.
Hamilton, G. A.
Heathcote, Sir W.
Herbert, H. A.
Horsman, rt. hon. E.
Knox, hon. W. S.
Lewis, rt. hon. Sir G. C.
Lockhart, W.
Malins, R.
Massey, W. N.
Michell, W.
Montgomery, H. L.
Montgomery, Sir G.
Mowbray, J. R.
Naas, Lord
Osborne, R.
Palmer, R.
Palmerston, Visct.
Rust, J.
Sawle, C. B. G.
Smijth, Sir W.
Smith, W. M.
Smollett, A.
Spooner, R.
Stewart, Sir R. M. R. S.
Sutton, J. H. M.
Walpole, rt. hon. S. H.
Warren, S.
Wigram, L. T.
Wilson, J.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wynne, rt. hon. J.

TELLERS.
Hayter, rt. hon. W. G.
Mulgrave, Earl of

*List of the* Noes.

Adair, Colonel
Anderson, Sir J.
Barnes, T.
Baxter, W. E.
Beaumont, W. B.
Bell, J.
Berkeley, F. W. F.
Black, A.
Bland, L. H.
Bonham-Carter, J.
Bowyer, G.
Brady, J.
Brotherton, J.
Butler, C. S.
Butt, I.
Cheetham, J.
Cockburn, Sir A. J. E.
Collier, R. P.
Cowan, C.
Craufurd, E. H. J.
Deasy, R.
Dillwyn, L. L.
Duncan, G.
Dunlop, A. M.
Esmonde, J.
Fenwick, H.
Ferguson, Sir R.
Ferguson, J.
Forster, C.
Fortescue, C. S.
Freestun, Col.
French, Col.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Goderich, Visc.
Hadfield, G.
Hastie, Archibald
Higgins, Col. O.
Ingram, H.
Jackson, W.
Kennedy, T.
Langton, H. G.
Lee, W.
Mackie, J.
Maguire, J. F.
Miall, E.
Milligan, R.
Milner, Sir W. M. E.
Monck, Visct.
Murrough, J. P.
Napier, Sir C.
Norreys, Sir D. J.
North, F.
O'Brien, P.
O'Brien, J.
O'Connell, Capt. J.
O'Flaherty, A.
Pechell, Sir G. B.
Pellatt, A.
Pigott, F.
Price, W. P.
Ricardo, S.
Rice, E. R.
Ridley, G.
Robartes, T. J. A.
Russell, F. C. H.
Scobell, Capt.
Shee, W.
Smith, J. B.
Somerville, r.h. Sir W. M.
Strickland, Sir G.
Strutt, rt. hon. E.
Thompson, G.
Thornely, T.
Tite, W.
Vernon, G. E. H.
Walmsley, Sir J.
Warner, E.
Watson, W. H.
Whatman, J.
Wilkinson, W. A.
Willcox, B. M‘G.
Williams, W.
Winnington, Sir T. E.
Wise, J. A.

TELLERS.

Heywood, J.
Clay, Sir W.

Mr. HEYWOOD then proposed to add certain words, in order that persons not members of the Church of England should be allowed to fill certain secular offices connected with the University. He did not object to the professors of divinity being required to sign the Thirty-nine Articles, but could see no reason why other professorships, such as that of anatomy, should not be open to all persons who were qualified for the duties. He had particular reference to the case of masters of grammar schools who were required to be Masters of Arts, and that requirement, as the clause stood, would confine those offices to members of the Church of England. He, therefore, moved to insert after " qualifications" the words—" and the duties of which office are ecclesiastical, and limited to the inculcation of the doctrinal formularies of the United Church of England and Ireland."

Question proposed, " That those words be there inserted."

Mr. BOUVERIE said, the object of the proviso at the end of the clause was, that no Dissenter should be appointed to any office which had heretofore always been held by a member of the Church of England. As to the secular offices spoken of by the hon. Gentleman, he (Mr. Bouverie) apprehended there were no such things. The hon. Gentleman might obtain his object by moving the omission of the proviso, although it was to be hoped that he would not deem it necessary to persist upon this point. In the case of the grammar schools where the masters were required to be Masters of Arts, it could not be doubted that the object of that requirement was to render it necessary for the master to be of the particular religious persuasion of the founders of the schools. The Amendment proposed would render that just and proper provision completely nugatory, and he hoped would not be pressed.

Mr. I. BUTT thought the Amendment would have an unfair operation. It was true they had now decided to make the higher degrees accessible to all persons, but in those cases where the qualification for holding office was the degree of Master of Arts, to that requirement must also be added membership of the Church of England, which was a necessary qualification for that degree at the time when those offices were established.

Mr. HEYWOOD was willing not to press the Amendment at the present moment, being convinced that in a year or two the House would be obliged to adopt his views.

Amendment, by leave, *withdrawn.*

Bill to be read $3^a$, on *Monday* next.

## LUNATIC ASYLUMS (IRELAND) (No. 2) BILL.

Order for Committe read; House in Committee.

Clause 3. (Appointment of Officers for Asylums heretofore made to be valid.)

Colonel DUNNE called attention to the appointments which had been made under the old Act by the Lord Lieutenant. Some time ago the Lord Lieutenant had appointed a chaplain to the Belfast Lunatic Asylum, the legality of which appointment had been disputed, and the Court of

Queen's Bench had decided it to be illegal. With regard to chaplains in asylums, he might say, that he did not think there ought to be any such appointments. He did not mean to say that lunatics should receive no spiritual consolation or religious instruction; but those were points which ought to be left to the judgment of the medical attendants and the governors. The Clause declared that appointments of officers to asylums heretofore made by the Lord Lieutenant should be valid, and he objected to it, because it set aside the judgment of the Queen's Bench; and he had therefore to move the insertion of the words, "save and except all such appointments as have been decided by the Court of Queen's Bench to have been illegal."

Mr. HORSMAN said, that the question how far chaplains were necessary in lunatic asylums at all was not raised by this Bill which was merely declaratory. The Lord Lieutenant had always been considered to have the appointment to offices in lunatic asylums in Ireland, and it was only when the question came before the Court of Queen's Bench that the legality of the appointments was disputed, and the decision given by the court showed that all such appointments were illegal. As all the appointments were made in good faith, and under the impression that they were legal, the clause proposed that the gentlemen holding the appointments should not be sufferers by the mistake that had been made. It would also place future appointments in the hands of the Lord Lieutenant. In reference to the appointment of chaplains at all for lunatic asylums, that was too large a question for him to enter upon on the present occasion.

Mr. I. BUTT said, that as representative of a borough in the county of Cork, he was an *ex officio* governor of the Cork County Lunatic Asylum, and he felt that he should be in a very invidious position if this Bill passed, for it would make the governors responsible to the public for the management of the asylums, while it placed in the hands of the Lord Lieutenant the power of appointing as many officers with such salaries as he pleased without consulting the governors at all. He would not be the cat's-paw of the Lord Lieutenant or a jobbing Chief Secretary; for he thought that, when responsibility was imposed, it ought to be accompanied with power. He spoke the more freely on the subject because he did not for a moment believe the present Chief Secretary would ever be guilty of a job. If the Bill passed, he would never enter the walls of the County Lunatic Asylum again as a governor. The Amendment proposed by the hon. and gallant Gentleman was most reasonable, for it was a most indecent thing to take such a course as the Government had proposed, while the decision of the Queen's Bench remained unreversed.

Mr. HORSMAN thought the hon. and learned Gentleman was wrong in supposing that he was an *ex officio* governor of the Cork County Lunatic Asylum in virtue of being a representative of a borough in the county. He believed the hon. and learned Gentleman owed his appointment to the Lord Lieutenant, who usually nominated the various county and borough members. There was no new principle introduced into this bill, its only object being to declare the power which the Lord Lieutenant had always exercised. If the clause were rejected, the lunatic asylums in Ireland would be left practically without any officers at all.

Sir DENHAM NORREYS denied that the right hon. Gentleman had given a correct representation of the effect of the Bill. He also had his doubts as to the propriety of appointing chaplains for asylums. He knew one case where the Lord Lieutenant appointed three chaplains to an establishment where there were seven different sects of inmates. He thought it desirable that the decision of such questions should be left with the governors.

Lord NAAS said, the only point to which the decision of the Queen's Bench went was the legality of the appointment of three chaplains to the Belfast Infirmary; and he wished to know whether the effect of this clause would be to give the Government power to confirm these appointments?

Mr. J. D. FITZGERALD said, the effect of the Bill would be, not to give the Lord Lieutenant the power of confirming appointments already made, but actually to confer them. The Bill was rendered absolutely necessary by a recent decision in the Queen's Bench. He had never heard until that night that the governors of the asylums either had, or claimed to have, the power of appointing the officers.

MR. GROGAN thought the appointments were in the hands of the ratepayers, and that it had been usurped by the Lord Lieutenant. This Bill was not a declaratory Bill at all, but conferred upon the Lord Lieutenant powers which he never legally possessed. There was no reason why Irish gentlemen were not as competent as English gentlemen to manage such institutions.

MR. H. HERBERT could not vote against this clause, as its omission would cause the greatest confusion in Ireland, because it appeared that, as the matter now stood, the whole of the appointments were illegal. Hence the necessity of a retrospective clause declaring the appointments valid. But along with this he wished to see an attempt to assimilate the government of these institutions to that which prevailed in England, by vesting all future appointments in the governors.

MR. KIRK said, the Amendment would entirely nullify the clause, except so far as related to the three chaplains of the Belfast Asylum. He should prefer an Amendment which stood on the paper, and would be afterwards proposed. He was favourable to the appointment of the matron, manager, and chaplain being vested in the Lord Lieutenant.

MR. DAVISON said that the law, in order to be acceptable should, as far as possible, be assimilated to the law of England by leaving the whole of the local appointments in the hands of the governors, who were themselves nominated by the Lord Lieutenant. If the Government would agree, that in those cases in which the governors of the asylums should think proper to appoint chaplains, the Lord Lieutenant, with their concurrence, should have the power of making such appointments, he should offer no objection to that course. When the local governors were of opinion that the appointment of chaplains would be injurious rather than otherwise, he must contend that the appointments ought not to be made.

MR. KIRK said, that the Lord Lieutenant had hitherto exercised the power of appointing matrons, and he did not know of a single instance in which a matron so appointed had been complained of.

MR. BLAND said, that a decision had been taken of the highest court of judicature in Ireland, the Court of Queen's Bench, and he did not think it would be very decorous of the House to override that decision. He should, therefore, support the Amendment of his hon. and gallant Friend (Colonel Dunne). It was said to be very hard for certain parties to lose their salaries, but nothing had been said of the hardship upon those who had to pay those salaries without getting equivalent services performed.

MR. BEAMISH said, he must differ from his colleague, as he believed the appointments by the Lord Lieutenant had proved satisfactory in all cases.

COLONEL FRENCH said, he must object to *ex post facto* legislation in any shape.

CAPTAIN MAGAN said, that his acquaintance with matrons was not so extensive as that of many other hon. Members who had undertaken to speak in their favour. But he knew one matron—the matron of Mullingar—and she had long been considered the nuisance of the establishment.

MR. CAIRNS objected to the words in the preamble of the Bill, "that doubts had arisen" as to the validity of these appointments, when the Court of Queen's Bench had declared them invalid, and there could, therefore, be no doubt as to their invalidity.

MR. J. D. FITZGERALD said, that the Court of Queen's Bench had merely refused its order to compel the governors to pay the salaries of chaplains. The Court threw out words to the effect that the appointments were not authorised by law, but nothing more. The money had been given out of the public funds to the governors for the payment of those salaries, but notwithstanding that they had refused to pay.

MR. DAVISON explained that it was compulsory upon the governors to have the presentment made, and that the money had been paid into Court, and there remained.

MR. LLOYD DAVIES did not see with what propriety or justice they could give the appointment of the officers of the asylums to the Lord Lieutenant instead of to the ratepayers.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 82; Noes 81: Majority 1.

Clause *agreed to.*

On Clause 4,

MR. DAVISON moved the insertion of certain words, the effect of which would be to enact that the governors of the asylum should with the approbation of the Lord Lieutenant and Council, fix and determine from time to time the number and description of officers to be appointed.

Mr. HORSMAN complained that the Amendment was at variance with the spirit of the Bill.

Mr. I. BUTT thought otherwise, and submitted that it was a very proper matter for the Committee to determine whether the administration of these institutions should be vested altogether in the Lord Lieutenant or whether the local authorities also should have a voice in it. The question was, whether Ireland was to receive the benefit of the old English principle of local self-government or was to remain under the despotic system of centralisation? The governors of county lunatic asylums in England appointed their own officers and fixed their salaries, and why should Ireland not have the advantage of the same system? In the name of common sense, let Irishmen be told whether they could or could not be trusted with the powers of local management that were enjoyed in the rest of the United Kingdom. He was one of the governors of the Cork Lunatic Asylum, but if this Bill passed into law he declared that he should never again enter into the boardroom of that institution. He would not consent to bear the odium of acts over which he had no control. He must be intrusted with more than a nominal power if he was to be responsible to the ratepayers. The Cork Lunatic Asylum was built by a Government department at double the cost which would have been necessary if the matter had been left in the hands of local managers; and, indeed, so profligate was the expenditure found to have been, that the Government were compelled to refund a considerable sum to the county. The Chief Secretary for Ireland talked of granting the local bodies the right to manage their own affairs; but then he made lunatic asylums an exception to this rule; he made another exception in the case of prisons; in short, every practical question was in turn to constitute an exception; and all that the people of Ireland had was the admission of a barren abstract principle. Bill after Bill was brought in after midnight by the Government, frittering away the right of self-government in Ireland, and Irish Members were obliged to fight the battle against centralisation on matters of detail. He had spoken, he confessed, with some warmth, but if a similar injustice were about to be practised upon England, he was sure the English Members would evince still greater indignation.

Mr. DEASY thought there was much force in the observations of the hon. and learned Member (Mr. Butt), and that there was too great a tendency exhibited by the Government of Ireland to encroach upon and absorb the powers which ought to be vested in the various local bodies. The Government had no claim to make the appointments under discussion, as the establishments to which the Bill referred were entirely supported from the rates raised in each district. The Amendment was, therefore, perfectly reasonable, and he trusted the Committee would preserve the rights of the ratepayers in opposition to the principle of centralisation.

Sir ROBERT FERGUSON regarded the remarks of the last two speakers as inapplicable to Clause 4. They should have been reserved for the discussion upon next clause. It would, he thought, be much better if the central authority stated what establishment each asylum should have, and that the governors should fill up the different appointments.

Mr. P. O'BRIEN said, the number of medical officers, chaplains, &c. was regulated by Act of Parliament.

Mr. CAIRNS said, this clause would enable the Lord Lieutenant of Ireland to appoint such officers or servants of lunatic asylums as he thought fit, and to fix the salaries they were to receive, and the ratepayers would have no security that that power would be exercised with any regard to uniformity or economy. He would support the Amendment of his hon. Friend, which would vest the appointment of officers jointly in the Lord Lieutenant and the boards of governors.

Lord NAAS wished to remind the Committee that, although, according to the terms of the clause, the appointment of officers was given to the Lord Lieutenant and Council, their selection would practically rest with two inspectors of lunatic asylums. He certainly thought that the governors of lunatic asylums, in the various localities, would be far better able than the inspectors to judge what officers ought to be appointed.

Mr. H. HERBERT observed, that in England a certain degree of uniformity with regard to the appointment of officers of lunatic asylums was insured by the provisions of an Act of Parliament; but it was proposed that in Ireland the power of making such appointments should be vested in the Lord Lieutenant and Council, who, he thought, should not be the sole and exclusive judges upon such a matter. At the same time, he did not think it quite safe that the board of governors should have the entire control, as in some cases they might refuse to act.

MR. I. BUTT had not the slightest objection to fix, by Act of Parliament, what officers should be appointed in lunatic asylums, leaving it to the governors to select such officers; but he thought the powers which this measure proposed to delegate to the Lord Lieutenant were inconsistent with the principles of free government. The real question was, whether a system of central or of local government was to be established in Ireland.

MR. KENDALL said, that in England the governors of lunatic asylums were appointed by the courts of quarter sessions, and if the power of selecting the officers of such asylums was to be given to the lords lieutenants of counties—who were likely to be far better acquainted with the circumstances of their respective districts than the Lord Lieutenant of Ireland could be with the circumstances of the country over which he exercised authority—he believed the governors would at once resign their positions.

MR. BEAMISH considered that all these appointments ought to rest in the governors, subject to the approval of the Lord Lieutenant.

MR. HORSMAN said, that the House seemed to lose sight of the fact that the care and treatment of the lunatics should be necessarily vested in persons of great experience; and he had yet to learn that boards of governors were the fittest persons to judge of their capability; but the feeling of the House being evidently in favour of the Amendment, the Government would consent to it.

Amendment *agreed to.* Clause, as amended, *agreed to.*

Clauses 5 and 6 *agreed to.*

Clause 7, referring to the appointment of chaplains, *struck out.*

On Clause 8,

On the Motion of Sir GEORGE GREY, a provision was inserted, vesting the appointment and removal of all officers in each asylum in the governors, subject to the approval of the Lord Lieutenant and Council.

The remaining clauses were *agreed to.*

House resumed. Bill *reported,* as amended.

## JOINT-STOCK COMPANIES WINDING-UP ACTS AMENDMENT BILL—ADJOURNED DEBATE (SECOND NIGHT).

Order read, for resuming Adjourned Debate on Amendment proposed to be made to Question [6th June], "That the Bill be now read a second time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. HUME appealed to his hon. and learned Friend who had charge of the Bill to postpone the further consideration of it till next week, seeing that the decision of the Master of the Rolls in Ireland in the case of the Tipperary Bank was expected to be delivered that day. That decision might form an important element in the discussion of the measure, and he thought that it was undesirable to proceed with it until they were acquainted with the judgment which the Master of the Rolls had pronounced.

MR. DEASY hoped that the House and the Government would not accede to the suggestion of the hon. Gentleman; but that the Bill would be speedily passed, in order to put an end to the anomalies of the law relating to the Joint-Stock Companies in Ireland. These Companies stood in a very different position to English Companies. The House was perhaps not aware that by an Act of the Irish Parliament, as soon as a Banking Company stopped payment every partner in it was absolutely divested of all his property for the purposes of the payment of the debts of that bank. That might have been a very wise measure for the times in which it was passed, but to the present day it was totally inapplicable. The consequences of this law were that the bankers of Ireland and every Railway Company had been advised that they were not safe in transferring money or shares belonging to persons who were shareholders in the Tipperary Bank. At the same time the official manager made calls for the purpose of winding-up the bank, and thus the two conflicting laws came in collision, and resulted in a dead lock. Under these circumstances, he thought that the House ought at once to proceed to an amendment of the law. He could not, however, but think that the Bill before them was defective in taking away from creditors rights they had at present had against shareholders, while it gave them no equivalent remedies. He thought, however, that if the Bill were read a second time there would be no difficulty in amending these matters in Committee. It also ought to have added to it a clause making the order for a call, which was made by the Master, equivalent to a judgment at law; it was plainly the intention of the Legislature, in passing the Joint-Stock Act, that this should be so, but through the ignorance of Irish law, which was but too frequent in that House, that intention was not manifest in the existing statutes. Another matter which required remedy was the exorbitant amount of expense which occurred in putting the existing law in force; so great were these expenses, that sometimes the whole available assets of a Company were swept away in law expenses. In the case of the Tipperary Bank at least 500 actions would have have to be brought, the undefended cases costing at least £20 each, while the defended actions would cost £100. It was important, also, he thought, that power should be given to some one representing the creditors to enter in for reasonable and *bonâ fide* compromises; and he hoped that the House would consent to the second reading of this Bill, which would, he believed, when amended in Committee, get rid of great anomalies at present existing.

MR. CAIRNS thought that the argument of the hon. and learned Gentleman appeared to him to tell rather against than in favour of the Bill. For his own part, he could conceive nothing more fatal to the credit and stability of joint-stock banks than any measure in the slightest degree analogous to the present. In legislating upon the principle of limited liability, banking companies had been expressly excluded from the operation of the Act, and the reason of that was, that the great source of credit of a joint-stock bank was the fact that every creditor knew that he had the power by legal proceedings of coming upon the property of every shareholder. He implored the House, as a matter of principle, to pause before they altered the rights of creditors and the liability of shareholders in a concern which had become the subject of litigation, and with regard to which the rights of the parties were already defined.

MR. J. G. PHILLIMORE joined with the hon. and learned Gentleman in asking the House not to pass this *ex post facto* measure. The present law might be a bad one, but it was the law under which the parties concerned in this bank had mutually contracted. He trusted that the House would not violate a great principle by passing a retrospective measure to meet a temporary inconvenience.

MR. GEORGE also protested against the retrospective action of the Bill. The concern to which it was intended particularly to refer had extracted £400,000 in the shape of deposits from hundreds of poor people; and they, before the shareholders, ought to be the objects of the sympathy of the House.

THE SOLICITOR GENERAL said, this Bill was undoubtedly designed in order to remedy some clearly admitted defects in the present law. If there was a partnership or company consisting of a large body of people, common sense dictated that their affairs could not be carried on unless you permitted the majority to bind the minority. Supposing they became bankrupt, the same principle came into operation under the Bankrupt Act, but if they were brought under the operation of the Winding-up Acts, that principle was at present most imperfectly developed. Things that were most expedient for preserving the property of these unfortunate companies, and preventing litigation, were unable to be done, because at present there was no effectual mode by which the majority could bind the minority; and the consequence was, as he had unhappily to observe in his extended experience, that a very small minority succeeded in continuing most ruinous litigation to the great profit of solicitors, and other persons concerned, and to the great detriment of the interests of the creditors. It was most right, therefore, that the principle applicable to the conduct of a company when thriving should be applied when its affairs had to be wound up, and that was the principle which this Bill involved. He quite concurred, however, in the opinion that it would be necessary to introduce some limitations into the Act. For instance, he did not concur in the provision giving to two-thirds of the creditors present at a meeting, power, without reference to the general body of the creditors; but that was not an objection to the principle of the Bill, but a limitation which might be introduced in Committee.

The Bill introduced a very wholesome and useful improvement, enabling a representative of the creditors to attend the proceedings before the Master to defend their rights, which was not the case now, because the official manager could only be regarded as charged with certain statutory duties relative to the accounts. He was at a loss to understand how the Bill could be said to be *ex post facto*, as it was really no more so than every Bill for improving the procedure or process of any court of law or equity. He trusted the House would consider in Committee whether the principle was carried out in the provisions of the Bill, or whether those provisions were susceptible of improvement. The third and fourth sections were open to objection, as leading to litigation and dispute. He should like to see them omitted, and he understood the hon. and learned Gentleman did not consider it important that they should be retained.

Mr. SPOONER said, he had at first thought the Bill objectionable, and that it would bear injuriously on the interests of creditors of joint-stock banks, having been brought forward for a special purpose. However, having since given it fuller consideration, he had come to a different conclusion. He was fully of opinion that the creditors were the first objects of their sympathy; but he believed that this Bill, with the alterations which his hon. and learned Friend proposed to introduce, would be found to be really a creditors' Bill, as removing an obstacle which had existed between them and the property of the shareholders. If this Bill did not pass, he feared that the lawyers would reap the advantage, and that to send it to the Committee would be the best thing they could do for the unfortunate shareholders.

Mr. MALINS, in reply, denied that this Bill was any more *ex post facto* than the Winding-up Acts of 1848–1849. He denied that the Bill took away any rights from the creditors. There were 3,000 creditors of the Tipperary Bank, and there were 200 shareholders, against whom they were to recover. What rights, therefore, would they be deprived of? The Bill gave the shareholders the power to meet together, and appoint an authorised agent to represent them, for want of which at present the enforcement of their rights was greatly retarded. The solicitor to the Newcastle-on-Tyne Bank proprietors, who were the largest creditors of the Tipperary Bank, had drawn up the strongest reasons in favour of this Bill. He maintained that it was a creditors' Bill, and did not deserve the reproaches that had been cast upon it.

Question put.

The House *divided:*—Ayes 112; Noes 77: Majority 35.

Main Question put, and *agreed to.*

Bill read 2°.

### AGRICULTURAL STATISTICS BILL.

Order for Second Reading read.

Mr. BENTINCK said, it was the intention of many hon. Members to oppose this Bill on the second reading and to object to its being referred to a Select Committee. He, therefore, suggested that it would be better that the noble Lord (Viscount Palmerston) should appoint some day for the second reading, when the discussion would certainly be taken, since hon. Members on his side of the House were put to great inconvenience from these repeated postponements.

Sir JOHN BULLER was not opposed to the principle of the Bill, but submitted to the noble Lord that it would be desirable to abandon it for the present Session. Country Gentlemen were obliged to attend at great inconvenience whenever it was on the paper, and if it were referred to a Select Committee their report could not be laid on the table in time for the House to pronounce a satisfactory decision on it, as it would no doubt be so altered that it would be in effect a new measure.

Mr. KNIGHTLEY also urged the postponement of the Bill until next Session.

Sir JOHN TROLLOPE said, the Select Committee would not be appointed before the week after next, and then the Gentlemen who represented the agricultural interest would not be able to give it their assistance, as they would be obliged to leave town to attend to the quarter sessions and the assizes. He hoped the noble Lord would consent to the withdrawal of the Bill for this Session, and that he would next Session introduce a measure more palatable to the country.

Mr. DEEDES said, that although by no means unfavourable to the principle of the Bill, he felt bound to press upon the noble Lord the utter impossibility of its being fairly considered at that late period of the Session.

Viscount PALMERSTON: I assure the House that the Government very much regret the inconvenience to which hon. Gentlemen are put by the necessity of postponing from time to time a Bill in which so many of them take an interest, but I think it was arranged that the Bill was not to be taken to-night later than half-past Ten o'clock. The measure is one which deserves the serious consideration of the House, and all I can at present say with regard to its postponement is, that we will fix it for Friday evening, when I hope we shall be able to come to some agreement on the subject.

**Mr. TATTON EGERTON** said, the statement of the noble Lord was not at all satisfactory. As a supporter of the Bill he urged the noble Lord to withdraw it, and reintroduce it and refer it to a Select Committee at the beginning of next Session.

**Colonel GILPIN** said, no measure of this kind would be satisfactory to the country if founded upon the compulsory principle.

**Mr. FELLOWES** objected to the postponement of the Bill from day to day and also urged its withdrawal until next Session.

**Viscount PALMERSTON**: I see clearly that great difference of opinion exists with regard to this measure, and, perhaps, therefore, there is not much chance of our arriving at any useful result in the matter during the present Session. I think the question is one which ought to be considered by a Committee, and, perhaps, the shortest way of disposing of it will be to say, that I shall propose a Committee upon it at the beginning of next Session.

Order *discharged.*

Bill *withdrawn.*

The House adjourned at a quarter after One o'clock till *Monday* next.

---

## HOUSE OF LORDS,

### *Monday, June 23, 1856.*

Minutes.] Public Bills.—1ª Stock-in-Trade Exemption; Dulwich College.

2ª Annuities Redemption; Transfer of Works (Ireland).

3ª Endowed School at Moulton; Magdalen Hospital (Bath); Excise; Insurance on Lives (Abatement of Income Tax) Continuance.

Royal Assent.—Sir William Fenwick Williams's Annuity; Reformatory Schools (Scotland); Juvenile Convict Prison (Ireland); Public Health Supplemental; Drafts on Bankers; Pawnbrokers; National Gallery; Oxford University.

### OATH OF ABJURATION BILL.

Order of the Day for Second Reading read.

**Lord LYNDHURST**: My Lords, I am placed in a situation of some embarrassment in rising to move the second reading of this Bill. The question has been so frequently discussed, the facts and arguments connected with it are so well understood, that if I were to enter into the subject in any detail I fear I should be listened to with impatience by your Lordships. But upon the other hand, if I were to treat this subject merely in general terms, I should perhaps be charged with neglecting a duty which I had undertaken to perform. I will therefore endeavour, my Lords, as far as possible, to steer a middle course upon the present occasion, and, discarding everything which I think does not bear materially upon the subject, I will endeavour to bring before your Lordships those facts, those arguments, and those considerations which appear to me to be most essential to the right apprehension of this question. My Lords, I am relieved from one very considerable difficulty upon this occasion. No attempt has been made by this Bill to repeal the oath of supremacy—an attempt which was made upon a former occasion, and which proved fatal to the success of the Bill. I also feel myself relieved from another difficulty, and not an immaterial one. When two years ago I brought forward a Bill to repeal the oath of abjuration I was met by the observation that I was repealing also the oath relating to the succession to the Crown as settled by the Act of Settlement. Upon the present occasion I cannot be met with any objection of that kind, because there is a clause in the Bill by which every person is bound to maintain the succession to the Crown as established by the Act of Settlement. Now, my Lords what objection there can be to a Bill of this description it is difficult to understand. My noble Friend near me on the cross benches (Earl Stanhope) intends, I am told, to move the rejection of the Bill. I should hardly have expected—acquainted as I am with the writings of my noble Friend—that such a course would have been recommended by him. I have endeavoured to ascertain upon what ground he proposes to proceed, and I am told that the objection is on account of the words "upon the true faith of a Christian" being omitted from the Bill. That, I am told, is the ground upon which my noble Friend means to move the rejection of the Bill. Now, my Lords, it is singular that these words being no longer required for the purpose for which they were originally employed, it should be attempted to introduce them into this Bill for purposes which were never in the contemplation of any person when those words were originally inserted in the oath. Passing from that, let me ask my noble Friend what is the object at which he aims? The regular course would be to allow the Bill to be read a second time, and then to move in Committee the insertion of the words which he advocates. But my noble Friend has adopted a different course, and I beg your Lordships to consider what will be the consequences of that course, should he be successful in procuring the rejection of the Bill. If we reject the Bill the consequence will be that every one of your Lordships and every Member of the House of Commons will be obliged to continue to take that oath which we all consider to be one that ought not to be taken—to swear that no descendant of the person pretending to be the Prince of Wales has any right or title to the Crown of these realms, and we abjure all obedience and allegiance to them or any of them. That is an oath which we all feel to be altogether impertinent and idle; and allow me to say, if you compel persons to take an oath which is merely an act of folly, it becomes something more—an act of impiety. But that is the consequence should my noble Friend be successful. Another of my noble Friends (the Earl of Derby), one for whom I entertain the greatest possible respect, foreseeing this difficulty, has endeavoured to obviate it—and no Member of this House possesses more ingenuity or more resource in constitutional difficulties than my noble Friend: he told us the other night that, if this Bill be rejected, then he, on his side, would move the second reading of a Bill which is now upon your Lordships' table, the object of which is to strike out from the oath all that part relating to the Pretender, and to retain the words "on the true faith of a Christian." What would be the consequence if that Bill should pass this House? It would go down to the other House of Parliament, and how will that House deal with it? They will obviously strike out the words "upon the true faith of a Christian," and the Bill thus altered will come back to your Lordships, and of course will be lost. Then, how does my noble Friend evade the objection I have made? We shall be precisely in the same position as we are now. We shall be obliged to swear that no descendant of the Pretender has any right or title to the Crown of these realms—an absurdity to which I have already referred. Let it not be understood that in these preliminary observations I am endeavouring to anticipate and prevent any arguments that may be produced on the other side. Far otherwise—I am prepared to discuss and defend the principle of the Bill now as at any other time. But let me first just state briefly the history of this oath of abjuration. When William and Mary came to the Throne, in the first year of their reign no oath was required but the oaths of allegiance and supremacy. Two or three years afterwards an attempt was made in the House of Commons to pass an oath of abjuration, and a similar attempt was made in your Lordships' House. But the King, with that liberality which was the peculiarity of his character, declared he did not wish to impose any additional tests upon his people; and so the Bills were lost in each House. It was not passed until the last year of the reign of that Monarch. Then, as your Lordships are well aware, in consequence of the Pretender having assumed the title of King of England, and having been recognised as such by Louis XIV., this Bill of abjuration was introduced and became law. Now, my Lords, what was the origin of the form of the oath prescribed by that Statute? It had its origin long before the reign of William, and immediately after the discovery of the Popish plot. It is very well known that at that time there was discovered a writing which had passed through the hands of Garnet, a Jesuit, who was concerned in that plot, to the effect that the only mode of avoiding equivocation on the part of the Catholics was to frame an oath of a particular shape and form. That shape and form consisted of the words "on the true faith of a Christian." It was with that view and object, and that object alone, that these words were introduced. They were afterwards copied into the oath of abjuration with the same purpose; and everybody who is acquainted with the history of that period, or even looks at the oath itself or at the Act of Parliament by which it was imposed and introduced, must be of opinion that the sole object of Parliament in so framing this oath was to guard against the Roman Catholics. If any doubt should remain in the mind of any noble Lord let him read the various clauses of the Act of Parliament—nay, more, I exhort my noble Friend (the Earl of Derby) and your Lordships to recur to the debates which took place at the time of the introduction of this oath; and I say that the conclusion to which he and your Lordships must inevitably come, and from which I defy anybody whatever to recede, is this—that the oath was introduced in this form solely to meet the consciences of Roman Catholics. Neither in the original oath in the reign of James I., nor in the abjuration oath, as copied from that, had Parliament any idea of applying it to members of the Jewish persuasion—at the first period there were no persons of that faith in the empire; and there is nothing to show that they were at all intended to be affected at the time that the oath of abjuration was framed. Now, my Lords, I have shortly described the objects and the sole purpose to which this oath was directed. I have, within the last few days, had brought to my recollection what appears to me to be a most extraordinary argument—or rather, I should say, a mixture of statement of history and argument—upon this subject. A right rev., or most rev. Prelate in Ireland, Dr. Cullen, published, in the year 1841, a collection of briefs or bulls of the Popes, and among these documents are several relating to the Pretender—matters of history, obviously intended as matters of history. Other documents have been referred to by that rev. person, and he is supposed to have stated, or to have quoted—I am not sure which—a passage in which it is said that many Catholic princes on the Continent of Europe—fifty, I think, is the number stated—are nearer in blood to James II. and to the Pretender than Her Most Gracious Majesty Queen Victoria. The inference drawn from this statement is of the most extraordinary kind that can well be conceived—namely, that the Roman Catholics have still in view, still in prospect—distant, perhaps—that a Popish Sovereign may, at some future period, be placed upon the throne of these realms; and the argument therefore, is, that you ought not to touch this oath, you ought to be cautious not to render it less effective than it is at present; than the purposes for which it was originally intended. My Lords, I must say I am at a loss how to describe this argument. I read it with attention, and I believe the statement I have made is perfectly correct. But what is the argument? No Roman Catholic now is bound to take the oath of abjuration. That oath might be struck out of the Statute-book without affecting a single Roman Catholic, either at this moment or at any future period. Why? Because it was rescinded in the year 1829, when the Roman Catholic Relief Bill was passed, and another oath was substituted in lieu of it; so that the history which I have stated, and the documents—all proceeding from a source which I am told is very high authority—are so totally inapplicable that they may be considered as addressed to the winds, for they really have nothing to do with the present question. Now, my Lords, passing from that argument, I beg to remind you that by the Catholic Relief Bill these words "on the true faith of a Christian" were struck out of the oath which Roman Catholics are obliged to take, in order that they may sit in Parliament. You have, therefore, abolished these words in the oath to be taken by the persons to whom they were intended to apply; and you retain them—for what purpose? To apply them to a class of the Queen's subjects to which they were never intended to apply. Can anything be more inconsistent, more extraordinary than such a course of proceeding? Now, my Lords, I took the liberty on a former occasion to lay down a position to which I have never received an answer, and I now take leave to repeat it. I say that no British-born subject ought to be disfranchised, unless by some legislative provision intended to be directed against him, and not by one directed against the body or class of which he is a member. That is the very basis and principle of our constitution. I am glad to support this by the opinion of one of the learned Judges before whom this case came on a former occasion, which I shall take the liberty of reading; it is in these terms:—

> "A construction the other way, excluding Jews from sitting and voting in Parliament, not by a direct and intentional legislative act, but by an unforeseen and unintended application of a few words inserted in an oath with an entirely different object, is not in accordance with what I consider to be the principles and practice of the law of England."

I am emboldened, therefore, to insist upon the position which I have stated, because, in addition to its own real strength, it has received the confirmation of a person of so much learning as the individual to whom I have referred. But upon the former occasion an attempt was made to answer this position; and what was that answer? It was attempted by a noble Friend of mine who sits on the opposite benches, who said that if the Jews had not been supposed to be excluded, Parliament would have excluded them; and, therefore, the inference was, that we were to consider it to be precisely the same as if they had actually been excluded. Such was the argument to which I refer. So that if, owing to any mistake, Parliament omits to legislate, we are to consider that they have actually legislated, for the purpose of imposing a penalty—for the purpose of raising disabilities; for that is the substance of the argument of my noble Friend. But even the substratum is wanting, "had they not been supposed to be excluded." I deny that any sensible man, during the reign of William III., did suppose that they were excluded. No lawyer could by possibility suppose it. The Government of that day had the advantage of a lawyer of rare eminence—one who has never been exceeded in his knowledge of laws of this nature—I mean the great Lord Somers; and, therefore, that the Government of that day could have supposed that Jews were excluded from Parliament—the oath of allegiance having been repealed in the first year of that reign—is something so extravagant that I certainly am not disposed to accede to the proposition. Nay, more, a few years afterwards, in consequence of some vulgar notion which was abroad with respect to the position of Jews, the opinions of some of the first lawyers of the country were taken upon the subject. Among others, Lord Chancellor Talbot, then Solicitor General, and Mr. Raymond, afterwards Lord Chief Justice Raymond, were consulted; they stated that as regarded disabilities, Jews were in all respects precisely in the same situation as any other natural-born subjects of this empire. So much, then, for the supposition. Even if the inference were correct, it wants foundation, because there is no ground for the supposition that they were contemplated by the oath. My Lords, I am unwilling to occupy your time with unnecessary quotations, and I will not read the passage to which I am about to refer—the opinion of one of the learned Judges who decided the case in the Exchequer. The substance of that opinion, given by one of the most intelligent men, and one of the most learned persons that ever I had the good fortune to meet, is:—If it be right to exclude members of the Jewish persuasion from Parliament—with respect to which I offer no opinion; it is not my province—it would be much more consistent with the character of this country and with the character of Parliament, to exclude them by direct legislation, rather than to refer to a casual expression in an Act of Parliament, which was never intended to apply to them, but was intended for another and a different object, another and a different class of persons. Now, my Lords, the first thing is to consider what was the intention of the Legislature on this subject—because you must make words bend in order to carry that intention into effect. What did Lord Coke say in his quaint Latin? *Qui hœret in literâ hœret in cortice.* You must discover what the intention of the Legislature was, and, having discovered it, you must carry it into effect. If that principle should be carried out in courts of justice, how much more does it deserve to be acted on when we consider a question legislatively? You are bound to examine every source from which the intention of Parliament can be gathered, and, having ascertained it, as I said, you are bound to carry it into execution. You are not to carry out an Act of Parliament contrary to what was the intention of the Legislature; you are not to construe an Act of Parliament, so as to derive from it some object which is not consonant with its plain intention; above all, you are not to construe it contrary to its plain tenour for the purpose of imposing civil disabilities in violation of the main principles of the British constitution. And now let us turn to the words "on the true faith of a Christian." "If," it is said, "you strike out these words from the oath of abjuration, what will be the effect? You will unchristianise the Parliament." I have heard that argument insisted on with great pertinacity and urged in a great variety of forms and shapes. It is one of the main arguments by which we are opposed. But is it meant to be said, that during the reign of William III. Parliament was less Christian than the Parliaments of the present day, there being no such words in the oath at that time taken by a Member of Parliament, either in this House or the other? Let us look back further; let us look to the reign of Edward VI.—a reign remarkable for its religious character and piety. No such words as these formed part of any oath required to be taken at that time; and, because those words were not required then, are we to say that the Parliaments of the reign of Edward VI. were less pious, less Christian, than the Parliaments of the present day? That argument may be repeated as applicable to the long reign of Elizabeth, and to all the antecedent reigns, for no such words were ever introduced into the oath taken by Members of Parliament until the reign of James I., for the reason I have stated. Now, my Lords, there is another argument I have often heard used. It is declared to be inconsistent that a person of the Jewish faith should be a Member of the Christian Legislature of a Christian country. That argument I have heard repeated over and over again. I believe it originated with a right rev. Prelate for whom I entertain a profound respect—I am sorry that he is not here, and still more sorry for the cause of his absence—I mean the distinguished Metropolitan. Now, my Lords, early in life I received a lesson from one of my instructors, to be cautious of an argument embodied in a phrase, for it generally covers some fallacy. Examine the phrase—"A Christian Legislature of a Christian country." No doubt this is a Christian country. But what is the meaning of a Christian country? Why, it means a country in which the great majority of the inhabitants are Christian, in which the Government is Christian, of which the established religion is Christian. But is it to follow from this that natural-born subjects of another faith ought not to have the same rights as Christian subjects? No such principle is laid down in our common law or constitution. It cannot be said that there are none others than Christians here; nor can it be said that those who are not Christians are to be entirely put out of consideration. Upon members of the Jewish faith, natural-born subjects professing that faith, devolve all the duties and obligations of other subjects of the State; they bear its burdens and perform its duties equally with others. Ought not Parliament to reflect that principle in its Legislature?—why should they not be represented in a Christian Legislature in a proportion similar to the numbers in a Christian country? See how fully we have acted up to that principle in every other instance. Members of the Jewish faith are required to discharge onerous offices. They are required to fill the office of sheriff. If a Jew is elected to serve as sheriff of the city of London and the county of Middlesex, he is mulcted in a heavy fine if he declines the office. Members of the Jewish faith are bound to attend upon juries precisely as other subjects of the country. Nay, more, my Lords, we have, in recent and more enlightened times, placed them in the magistracy, where they perform important duties in the administration of the law; we have placed them in the municipal councils of the country; and I challenge any person to say whether they have not performed the duties incidental to those offices as well as other British subjects. At this moment there is a gentleman of the Jewish faith at the head of the magistracy of the city of London, and I challenge any person to contradict me when I say that in activity, assiduity, intelligence, impartiality, benevolence, and splendid liberality, he has never been surpassed by any previous chief magistrate. My Lords, I have heard it remarked—I confess with surprise—that it was a strange spectacle that a Jewish chief magistrate should attend at St. Paul's when a solemn thanksgiving was offered to Almighty God for the blessings of the restoration of peace. I, my Lords, have been present at the performance of Divine worship in cathedrals where the form of worship and the doctrines taught differed widely from the religion which I hold to be true; but, notwithstanding, when I have seen myself surrounded by numbers who gave praise to God according to the manner which they in their consciences devoutly believed to be the true one, I confess that I felt myself stirred with feelings of religious emotion, which I should seek in vain to describe to your Lordships. Again, the phrase to which I have referred, that it is inconsistent with right that a gentleman of the Jewish faith should be a member of the Christian Legislature, enunciates a principle. If it is a principle it ought to be acted upon with uniformity. Let us see how it is acted on. I remember some years ago the union of the two provinces of Upper and Lower Canada. The constitution given to the United Provinces was much considered and discussed here, and many right rev. Prelates were present, because questions arose in which the Church had a deep interest. Is Canada less a Christian country than England? Is its legislature less a Christian legislature? Did any person in this House at that time ever suggest the propriety of passing a clause to exclude members of the Jewish religion from the House of

Assembly in Canada? No, there was never a whisper of the kind. What is more remarkable is, that the attention of Parliament must have been called to the subject, because to my own knowledge a gentleman of the Jewish faith sat in the House of Representatives for several years, and was one of the most distinguished members of that House. I repeat, then, that a principle, if acted upon, ought to be acted upon everywhere, and consistently. The case, however, to which I refer took place some time back; many of your Lordships may not have observed, or may have forgotten it. Well, we have within the last few years passed a constitution for Australia, for New Zealand, for the Cape of Good Hope—all Christian countries, all Christian legislatures—but not one single attempt was made to impose upon those legislatures the exclusion of Jews from among their representatives. It may be said that the English Legislature would not have adopted such a clause, that it would have been at variance with the feelings of the Legislature to attempt it. Yet what are you doing now? Why, you are taking hold of a fragment of an Act of Parliament for the purpose of doing that which the united Legislature would refuse to do. But then, again, it is said, "If a Jew is admitted into Parliament, how can he perform his duties in a Christian Legislature?" That argument was urged with great weight and effect during the debates upon the Catholic claims; but in their case it was found to be unavailing, even although the Roman Catholics acknowledge the principle of proselytism, they are opposed to the Protestant faith, and they look upon our Establishment as founded on property to which they are entitled. But that is not the case with regard to the Jews. They have no desire for proselytism—quite the contrary; they have no claim whatever on the property of your Establishment; they are quiet, inoffensive people, without any wish to interfere with other religions, anxious only to be allowed to worship God according to the rules of the Mosaic law. It cannot be said that if we do not pass this Bill a violent agitation will follow. On the contrary, all that is relied on is the calm voice of reason, and your Lordships in refusing this relief will be reversing the old maxim of the Roman empire—

> "Parcere subjectis, et debellare superbos."

There is a very wholesome and convenient maxim in the law—*de minimis non curat lex;* and I should like to apply it to some of the arguments of those who oppose this measure. As I cannot do so I must answer an objection that has been made, which, however, is so trivial as an argument, that I only notice it because it is founded on a misapprehension of fact. I have heard this observation made:—"How can a man of the Jewish faith perform his duty properly as a Member of the House of Commons; it is sometimes necessary that an election Committee, as it sits *de die in diem,* should meet on a Saturday, and how can a Jew sit in justice on a Saturday?" I should not have noticed this argument, but that it comes from an hon. Friend of mine, a great authority, and for whom I have the highest possible respect. My Lords, I have been in communication with the highest authority on this subject, and I find that such a statement has no foundation in fact—it is utterly contrary to fact to say that there is anything in the Jewish religion to prevent a man performing a duty of this kind on the Sabbath, and two passages in the Talmud have been pointed out to me, which appear to me sufficiently to authorise this statement. Much has been said of the respect which we owe to the principles of Christianity, but I assert boldly that the course which the opponents of this Bill call upon your Lordships to pursue is directly at variance with the principles of Christianity. We are told "to do as we would be done by," and not to force others to do that which we would not wish to do ourselves. Noble Lords who oppose this Bill must be greatly inclined to reprobate the share which my noble Friend opposite (the Earl of Clarendon) had in obtaining the measures of relief which have lately been afforded by the Sultan to his Christian subjects. The argument used there was, that the question had nothing to do with religion, that it was a mere question of civil rights; and this argument, joined to other collateral circumstances to which it is not now necessary to allude, was successful. The hatti-sheriff lately promulgated proclaims that Christians shall be admitted, without distinction, to all civil rights, in the same manner as the Mussulman subjects of the Porte, and at this moment there are two persons of the Christian religion in the Council, and one, as I am informed, of the Jewish faith. I counsel your Lordships to take example by this, and not to force precepts upon others which you fail in practising yourselves.

My Lords, I have better hopes of this year from something which took place last Session, and which has been renewed this Session. I took up a Bill which lay for several weeks on the table, in the preamble of which I find it stated that nothing can be more unwise or more contrary to all the principles of true religion than that persons should be subject to disabilities on account of their religious opinions or form of worship. That was a Bill brought in by a noble and learned Friend of mine whose absence I regret, because I should have relied on him to support me to-night. That Bill, instead of being sent to a Select Committee, was sent to the Statute Law Commission, on which are some of the first jurists, and some of the most eminent lawyers of every class in the land. They have examined the Bill, and they have returned it to this House without any alteration whatever in the preamble. To this preamble, therefore, and to the principle which it enunciates, and upon which I pray you now to act, they have given their deliberate sanction. There are persons, I believe, who look with something like scorn and contempt upon members of the Jewish religion. This feeling is the last remnant of the worn-out prejudices of former times. For my own part I cannot but view them as a most remarkable people, calling forth widely different feelings. My Lords, when the Jews were led captive by the princes of Babylon, we find that some of their number were selected, on account of their integrity and their talents, to hold high office under their captors. When I come back to more modern times, and turn to Spain, I find that in the early history of that country, in the time of the Gothic Christians, the Jews were held in a state of oppression and tyranny; but the moment that oppression ceased, when the Moors had driven out the Goths, and a liberal system was established, the Jews emerged from their obscurity, and for three centuries and a half they were distinguished by eminence in literature, science, and art. Precisely was the same in Germany. When the chains under which the Jews were held in that country were broken, precisely the same result followed. They advanced in literature, science, and art; they distinguished themselves in classical literature, in biblical and ancient learning, and they stand upon a par with the most learned men in Germany—that most learned portion of Europe. What ground is there, then, for daring to point the finger of scorn at these, our fellow-subjects? Not very long ago a right rev. Prelate, in answer to a deputation which waited on him on this subject, stated that his opinion of the Jews was, that they were the most loyal, benevolent, and orderly people to be found anywhere. Such, my Lords, are the British subjects—and let me entreat your Lordships never to forget that these are British subjects—whose cause I am now pleading—for whom I am not asking a favour, but demanding that which is their right. I have always held that one of the great uses of your Lordships' House was to act as a check against rash, hasty, and inconsiderate legislation; but to act as a permanent barrier against a measure which has come up repeatedly from the other House of Parliament—a measure which relates to the composition of the other House itself, and only calling for legislation through the perversion of a passage in an Act of Parliament and a misapplication of its meaning, would, in my opinion, be inconsistent with sound policy, and contrary to the fundamental principles of the constitution. Upon three different occasions this Bill has come up to your Lordships, affirmed by a great majority of the other House of Parliament, after debates in which the highest ornaments of that House have taken a conspicuous part. From the time when this subject was first urged upon your attention hundreds of thousands of petitioners have addressed your Lordships in favour of this measure. Upon seven or eight different occasions Bills of this description have been supported by eminent men in the other House; and I therefore think your Lordships are bound now to deal with this question only after the most careful consideration. This measure has been supported in this House by distinguished statesmen—by right rev. and most rev. Prelates of great learning and undoubted piety. I myself had the good fortune to be present in the other House of Parliament when this subject was first brought forward by an ancient Friend of mine now no more—a man of great learning, of extraordinary religious feeling, and of distinguished eloquence—the brother of a very distinguished Member of your Lordships' House. From that time to this measures like the present have been supported in the other House by all that was dignified and eminent in its composition, and upon one occasion by a noble and eloquent Friend of mine, whose magic wand can "call spirits from the vasty deep," and at whose bidding, more fortunate than mine, "they come" when called. Under such high sanction I can with confidence call upon your Lordships for your support to this measure. Upon a former occasion a right rev. Prelate called your Lordships' attention to certain sermons of Archbishop Tillotson relating to the destruction of the Temple and the dispersion of the Jews; and the inference which he drew was, that if you passed a Bill of this description it would be a counteracting of the designs of Providence. No doubt, my Lords, if a man looks to a prophecy, and deliberately takes means which, according to his judgment, would tend to its falsification, nothing could justify him in such an act. But, my Lords, we know so little of the mysterious ways of Providence and the means by which Providence works out His plans, that we should be guilty of a great error, probably, if we formed our idea of those means from the experience of our own limited judgment. Our rule for the guidance of our conduct throughout life ought to be governed by our sense of justice, of charity, and of those claims which our conscience satisfies us are founded in truth and right. My Lords, we have succeeded in establishing in Britain an hereditary monarchy, and a landed aristocracy connected with elected representation and free institutions; we have advanced, though by slow and cautious steps, to our present system of civil and religious liberty; but there is one exception to that system of freedom which otherwise generally prevails—one blot, as I consider it, which we ought to eradicate; and that is, in relation to the subject which is now before us. Let us, my Lords, I entreat you, banish that one objectionable measure to the region of old and obsolete laws; or, rather let us tear it from the Statute-book, and thus make perfect that system which is founded on the eternal principle of reason and justice—the independence of civil rights of religious opinions—

> "'Tis the last keystone
> That makes the arch. The rest that there are put
> Are nothing, till that comes to bind and shut.
> Then stands it a triumphal mark."

*Moved*—That the Bill be now read $2^a$.

EARL STANHOPE said, that when he gave notice of his intention to move the rejection of this Bill upon its second reading, he did not know that the second reading was to have been moved by his noble and learned Friend; if he had known it, he certainly might have been justified in shrinking from any encounter with so high an authority and so consummate a master of debate. His noble and learned Friend had been pleased to say that, being acquainted with his (Earl Stanhope's) published writings, he was surprised at the course which he had now declared his intention of adopting. He (Earl Stanhope) did not recollect any of his published writings referring to this question; but he was sure that the course which he was now taking was in entire conformity with that which he had uniformly taken in the House of Commons, where he had voted against the Jewish claims from first to last. His noble and learned Friend, after raising that objection to the person who was about to bring the Amendment forward, took some objection also to the form of the Amendment itself, and urged that the insertion or otherwise of the words, "on the true faith of a Christian," had better be reserved for the Committee. He (Earl Stanhope) thought, however, with all deference, that if he had allowed the second reading to take place without opposition he should have been open to the charge of having relinquished the principle for which he contended; of which charge no one would have availed himself with greater earnestness and force than his noble and learned Friend himself. His noble and learned Friend had dwelt at considerable length upon what were the intentions of those who originally framed the oath of abjuration; but he (Earl Stanhope) submitted that that was only a collateral question; because their Lordships entered that House not as antiquaries, but as legislators. The question was not with what motives or intentions the Jews were first excluded, whether in express terms or by implication, from the walls of Parliament. The true question—the question which he ventured to put to the House was, whether in justice or policy they were bound or not bound to continue that exclusion. His noble and learned Friend had twice imputed the feelings of "scorn and contempt" as against the Jews to many who opposed this Bill. He (Earl Stanhope) most respectfully said that he did not clearly see with what right his noble and learned Friend ascribed those feelings to him. He entertained no such feelings towards his Jewish fellow-countrymen. He knew many excellent members of that persuasion, and he readily admitted the propriety with which they discharged the duties of their several stations; he knew, also, the charity and benevolence which many of them exercised, and he knew that their benevolence was by no means limited to the members of their own body. Entertaining these feelings, he had concurred in the measure which had been introduced by his noble and learned Friend some years since for extending the civil privileges of the Jews, permitting them to become magistrates in country districts, and aldermen in towns. That measure passed with very general concurrence—not more than thirty or forty Members being found to vote against it; but when he was now further called upon to extend to the Jews the power of sitting in Parliament, he was bound to ask himself whether there was not a most material difference between the duties of those who administered and those who framed the laws. Those who administered the laws were bound to execute them without any reference to their own opinions—they were bound by every obligation to execute the law as they found it, and their individual religious or political opinions ought to be of very little moment; but when you placed them in the position of legislators, and entrusted to them the function of framing laws, they were called to higher and more responsible duties; duties which involved their own individual opinions, and which bound them to give effect to their convictions. Upon that principle he could not conceal from himself that, to admit the Jews to the right of sitting in Parliament would tend to divest the Legislature of that Christian character which it had hitherto maintained. Their Lordships knew that it was a legal axiom that Christianity was part and parcel of the law of the land. If this were so, he asked whether it was fit that very lax Christians should be admitted to frame the laws of which it was admitted that Christianity formed one part? And on that ground he would appeal to the House to remember the great responsibility which would lie upon them if they lightly and without sufficient cause rendered of no effect that which had hitherto been adopted without question as a maxim of the constitution. The omission of these words would operate as an ill example to millions who looked up to them for guidance, and who would receive the adoption of the Bill before them as declaring in effect that no religious sanction was requisite in legislative proceedings. The noble and learned Lord had referred to America; but there was one fact in the history of the United States which did not tell in his favour. In the Convention which met immediately after the first peace with England, there was an absence of all religious tests, and the consequence was found to be a corresponding decline in other religious obligations. No less distinguished a man than Dr. Franklin, in a speech still preserved, brought forward a Motion for the use of daily prayer. His words were striking and forcible:—

> "I have lived," he said, "a long while, and the longer I have lived the more persuaded I have become that God governs the affairs of men; and if a sparrow cannot fall to the ground without His notice, do you think it likely that an empire can rise without his aid?"

But his Motion was rejected by a large majority, for, as he himself stated in a note to his speech, all the members of the Convention, except two or three, were of opinion that prayers were unnecessary. That was a striking instance how soon, when there was no religious sanction to the meeting of any legislative assembly, other religious obligations might cease to have value in the eyes of the members of that assembly. When it was urged that the principle of the Christian character of the Legislature would be infringed by the removal of the words "upon the true faith of a Christian," the objection was frequently attempted to be answered by reference to the cases of those who, although not really Christians, had nevertheless sat within the walls of Parliament. The two cases most commonly referred to were those of Bolingbroke and Gibbon. It was well known to their Lordships how, sitting in that House, and occupying a very prominent position in the State, Bolingbroke had nevertheless prepared and left for publication works denouncing the Christian religion as unfounded; and how, sitting in the other House, Gibbon had in his historical works aimed numerous blows at the truths of Christianity. He (Earl Stanhope) met that argument by pointing to the precisely similar case of the oath of allegiance. If the oath of abjuration did not keep out some who were not Christians, so the oath of allegiance to the reigning Sovereign failed to keep out some persons engaged in traitorous designs. Of course he was not now speaking of the present time, when it was our felicity to live in a period when there was no dispute at all with regard to the succession; but the case was very different 100 or 150 years ago, when there was an exiled family living first at St. Germains and afterwards at Rome, and claiming the attachment of a portion of the people of England. At that time some eminent statesmen used to swear true allegiance to William or George, being all the while engaged in traitorous correspondence with James, and included in the number were some men, who for their public conduct were held in high reverence—such a warrior as Marlborough, and such a statesman as Godolphin. Nay, the argument applied to the right rev. Bench itself, for in the "Stuart Papers," which he had an opportunity of examining, by favour of his late Majesty, he found numerous letters from no less eminent a man than Dr. Atterbury, then the Bishop of Rochester, who, while sitting in that House and taking an active part in its debates, having taken an oath of allegiance to King George, was all the while in correspondence with King James, as he termed him, promoting all the plans for the restoration of the exiled family. He did not suppose that these men intended to swear a false oath—there was evidently some kind of mental reservation. Their Lordships would recollect a precisely similar case of recent date in a neighbouring country. In France, during the reign of Louis Philippe, some of the most upright and honourable men in private life found the means of reconciling to themselves the course which they adopted of taking an oath of allegiance to the reigning Sovereign, all the while being in secret correspondence with the exiled family. He admitted, then, that our oath of allegiance had failed to keep out some who were not true subjects; but, for all that, there was not a single person in that or in the other House of Parliament, who proposed to dispense with that oath; and, by a parity of reasoning, it was impossible to see why we should get rid of the oath of abjuration, on the plea that it let in some who were not Christians. Thus far the argument was merely *ad hominem;* but it went much further, and it would be found that, even with these restrictions and exceptions, there were great advantages attending both the oath of allegiance and the oath of abjuration. Although the oath of allegiance failed to keep out some who were not true subjects, yet it effectually restrained their tone and language after they came in, preventing them from making indecorous attacks on the person of the reigning Sovereign, or on the title by which he occupied the throne. He regarded that as no inconsiderable benefit in itself, for he did not think there was any succession so rightful or any Sovereign so faultless as safely to stand the wear and tear of daily Parliamentary discussion, of being constantly called in question, held up to contempt, and exposed to invective of all kinds. The same argument was applicable to the oath of abjuration. Although persons under that oath had come into that and the other House of Parliament without being really Christian, yet with the oath before them, and liable to be called to order at any moment, they had felt themselves constrained to use a decorous and reverent tone towards the Christian faith. The oath had prevented those unseemly discussions and irreverent allusions which no other barrier could have checked. To illustrate this point, he asked their Lordships to consider what would have been the result, if such a man as Tom Paine had become a Member of the Legislature without taking the oath of abjuration, concluding with the words, "upon the true faith of a Christian." It was no extravagant supposition that Tom Paine might have become a Member of the English Parliament, since, being an Englishman, he did become a Member of the Legislature of France. Supposing him to have sat in the other House of Parliament, how, without the oath of abjuration could he have been restrained from constant invectives against the doctrines of Christianity and even the character of Christ? With the oath his tongue could have been held in check, for it might have been triumphantly referred to in reply, or in interruption of any such attack; but, without the oath, there was nothing to have prevented him from saying, "I know not why you call me to order; I have never professed to hold the Christian faith; I conceive it to be founded in error; and, believing that, I will take every opportunity to expose it." Was not that a course of proceeding which might be expected, if Parliament relinquished this safeguard. He did not mean to imply that the Jewish gentlemen now in question would take that course; but he saw no security, that all those who might by any chance enter Parliament—not Jews merely, but any others—if this oath were removed, when the safeguard of the oath of abjuration was removed, would be discreet and decorous in their language, and refrain from denouncing in the most unmeasured terms all the doctrines of Christianity. He thought his noble and learned Friend was scarcely warranted in assuming that all those who opposed the Jewish claims were enemies to the extension of civil and religious liberty. He knew that many of their Lordships who thought it their duty to resist the admission of the Jews to Parliament also thought it their duty to support by every means in their power the cause of civil and religious liberty. For himself he had been from his earliest years a friend to the extension of equal privileges to all classes of his Christian fellow-subjects. He had uniformly supported the claims of the Roman Catholics, and had consented, rather than compromise his opinions on that subject, to remain for some years out of the House of Commons. He felt, therefore, that he at least was not open to that imputation. He maintained that not merely did the arguments by which the Roman Catholic claims were maintained not apply to the admission of the Jews, but that, on the contrary, some of the arguments which most powerfully vindicated those claims went against, and not in favour of, the Jews. In this view of the case he knew that many eminent members of the Church concurred with him, and it was a view that he now asked permission more fully to develop and explain. Here, then, was his argument. It was to be regretted that on many occasions too much was made of the points on which various religious denominations differed, and too little of those on which they agreed. He thought it important that there should be among the friends of our common Christianity a bond of union that would tend to unite the various denominations of Christians, and which would thereby of necessity exclude those who did not profess the Christian faith. In saying this he hoped it would not be supposed that he thought they ought either to compromise or gloss over the various points on which we as Christians, disagreed; but still he would say that momentous as were those points on which they differed, still more momentous were the points on which they held a common faith, and might with advantage cultivate a common fellow-feeling. This was an object of no slight importance, and one which ought not to be disregarded by their Lordships in the consideration of a subject like the present. He was happy to be able to quote on this part of the case a very high authority—Dr. Arnold—a man zealous for the advancement of civil and religious liberty, but who attached the greatest importance to the existence of a common bond of union between the different denominations of Christians. In another place a passage had been quoted from a letter addressed by Dr. Arnold to the Archbishop of Dublin. But this was only an extract from a private and familiar communication adverting to this one branch of the subject. Perhaps their Lordships would now permit him to quote another passage from a more elaborate performance, having reference not to the case of the Jews alone, but to the general principle which their admission would involve; premising that this passage appeared to him to meet an argument which had been spoken of by his noble and learned Friend as unanswerable, and as never having been assailed. Dr. Arnold said—

> "It seems to be assumed in modern times that the being born of free parents within the territory of any particular State, and the paying towards the support of its Government, conveys a natural claim to the rights of citizenship. Now, to those who think that political society was ordained for higher purposes than those of mere police or of traffic the principle of the ancient commonwealths, in making agreement in religion and politics the test of citizenship, cannot but appear wise and good. Christianity has answered those questions most satisfactorily by making religious and moral agreement independent of race or national customs, by furnishing us with a sure criterion to distinguish between what is essential and eternal and what is indifferent and temporary, or local; allowing, nay commanding, us to be with regard to everything of this latter kind in the highest degree tolerant, liberal, and comprehensive, while it gives to the former that only sanction to which implicit reverence may safely and usefully be paid—the sanction of the truth of God."

According to the views which he (Earl Stanhope) took of this subject, he would say that the exclusion of the Roman Catholics from the Legislature was religious intolerance, but that the admission of the Jews, as now proposed, would be not religious toleration but religious indifference; and he felt an humble hope that in the support he had given to the Roman Catholic claims, and in the vote he would give on the present question, he steered clear of intolerance on the one hand and of indifference on the other. There was another argument, to which he knew several of their Lordships attached considerable importance, to which he would shortly advert. It had been urged by a respected Member of their Lordships House, not now present—the Archbishop of Dublin—that this was a matter in reality touching the constituent body—that it was for them to exercise their right, and that having done so, Parliament, however it might regret their choice, had nothing to do but to ratify it. Now, he could not help thinking that the maxim here stated was repugnant to a leading principle of the British constitution. They imposed disqualifications on various grounds on various classes of persons. Aliens, for example, and also minors, were excluded, and it was provided that no Member could sit in the other House for an English constituency who had not £300 a year in land. He did not say whether that was a wise regulation or not, but that was the law as it stood at present, and it amounted to disqualification of a very large class. Why should it be said that on religious questions only the electors were to have entire freedom of choice? Were they to have qualifications connected with landed property, and age, and such comparatively unimportant points, and yet impose no qualification in connection with religion? To take that course would be in effect proclaiming to the world as our judgment and rule that secular considerations were of far more value than religious ones. He would now briefly refer to what his noble and learned Friend had said as to the motives of those by whom the oath of abjuration was framed. There was not, in his opinion, much advantage in discussing the motives of the framers of former legislative acts;—the only admissible arguments were arguments derived from justice and expediency. Just let their Lordships consider the extraordinary confusion to which the views of his noble and learned Friend on this point would lead them. Take, for example, the case of the *Habeas Corpus* Act. If there was any one statute to which all parties paid special deference it was, he believed, the *Habeas Corpus* Act. Why, on the principle laid down by his noble and learned Friend, that Act could not be defended in our day. If the story told by Bishop Burnet was to be believed, that Act passed through Parliament by a mere accident. The Bishop said that there being a Peer present of very unwieldy size, one of the Tellers—not so acute and sharp-witted as the Tellers they had in the present day—by way of jest counted him as "ten;" and the jest passing unobserved, that addition gave the majority, and the *Habeas Corpus* Act passed. He doubted whether that story of Bishop Burnet could be supported by reference to the records of the House; but, if it could, would any one propose to repeal the *Habeas Corpus* Act on that ground? The answer would be that the law was an excellent law: that, no matter by what means it came upon the Statute-book, since it was there they were determined to keep it. But although he did not think the argument based upon the motives and intentions of the framers of the abjuration oath was of any great importance, or that the argument which he supported was weakened by it; on the other hand, if the case were otherwise, and if the decision this night were to turn on the motives and intentions of the framers of the oath, he did not think that as far as the force of facts was concerned, he need fear to encounter the noble and learned Lord in that part of his speech. It was perfectly clear that the reason why the Jews were not expressly excluded was that there were no Jews to exclude. At the period when the oath was enacted the Jews were a most inconsiderable fragment of the people—they were liable to great popular obloquy—they were, in fact, by their position at that time in the country altogether incapacitated from sitting in Parliament; and he maintained that the idea never occurred to those who framed the oath of abjuration of the possibility of a Jew being elected a Member of the Legislature. If the idea had occurred, he thought words very clear and stringent would have been framed to meet the contingency. But his noble and learned Friend seemed to imply that the opponents of this measure were doing the Jew an injustice, inasmuch as, he said, he once had a right to sit in Parliament, and they were now seeking to deprive him of that right. He begged their Lordships to remember that in fact no Jew ever did sit in Parliament. Whether excluded by those words or not, the Jews were, in fact, excluded; and he was not seeking to deprive them of any privilege which they ever possessed, but was merely discussing whether, in justice or policy, they were able, so far as their votes were concerned, to admit into that and the other House of Parliament those who had never entered them before. There was one other consideration which, before concluding, he was anxious to press on the consideration of their Lordships. If they removed these words, "on the true faith of a Christian," not merely the Jews, but the followers of every religion or of no religion might, at some time or other, seek admission within the walls of Parliament. There was no rite so fantastic, no superstition so abject, whose adherents would not be entitled to be admitted. And let him not be told in reply that only a few such persons would in fact be admitted. It was a question of principle and not of numbers. The question was whether or not they should fling open their doors and not how many persons would be able to walk in. The removal of the words in question would entirely disconnect religious sanction from legislative duties, entirely abolish the right of the Legislature to require some testimony or profession of religion as a condition of being entrusted with a share in the framing of the laws. With regard to the dissociation of political duties from the profession of Christian principles, he might direct their Lordships' attention to several weighty remarks which had been delivered by eminent Members of our Church in a former age; but he would not derive them on this occasion from any of the high places in our ecclesiastical establishment. He would refer to an humble parsonage in the county of Kent, from which humble parsonage had gone forth words of no common eloquence and wisdom. He would cite two or three sentences written more than two centuries ago by Hooker, in his great work on "Ecclesiastical Polity"—

> "So natural is the union of religion with justice that we may boldly deem there is neither where both are not. Seeing, therefore, it doth thus appear that the safety of all estates dependeth upon religion; that religion, unfeignedly loved, perfecteth man's abilities unto all kinds of virtuous services in the commonwealth; that men's desire, in general, is to hold no religion but the true; and that whatsoever good effects do grow out of their religion who embrace instead of the true a false, the roots thereof are certain sparks of the light of truth intermingled with the darkness of error, because no religion can wholly and only consist of untruths—we have reason to think that all true virtues are to honour true religion as their parent, and all well-ordered commonweals to love her as their chiefest stay. And this," (he goes on to say a little afterwards) "this is the politic use of religion."

There could be no doubt that in past ages in this country, as even now in other parts of the world, the name of religion had been perverted to the purposes of tyranny and ambition; but the abuse gives no ground of argument against the use, and notwithstanding this perversion, he maintained that religious professions cannot safely be disjoined from legislative duties; and that the setting of religious sanctions at the threshold of the Legislature, in the front, as it were, of Parliament, had a purifying and ennobling effect on the expressions there spoken, and on the course of action there pursued. Believing, then, that the measure now before them, even though it might be slight in its first effects, was momentous in its principles and tendency; believing that no sufficient grounds had been laid for passing it; believing that it was regarded by a large proportion of the Christian people of this country as calculated to retard the course of Christian progress and of Christian truth, he now moved, in Parliamentary phrase, the postponement, but in point of fact the rejection, of this measure.

Amendment *moved*, to leave out "Now" and insert "this Day Three Months."

Lord LYNDHURST explained. The noble Earl having referred to the position of the Jews a century and a half ago, he wished to say that he held in his hand the written opinions of eight or nine of the most eminent lawyers of the period in reference to that subject. He had before alluded to the opinion of Chief Justice Raymond. The following was that of Lord Chancellor Talbot:—

> "I am of opinion that A B is a natural born subject of Great Britain, and as such capable of purchasing and enjoying land in fee, and I am not aware of any disability which is imposed upon him by law on account of his being a Jew."

The Marquess of CLANRICARDE said, the noble Earl (Earl Stanhope) had not attempted to touch any of the arguments so ably advanced by the noble and learned Lord, unless it was that which turned upon the intentions of those who framed the oath of abjuration. The noble Earl did not, however, contend that the question of the Jews was under consideration at the time. When the noble Earl quoted Dr. Arnold he ought to go the same length as Dr. Arnold, and meet the question fairly by enacting that the Jews should not sit in Parliament; but, instead of doing that, he attempted to sustain this miserable rag and shred of intolerance which still remained to disgrace the Statute-book, entirely by the incidental words of an oath not intended to affect them. He agreed with the noble Earl, that in olden times the Jews were not allowed to sit in Parliament—but in olden times the Jews were put to torture, and the noble Earl should not refer to the spirit of legislation in those days, unless he were prepared to carry it out in all things. Still more inconsistent was the argument of the noble Earl with regard to the oath. The noble Earl had rested the whole Christianity of the country not merely upon an oath, but upon the form of an oath, and had referred to history in support of his views; but did he not remember that not only statesmen, but right rev. Prelates in times of rebellion and disturbance broke their oaths and betrayed their sovereign? In the opening chapter of the noble Earl's admirable History he branded the leading men of the time with every stigma save one—perjury—which he did not mention, it being so common; and none who had heard the noble Earl's speech that night could doubt that his own opinion was conclusive as to the inutility of oaths in times of treason and sedition. The noble Earl had quoted Dr. Arnold as an authority upon this question; but he should have followed out the opinions of that rev. person to their full extent, and have excluded not only Jews, but Roman Catholics and all Dissenters. How could he on Dr. Arnold's principles explain his inconsistency in voting for the Roman Catholics, but against the Jews? Dr. Arnold's argument was, that the State had a right to look into the religion of those whom it should admit to sit in Parliament, and the same argument was contained in the quotation from Hooker which the noble Earl had read. But in that case the noble Earl ought to exclude both Roman Catholics and Jews, for both were antagonistic to the Established Church. He (the Marquess of Clanricarde) had been surprised to hear his noble Friend say that the admission of Jews would unchristianise the Legislature—a declaration which he had not attempted to prove. Neither had he met the question put by the noble and learned Lord who moved the second reading, whether the City of London had ceased to be a Christian city because its Lord Mayor was a Jew. Was the City of London at that moment a Christian city or not? was the corporation Christian? was the magistracy of England Christian? He would like, too, to know what the noble Earl considered to be the state of a temple of Divine worship which was intrusted to the care of Jews? Did not the noble Earl know that in many parishes in this city Jews had been elected churchwardens, in which capacity the celebration of Divine service and the provision of the bread and wine for the administration of the Holy Sacrament were entrusted to their charge? It was a mockery to talk about the admission of the Jews into Parliament tending to unchristianise the country, and such a declaration was perfectly unsustainable in argument. He (the Marquess of Clanricarde) supported all measures of this description upon the plain and simple ground—the only one upon which any Dissenters could be admitted to Parliament—namely, that the State had no right to inquire into the conscientious religious opinions of any freeborn subject of Her Majesty; and that any Englishman on whom they imposed the duties and charges of an English subject, had a right to the privileges of one. The State, no doubt, had a right to look into men's acts, and see whether they belonged to any specific society which was dangerous to the safety of the realm; but in the absence of any such suspicion every British subject had a right to aspire to the honours and dignities of his country. He would remind their Lordships of the position in which they stood at the present time. They had now, for several years, been in conflict upon this question with the Ministers of the Crown and with the House of Commons. Their Lordships had lately thought it right, upon their own judgment, to exclude from their House a Member who had been called thither by a writ from the Crown, and now they were seeking to prevent the House of Commons from admitting a Member who, having been duly elected by a large constituency, sought to take his seat among that body. Every one must see that that was a state of things which could not go on for ever; that it must end by the admission of the Jews into Parliament; and that it would be conducive neither to the honour and advantage of that House, should the House of Commons take upon itself to admit a Member whom their Lordships had been hitherto the means of excluding. If they rejected the present Bill it would only tend to the continuance of a conflict upon which they would be ultimately beaten, and in which they had no real or substantial object at issue. He asked them was it worth while to continue the contest. It was ridiculous to say that the admission of a few Jews into Parliament would have any serious or substantial effect on the character of the Legislature. He trusted, however, that the House would, that evening, by its decision upon this question, prove to the country that its views were in accordance with the spirit of the times, and that it did maintain the principle of true tolerance which admitted all Englishmen, whatever their religious opinions, to all the honours and advantages to which their merits enabled them to aspire.

LORD RAVENSWORTH said, that nothing but the clearest conviction and a strong sense of duty could have induced him to differ from his noble Friend who had moved the Amendment (Earl Stanhope) for whose calm judgment and historical and constitutional knowledge he entertained the greatest respect, and to vote as he was about to do, in favour of the second reading of the Bill; and he was anxious not to give a silent vote, as on every previous occasion when any Bill for the express purpose of admitting the Jews had been brought before Parliament he had voted against it. He thought it therefore due to himself, that he should address to their Lordships a few observations in vindication of his personal consistency on this occasion. If necessary, he could easily find reasons for his vote in the altered complexion of the question of the admission of the Jews; but he would only refer to the wide distinction between that question and the vote he was called on to give that night for the repeal of an oath which had become useless and obsolete. There was a wide distinction between relieving Her Majesty's subjects from the obligation of taking an oath that was no longer necessary, and, giving a vote for the express purpose of passing an Act of Parliament to admit Jews to seats in the Legislature. No doubt the arguments against their admission had weight, and inconveniences might be anticipated from it; but still he felt bound to vote for the Bill for the repeal of the oath of abjuration. The Bill came before them, passed through the Commons by a large majority, asking them to give their assent to the repeal of an oath, the defence of the authority and validity of which, with the small exception contained in a few words at the end, was now abandoned by everybody, and no one would undertake to say it was necessary to the security of the constitution or the Crown. He had in many points been greatly disappointed by the arguments of his noble Friend (Earl Stanhope). The noble Earl, after going through the details of the oath of abjuration, asked their Lordships, were they bound in justice and policy to continue the exclusion of the Jews. He (Lord Ravensworth) expected that his noble Friend would have asked, were they bound in policy or justice to maintain the oath of abjuration—and that was the question their Lordships now had to answer. Hitherto, nothing had been said in defence of the oath, which applied altogether to periods other than the present, and to a class of persons different from those who were now affected by it. The question might be divided into three different heads—first of all, the oath of abjuration itself; secondly, the relation it bore to the Act of Settlement; and thirdly, the consequence which would follow on its repeal by the admission of the Jews. As to the first, it would be a waste of words to argue it, for the present form of the oath was now condemned by all parties. The question was, what was to be substituted for it? When the Bill was passing through the other House, it was discovered by some Members and strenuously insisted on in debate, that the oath contained the only recognition of the Act of Settlement. But whatever force was to be found in that objection was obviated by a clause in the new Bill, which provided a perfectly innocuous and unobjectionable recognition of the Act of Settlement—not that such recognition was of any real value, for in times of turbulence or rebellion such oath would be swept away like cobwebs before the storm, or like rotten walls before an inundation. As to the third and most important question, namely, the omission of the words "on the true faith of a Christian;" and the effect it would produce in the admission of the Jews to Parliament. he had before stated that there was a wide distinction between passing an Act for the express purpose of admitting them and assenting to a Bill for the repeal of this oath. Many inconveniences might result from the admission of the Jews, and his strong impression of these inconveniences would be quite sufficient to induce him to refuse his assent to an Act for that express object; but when he had to balance these possible inconveniences against the uselessness and almost impiety of forcing public men to take an oath which had long ceased to have any force, and which had been enacted to guard the State against Papists and Jacobites who were now admitted to power, he confessed that these objections weighed as dust in the balance against the evils of maintaining the oath. The inconveniences to which he had referred were not difficult to raise in theory, but he believed they would not be found to exist in practice, or if they did would soon be mended by the good sense of Parliament. Far greater evils had been anticipated when the contest was being carried on between Protestants and Roman Catholics, respecting the Relief Bill—a Bill which, he regretted to say, was yielded under the influence of terror and intimidation after the Legislature had refused to listen to reason and persuasion; and would their Lordships now refuse to make a concession which both reason and policy dictated? There were not a few inconveniences in maintaining the exclusion of the Jews. Was it no inconvenience that a contest should be going on year after year between the two Houses of Parliament? that the largest city in the world should be deprived of its representative? Under these circumstances he trusted that their Lordships would take advantage of the graceful opportunity of concession now afforded them. The Bill would be brought up to them year after year, and the conflict could not go on without producing more serious inconveniences, and what was now but a slight sore and irritation, would fester and gangrene. He should be ashamed to address to their Lordships anything like a threat, but already there were hints in the public press, that so long as this House refused to pass a measure for the admission of the Jews, so long the House of Commons would be justified in refusing the application made by their Lordships for the amendment of their appellate jurisdiction. ["Oh!"] He did not state this as an argument which ought to have any weight with their Lordships, but he did bring it forward to justify the remark he had just made, that, unless the question were soon settled, the evil might become much more serious than it was at present. Differences of party might be added to other inconveniences. The leader of the House of Commons on the side on which he had the honour to sit, always voted in favour of this, and similar measures; but not only did the present leader of the Conservative party in the other House support the Bill (for which perhaps reasons might be given), but his predecessor, Lord George Bentinck, had voted the same way, and many distinguished Members of the party had followed their leaders in this respect. It might be said, that these were arguments of expediency which ought not to weigh against the principle of maintaining what was called a Christian Legislature. The noble Earl had used this argument, and had referred to other cases of exclusion from Parliament, as those of minors and persons not possessing a certain pecuniary qualification. If the noble Earl had followed up that argument, it would make against the imposition of any oath as a test. Did not the noble Earl know that the qualification oath was constantly evaded? In the same way, the words "On the true faith of a Christian," might be taken by an infidel, who had no belief; but a conscientious Jew could not take them, and he was effectually excluded. The Roman Catholics had been excluded by this oath for a century and a half, but it was now repealed, as far as they were concerned. He believed there was infinitely less danger and less violation of principle in giving assent to the second reading of this Bill. He had explained the reasons why he considered it best for the interest of the Legislature and the country that the measure should pass, and he was ready to give a hearty and cordial assent to the Motion.

VISCOUNT DUNGANNON said, the question was no common question. It was not a mere question of the admission of the Jews to Parliament, but of the maintenance by the Legislature, as a Legislature, of adherence to the fundamental principles of the Christian faith. If his opinions upon the question had needed confirmation it would have been supplied by the masterly arguments of the noble Earl (Earl Stanhope) who moved the Amendment, not one of which had been answered that evening. If he were asked whether he anticipated direct evils from the admission of a few Jews into Parliament he should be inclined to answer in the negative; but he looked to a far more important part of the question—to the moral effect which the adoption of such a measure would have upon the country at large, and on this ground he strongly opposed the Bill. If we once deserted Christianity, the protection of Providence might be withdrawn from us. He was at a loss to understand what danger or inconvenience could arise from the adoption of the Amendment; for although it had been alleged that inconvenient results might follow the constant rejection by the House of Lords of a measure which had frequently been sanctioned in the Commons, and it had been asked what would be thought of the repeated rejection by the House of Commons of the Appellate Jurisdiction Bill, yet they were exercising their proper legislative functions in disagreeing to a measure the inexpediency of which they affirmed; and not only would they be acting unconstitutionally but most unworthily if they agreed to a Bill the principle of which they disapproved. He was persuaded that if the door of the House of Commons were once thrown open by the abolition of the oath of abjuration there would be an end to the Christian character of the Legislature. Supposing that people were sufficiently ignorant or wicked to take an oath without any intention of keeping it, it was no reason why they should deprive themselves of the safeguard which now existed. He drew a broad distinction between the case of the Roman Catholics and that of the Jews, because, at all events, in that case the applicants for admission to the Legislature were Christians, and he hoped that their Lordships would never lose sight of their Christian obligations, or forget that independent of the performance of any constitutional duty they had a yet more important, more solemn, more awful duty to discharge—a duty to the Great Being to whom we were all accountable; to that Judge to whom we must all one day render an account of our actions, whether they be good or whether they be evil.

The Earl of ST. GERMANS was surprised that no Member of Her Majesty's Government had, as yet, risen to address the House on this important subject. He apprehended that the main, if not the sole objection of the opponents of this measure was the admission of Jews to Parliament. His noble Friend who had last sat down must either have been absent or have very imperfectly heard the speech of his noble and learned Friend opposite, because he seemed to be entirely ignorant of the explanation given of the meaning of the words "on the true faith of a Christian." His noble and learned Friend had stated most distinctly that those words were introduced after the discovery of a paper by the Jesuits, in which the mental reservation with respect to the other oath was disclosed. It was admitted on all hands that the words "on the true faith of a Christian," were never intended to apply to Jews, but that it was by the merest accident that they were prevented from sitting in Parliament. Taking a plain, practical view of the case, he would say, if it can be shown that such a course is desirable, by all means let them be retained; but he totally denied that the effect of their rejection would be to destroy the Christian character of the Legislature. Lookind at the large number of Christians in the constituencies, and the small number of Jews in this country able to devote sufficient time to the discharge of Parliamentary duties, he should think that it was extremely improbable that such a number of Jews could be introduced into Parliament as to influence the decisions of the Legislature; and he should certainly expect they would not be very likely to interfere on any question affecting the ecclesiastical institutions of the country. The Jews were not a proselytising people. While most other sects had societies for the propagation of Christianity, no society existed for the propagation of Judaism. They rather seemed to be a peculiar people, waiting for the fulfilment of a prophecy; but while waiting, they conformed to the customs and the civil institutions of those countries throughout which they were scattered; and it was far more likely, in his opinion, that the Church would be endangered by Christians of other denominations than by Jews. The disabilities imposed on Dissenters had been swept gradually away and the result had been rather to strengthen than to weaken the Church. In his opinion all the attempts they made to retard the ultimate passing of this measure would only strengthen the hands of its supporters, and expose themselves to obloquy. No fear was to be entertained from the admission of Jews to Parliament; and in all other respects no class of men was more entitled to participate in the constitutional privileges of the subjects of Her Majesty. Conceiving that a difference in religious opinion could not destroy their rights, he gave a cordial assent to the measure.

The Marquess of LANSDOWNE wished before the question was put to offer a single observation, not in opposition to the noble Earl the mover of the Amendment, but rather in explanation to the noble Lord who had just sat down, and who seemed to charge the Government with indifference with respect to the measure. The real reason why no noble Lord who was a Member of Her Majesty's Government had addressed the House was, because they thought it quite unnecessary to add anything to the clear and convincing arguments enunciated by the noble and learned Lord who introduced the Motion. The Bill, on the contrary, had the cordial support of Her Majesty's Government; and as he had voted most cheerfully for other Bills of a similar description, so he should vote cheerfully for this. Other Bills must have been liable to objection in matters of detail; but to this Bill he believed there could be no such objection. It was now admitted upon all sides of the House that the oath of abjuration was nothing but a relic of ancient times, and that, in consequence of the extinction of a peculiar class of disaffected persons against whom it was originally aimed, its retention had become totally opposed to the principles of the age in which we lived, and operated as a deprivation of political rights against a peculiar class of Her Majesty's subjects. The oath itself might very well be blotted out of their Parliamentary records, and be transferred to the Historical Society or the learned Society of Antiquaries, as a curious subject, bearing upon the social and political condition of this country in past ages. He could see no danger by the admission—not by express terms, because that was unnecessary—in the admission of Jews to the enjoyment of the same political rights as their co-subjects; indeed, he could not but think the accession of honest Jews to Parliament would be an advantage rather than otherwise; but if they were admitted it should certainly be on the principle that all those who contributed to the taxation of the country, and performed their share of those municipal duties which the constitution of the country cast upon them, ought to be admitted to a voice in the enactment of the laws by which they were bound.

On Question, That "now" stand part of the Motion? their Lordships *divided*:—Content, Present 46; Proxies 32:—78. Not-Content, Present 66; Proxies 44:—110. Majority 32.

### *List of the* CONTENT.

#### PRESENT.

The Lord Chancellor

DUKES.

Argyll
Newcastle
Somerset

MARQUESSES.

Clanricarde
Conyngham
Headfort
Lansdowne

EARLS.

Abingdon
Albemarle
Burlington
Chichester
Fortescue
Granard
Kingston
Minto
Morley
St. Germans
Somers
Zetland

BISHOPS.

Bath and Wells
Hereford
St. David's
Worcester

BARONS.

Alvanley
Byron
Bolton
Camoys
Campbell
Carrington
Cremorne
Congleton
De Mauley
Denman
Foley
Glenelg
Leigh
Lilford
Londesborough
Lyndhurst
Monteagle
Overstone
Ravensworth
Saye and Sele
Vaux
Wrottesley

#### PROXIES.

DUKES.

Leinster
Sutherland

VISCOUNTS.

Falkland
Massareene

EARLS.

Cork
Ellesmere
Fingall
Fitzhardinge
Fitzwilliam
Glasgow
Gosford
Grey
Leicester
Radnor
Stair
Suffolk

BISHOPS.

Chester
Derry

BARONS.

Brougham
Dormer
Dufferin
Dunfermline
Erskine
Gardner
Godolphin
Hatherton
Harris
Lyttelton
Manners
Monson
Mostyn
Rossmore
Stafford
Truro
Vivian

### *List of the* NOT CONTENT.

#### PRESENT.

ARCHBISHOP.

Canterbury

DUKE.

Buccleugh

MARQUESSES.

Bath
Drogheda

EARLS.

Abergavenny
Bantry
Beauchamp
Bandon
Cadogan
Cawdor
Courtown
Carnarvon
Delawarr
Donoughmore
Denbigh
Desart
Derby
Dartmouth
Egmont
Eglinton
Harrowby
Harrington
Lucan
Mansfield
Morton
Macclesfield
Pomfret
Powis
Romney
Stanhope
Stradbroke
Shaftesbury
Selkirk

VISCOUNTS.

Bangor
Bolingbroke
Combermere
Dungannon
Midleton
Strathallan
Sidmouth

BISHOPS.

Bangor
Oxford
Rochester
Salisbury
Winchester

BARONS.

Abinger
Bagot
Bayning
Berners
Calthorpe
Colville of Culross
Churchill
Colchester
Clinton
Dynevor
Dunsandle
Gray
Grantley
Kenyon
Rayleigh
Redesdale
Southampton
Sondes
Sandys
Tenterden
Walsingham

PROXIES.

DUKES.

Hamilton
Northumberland
Rutland
Richmond

MARQUESSES.

Winchester
Downshire

EARLS.

Beverley
Buckinghamshire
Bathurst
Chesterfield
Clanwilliam
Enniskillen
Ferrers
Guilford
Limerick
Lauderdale
Mayo
Nelson
Orford
Powlett
Roden
Rosslyn

VISCOUNTS.

Gage
Melville

BISHOPS.

Cashel
Chichester
Ely
Exeter
London
Lincoln
Peterborough
Ripon

BARONS.

Brrwick
Braybrooke
Castlemaine
Clarina
Cloncurry
Crofton
De Saumarez
De Lisle
Hawke
Polworth
Plunkett
Sinclair

*Resolved* in the *Negative;* and Bill to be read 2ª on *this day Three Months.*

House adjourned till To-morrow.

---

## HOUSE OF COMMONS,

### *Monday, June* 23, 1856.

MINUTES.] PUBLIC BILLS.—1° Queen's Colleges (Ireland).
2° County Courts Acts Amendment; Coatham Marriages Validity; Judges and Chancellors.
3° Seamen's Savings Banks.

### NATIONAL EDUCATION (IRELAND).

MR. FORTESCUE rose to submit his Resolution on the subject of the National System of Education in Ireland. The hon. Gentleman said he was well aware of the responsibility which he had undertaken in addressing the House on this occasion; and he felt it necessary to ask the indulgence of hon. Members, especially as he was about to address them under somewhat unusual circumstances, inasmuch as he was going to ask them to abandon a former Vote, and to review a decision at which they had then arrived. But if the course which he was about to take was very unusual, the circumstances which had given rise to it were very unusual also. Very seldom, indeed, had it happened that an Address to the Crown, especially one on a subject so momentous and so vitally affecting the interests of a considerable portion of the people of this empire as that of national education in Ireland, had been adopted under circumstances similar to those which had occurred last Tuesday night. It was not necessary for him to go into those circumstances in detail; but he might say that it was notorious to every one that on the evening in question there was a general expectation that the debate would be adjourned. [*Cries of Assent and Dissent.*] Well, if ever there was a debate which it would have been reasonable and natural to adjourn, it was that debate. He might remind the House that, considering the importance of the subject, the debate of Tuesday night was quite inadequate. Hardly one of the leading Members of that House, whose opinions they would have been so anxious to hear, had spoken; not one of those statesmen—men to be found on both sides of the House—who either had taken a part in the establishment of this great system of national education twenty years ago, or had since that time been year after year its supporters, had expressed their opinions on the question before the division was come to on Tuesday night. He might further remind the House that, with one exception, not a single Protestant Member from Ireland had addressed them. Under these circumstances, he felt it due to the House, and due to the importance of the subject, that they should have an opportunity of reconsidering the matter and reversing the decision to which they had come in adopting the Address to the Crown. On applying to the Speaker, he found that in point of form there was a certain amount of difficulty in the way of his so doing—that it was contrary to the usages of the House for a Member to propose a counter Address to the Crown, containing any different request to that made by the Address already adopted. His course had, therefore, been to endeavour to frame a Resolution which, while it showed the utmost possible respect to the House and to the Crown, would yet virtually and in fact have the effect, if adopted, of reversing the decision to which the House had, he thought rashly, come. His Resolution would, at all events, enable the House to review its former decision, and give an opportunity to many Members, whose opinion on the question would naturally have great weight, to express their sentiments on the subject. He trusted that the House would, that evening, be convinced by the argument of Gentlemen of far greater ability than he could boast of, that the proposal made on the previous

Tuesday evening by the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) was inconsistent with those principles which he (Mr. Fortescue) had endeavoured to lay down in his Resolution; and that that proposal, if carried into effect, would be subversive of the present system of national education in Ireland. He hoped that the House would declare that to be their opinion; and that that declaration would have the effect of guiding Her Majesty's Ministers in the answer which they would advise the Crown to return to the Address, and that it would also have the effect of relieving the minds of the people of Ireland of the anxiety caused them by the unexpected expression of opinion which the House had appeared to give a few nights ago in favour of the right hon. Gentleman's proposition. He believed in his conscience—and without that belief he did not think he would have been emboldened to address the House on the present occasion—that the effect of that Vote, if not rescinded, would be to subvert the most just, the most equitable, the most Irish, and therefore the most successful institution that had ever been established by this country in Ireland. The proposal contained in the Address of the right hon. Gentleman attacked the national system of education in its tenderest part—namely, the religious portion of the question. It proposed to modify the principal rule of the National Board as to religious instruction. The House would allow him to read the rule of the National Commissioners on that subject—

> "Religious instruction must be so arranged that each school shall be opened to children of all communions; that due regard be had to parental right and authority; that, accordingly, no child be compelled to receive or to be present at any religious instruction of which his parents or guardians disapprove; and that the time for giving it be so fixed that no child shall be thereby, in effect, excluded, directly or indirectly, from the other advantages which the school affords."

They were told by the advocates of the right hon. Gentleman's proposition that the great and only object of the national system of education was to produce combined education; that that object had failed; and that, therefore, Parliament might now fairly be called upon to give up an unsuccessful principle, and adopt a principle of another kind—namely, the principle of the Church Education Society in Ireland. Now, he (Mr. Fortescue) on the contrary maintained that the rule he had just referred to embodied a principle which was the fundamental principle of the national system. That principle was laid down in a number of Reports of Commissioners and Committees of this House before the establishment of the system, and the assertion of that principle ran through all the documents of the national Commissioners themselves, and had been declared and maintained over and over again. That principle was—in the words of the Resolution he now proposed one which respected the parental authority and maintained and secured the rights of conscience to the children attending the schools, and excluded anything approaching to compulsory religious teaching—that was to say, anything that made religious teaching a necessary condition of secular instruction. He found that principle shortly laid down in the fourth Report of the national Commissioners at an early period of the establishment of that Board. He found it also in the letter addressed by the present Earl of Derby—then Mr. Stanley—to the Synod of Ulster in 1833. A question had been raised as to the time when religious instruction should be given in the schools; and Lord Stanley said—

> "The days and hours for religious instruction must be specified in order to remove from the mind of the Roman Catholic parent the possibility or suspicion that his children may be influenced to join in studies of which he does not approve."

And the Resolution he (Mr. Fortescue) proposed to the House asserted and maintained the same principle. That, as he contended, was then the principle upon which the national system of education in Ireland was based; and when he was told that combined education was the whole gist and object of the system, and that that having failed, Parliament might be called upon to overthrow the system and adopt another, he begged to say, in the first place, that he utterly denied the entire, or anything like the entire, failure of the system; and next, that the principle which he had attempted to lay down in his Resolution, and which he conceived to be embodied in the rule to which he had referred, was a principle totally irrespective of the mere amount of combined education that had been attained, and was absolutely necessary to secure the freedom of the Irish child in respect of its religious creed. It mattered not to him whether the amount of combined education in Ireland was large or small—he equally contended that the rule of the Commissioners was one that ought to be maintained and supported by this House ; for as long as there were any schools in Ireland containing pupils of different religious persuasions such a rule was absolutely necessary in order to maintain religious freedom and to establish the principle that every child should have the power, under the authority of the State, of receiving secular instruction without, at the same time, receiving a religious education to which his parents entertained an objection. He admitted that there might have been a smaller amount of combined education—by which he meant education in schools containing children of different creeds—attained in Ireland than was expected by the founders of the system ; but considering the peculiar circumstances of Ireland, the division of her population into different creeds, and the enormous difficulties which were to be overcome in achieving such an end, he must say he thought the founders of the system had over-estimated the amount of combined education they were likely to attain—that, in short, they had expected too much. But he believed that the main cause of the failure of combined education, so far as it had been a failure, was, after all, the opposition of that portion of the Established Church in Ireland which was represented on this occasion by the right hon. Gentleman (Mr. Walpole). As an instance of the exaggerated statements they sometimes heard from the highest quarters with regard to the system being a failure, he might mention that it was lately asserted in that House that it was laid down as a fundamental rule in Lord Stanley's letter to the National Board that the national schools in Ireland should be under the management of joint patrons—that was to say, the patrons of different religious creeds—a result which he fully admitted had not been attained, except in very few and wonderful instances. But so far from such a fundamental rule having been laid down as the foundation of the National Board, the fact was that Lord Stanley stated that one of the main objects was the attainment of a national system of education, and that probably the new Board would look with peculiar favour on any joint application from Roman Catholics and Protestants. Again, it was quite a mistake to suppose that the greater number of national schools in Ireland were separate and sectarian schools. The truth was, that a very large proportion of the schools, if not combined schools in full and fair proportion to the numbers of the different creeds in Ireland, were, nevertheless, mixed schools to a certain degree ; and it seemed to him that the point for the House to consider in respect of that fundamental rule of the National Board, which was meant for the protection of the consciences of the children in the schools, was, not whether the children were combined in the full proportion which the population of the country might warrant, but whether there were children in those schools who required the protection of that rule—for so long as there were any such children, he (Mr. Fortescue) maintained that the rule of the Board was absolutely necessary. Now it appeared that the whole number of children of different creeds receiving education in the national schools in Ireland in 1851 was, in round numbers, 456,000, and that of these 390,000 were Roman Catholics, and 65,000 Protestants, of whom 23,000 belonged to the Established Church. In the province of Ulster, where united education might be expected if any were to be found, the number of children attending national schools in the same year was 146,000, of whom 17,000 belonged to the Established Church, 41,000 were Presbyterians and Protestant Dissenters, and 86,000 were Roman Catholics. Again, in nine of the model schools in Ireland, which combined children of different creeds, out of 2113 children there were 368 belonging to the Established Church, 395 Presbyterians and Protestant Dissenters, and 1350 Roman Catholics. Of the managers of schools of different creeds in Ireland, the returns for 1852 gave eighty-one clergymen and 271 laymen, together 352, belonging to the Established Church, the number of schools under their management being about 600. The number of Presbyterian managers was at the same time 398, having under their management 370 schools ; making the total of Protestant managers 710, and of Protestant schools, 1247 ; whilst the number of Roman Catholic managers was 1143, and of schools under their management 3187. By the Eglinton returns, in 1852, it appeared that of 4483 schools which made reports, there were 2524 mixed Protestant and Roman Catholic schools—that was to say, schools which contained both Protestant and Roman Catholic children in some proportion or other ; and that of the managers more than one-third were Protestants. Of the schools, more than one-fourth were under Protestant management; of the children on the rolls, nearly one-seventh were Protestants; and of the teachers trained, one-fifth were Protestants. According to the returns obtained by Lord Clancarty in 1854, of 2764 mixed schools, or schools with children of two or more denominations, 1700 contained Protestant minorities of children differing in faith from the managers of the school, and varying from one to fifty per cent; and 636 schools contained Roman Catholic minorities, differing in faith from the managers of the schools, and varying in the same way from one to fifty per cent. Again, it had been ascertained from the same returns that, omitting the 10,000 children attending the model schools, there were, in 1852, 87,000 children educated at schools whose managers were of a different religious denomination to themselves; and that of this aggregate 15,000 were children of the Established Church, 11,000 Presbyterians and Dissenters, and 60,000 Roman Catholics. He asked, then, if the House would consent to leave the children in these mixed schools entirely without the protection which was accorded to them at present by the rule of the National Board—the very foundation of which was attacked by the Motion of the right hon. Gentleman? He contended that so long as there was a single mixed school in Ireland—no matter in what proportion the children of different creeds might be—it was absolutely essential to any system of national education that the protection of that rule should be thrown around them. The fact then was, that at this moment the national system of education in Ireland was a system which consisted partly of separate and denominational schools, and partly, and to a great extent, of schools in which children of various denominations were to be found. But what was the nature of the new rule proposed by the right hon. Gentleman? That rule would enable the patron of a school to say to every child, no matter what his creed—"The only condition upon which you can attend my school and receive secular instruction there is, that you must also receive such religious instruction as I think fit to provide for you." And the only exception to this was, in the terms of the Address, that no catechism or creed was to be used in the school. No doubt, the object of this exception was to conciliate the Presbyterians and Protestant dissenters generally: but how would this exception affect the Roman Catholic population of Ireland? It was well known that there were a great number of schools under Protestant patronage, in which perhaps the whole, or nearly the whole of the children were Roman Catholics, and therefore differed from the faith of the patrons; there was, therefore, no denying that the effect of the rule proposed by the right hon. Gentleman would be to leave such children, whether Protestant or Catholic, in all schools without protection as regarded their religious belief. The principle on which the Kildare-place system was founded was one which, ignoring the peculiar circumstances of Ireland and the regulations and requirements of the Roman Catholic church, treated Ireland as if it were a Protestant country, rather than one which, containing many Protestants, was yet in the main Catholic. It was notorious that that system, which inculcated the use of the Holy Scriptures without note or comment, did not obtain the support of the Roman Catholic church. But the system which the right hon. Gentleman now recommended was not that of the Kildare-place Society. It was, as far as the Established Church was concerned, rather that of the Church Education Society—a body whose opinions and practice on the subject of religious education were succinctly explained in the following extract from a report of their Committee in 1847:—

> "The superintendent is left at full liberty to teach the meaning of the Scriptures to every child in the school. . . . Where the right exposition of any passage of Scripture coincides with the doctrine contained in the formularies of the Church . . . he gives it, not because it happens to be the doctrine of the Church, but because he considers it to be the meaning of the passage which the child is reading. In a word, while the Church Education Society utterly disclaim all dishonest acts of proselytism, they feel themselves at full liberty to set forth the true meaning of Scripture, for the purpose of 'banishing and driving away all erroneous and strange doctrines contrary to the word of God,' whatever may be the effect on the religious belief of the children instructed in their schools."

Such was the plan of education proposed by the right hon. Gentleman in substitution for that prescribed by the National Board. But while the advocates of the proposed change had made up their minds to give up the use of creeds and formularies, acting upon a principle which he could not understand, they would maintain a rule which was most objectionable to the Roman Catholic Church in Ireland—they would maintain the use of the Protestant version of the Scriptures in the religious instruction of all the children in their schools. Of course he, as a Protestant, regretted that the Bible was not more freely used in Roman Catholic schools, but, as a Protestant, he was also a friend of religious liberty, and would not attempt to coerce the religious convictions of any class of his fellow-countrymen, but the proposition of the right hon. Gentleman was an attempt to force upon Roman Catholic children a mode of instruction to which they and their parents were opposed, however conscientiously we might believe it to be the correct one. The precise manner in which the Holy Scriptures should be taught in the schools was a question which had arisen at a very early period of the history of the national system, and Lord Derby, then Mr. Stanley, had made emphatic allusion to it in his well known letter on education in Ireland. Referring to the Kildare-place Society, and to the causes of its failure, he used these words:—

> "The determination to enforce in all their schools the reading of the Holy Scriptures without note or comment was undoubtedly taken from the purest motives; but it seems to have been overlooked that the principles of the Roman Catholic Church (to which, in any system intended for general diffusion throughout Ireland, the bulk of the pupils must necessarily belong) were totally at variance with this principle."

It was true that, in England, the State made different grants to the schools of Churchmen, Dissenters, and Roman Catholics, and that it rendered obligatory the use of the Church catechism in the national schools, but these facts did not furnish any argument in favour of the application of a similar system to Ireland, for it was impossible to exaggerate the difference between the two countries. One was a Protestant country, the other a country with a vast majority of Roman Catholic inhabitants. The religious contentions which prevailed in this country were between Protestant sects, and were not to be mentioned in the same breath with the bitter rivalries and fierce jealousies which unhappily raged between Catholics and Protestants. Proselytism, such a bugbear in Ireland, was a word almost unknown—as between Protestants—in England. Moreover, it was a mistake to suppose that the rule prescribing the use of the Church catechism was that feature of the national system which was regarded with the greatest favour by the people and Parliament of this country. The very reverse was the fact. It was a source of perpetual grievance on the part of a large portion of the English people, and the complaints had become so frequent that, in 1846, the Committee of the Privy Council were compelled to notice them in the following Minute—

> "Their Lordships greatly regret that the children of Dissenters are not admissible into Church of England schools without these requirements, and would rejoice in a change of the regulations of such schools providing for their admission. Their Lordships hope that much may be expected from a careful review of the civil and political relations of the schools . . . as a national institution. Regarded in this light, their Lordships cannot but hope that the clergy and laity of the Church of England will admit that the view they take of the obligations resting upon them as to the inculcation of religious truth must be limited by their duty to recognise the state of the law as to the toleration of diversities of religious belief."

That was all that he asked on behalf of the national system in Ireland. Besides, it was notorious that the rule respecting instruction in the catechism in Church schools was in many instances relaxed in favour of the children of Dissenters. Had there been a single proposal for national education in England, based on the principle proposed by the right hon. Gentleman for adoption in Ireland? On the contrary, all the plans of national education in England which had been proposed of late years were founded upon an entirely opposite principle, and as nearly as possible upon that of the National Board of Ireland. The education clauses in the Factories Bill, for instance, embodied the principle, not merely of admitting children of every denomination to join the schools, but that no child should receive religious instruction, or be obliged to attend, without the consent of the parent. The Bill of the noble Lord the Member for London, in 1855, contained the same principle; and in introducing his plan of the present year he told the House that an essential part of the scheme was the freedom to withdraw children from religious instruction. The same principle pervaded the plan of the right hon. Baronet the Member for Droitwich. Nevertheless the House was now asked to introduce for the first time into Ireland a principle which existed only in a very mitigated form in England, and which, moreover, formed no part whatever of any scheme on the subject of national education introduced in recent times by statesmen to Parliament. He (Mr. Fortescue) was afraid to think of the consequences of the Motion of the right hon. Gentleman. He could not, for instance, suppose for a moment that a single one of the present Commissioners of the Board of National Education in Ireland would remain in office a day after it had been adopted, seeing that it reversed the system they had been administering with such success for so many years. He felt confident, moreover, that no Roman Catholic would be found to replace those Roman Catholic members of that Board who should so retire. Moreover, it would be impossible for their successors, whoever they might be, to limit themselves to an acquiescence in the specific modification in the system demanded by the right hon. Gentleman. They must go further, and extend separate grants to all other religious denominations as well as to the Established Church. Dr. Denvir, a Roman Catholic bishop, gave important evidence on this point before the Lords' Committee—

> "A separate grant will never give satisfaction to the Catholics of Ireland unless it is an adequate grant — that is, that a Catholic patron should be able to support his school and his teachers in such a way as to be able to compete with the school and the teachers of any other religious denomination within his parish or district. I say, also, with great respect to clergymen of the Establised Church, that they, having more means than others, would be likely to have the grant supplemented and augmented by subscriptions to such an amount that they would be able to give clothes, books, food, &c. to the poor Catholic children, to induce them to leave the Catholic schools and come to theirs. And not only would these things occur, but I should apprehend that the landlords and Protestant employers would tamper with the parents and operate upon them, so as to induce them to send their children to their schools under a threat, which would most probably be put in execution, of dismissing the parents from their work or turning them out of their cabins, in the event of their not sending the children to their schools."

Besides, the bishop says—

> "He would have the grant permanent, because he thinks an annual Vote for Irish Roman Catholic schools—exclusive—would lead to angry debates in this House; that many Members would say they could not conscientiously vote for them; and that Ireland would be kept in perpetual perturbation."

The fears thus expressed by Dr. Denvir represented very fairly the apprehensions entertained on the other side of St. George's Channel. Some supposed that by means of the modification proposed in the national system of education by the right hon. Gentleman's Resolution that the clergy of the Church of England would get into their hands the instruction of a large portion of the Roman Catholic children in Ireland. He (Mr. Fortescue) however, believed that hope to be fallacious; and he was convinced, moreover, that any attempt at proselytism would be the cause of such an outbreak of Roman Catholic zeal as would effectually defeat that object. Such being, in his opinion, the effects of the right hon. Gentleman's proposal—a proposal which would spring a mine under the foundations of the Irish national system, and postpone for years the progress of a system under which, in spite of pertinacious opposition and disastrous times, was now educating 600,000 children annually in its schools—he asked the House to consider, under these circumstances, who were the parties that called for this great change? It was admitted on all hands, that the national system was satisfactory to the great bulk of the Roman Catholic, and also to the great body of the Presbyterian, population of Ireland. The body who called for this change was a portion, and only a portion, of the Established Church. He (Mr. Fortescue) had frequently asked for whose benefit was it demanded?—whether for the children of the Established Church, or whether for the children of the other religious denominations in Ireland?—and he had found it very difficult to get an answer. He could not help thinking that since the advent of Lord Derby to power some years since, and the inquiry before the Committee, the tone of the advocates of this change had been considerably raised. When the hon. Member for the University of Dublin (Mr. G. A. Hamilton) placed his Motion on the books of the House in 1848, he only asked for a modification of the rules of the Board as regarded children connected with the Established Church; but in the Resolution of the right hon. Gentleman the Member for the University of Cambridge there was no such reservation; on the contrary, that right hon. Gentleman's supporters had told the House that the clergy of the Established Church had "a parochial duty" to perform; and that not being able to give the necessary time to the instruction of their parishioners, they asked aid from the State for the purpose. Therefore, it was not for the children of the Established Church alone the change was required by the right hon. Gentleman, but for the children of all denominations in each parish, that they might be educated in the manner which the clergy believed to be right. But the House had been told that the principle of the Established Church was, that its clergy and its members could not conscientiously give secular education to children unless at the same time they were permitted to impart to them religious instruction; and that it was upon the ground of a contrary principle forming part of the national system—on the ground that teaching the Scriptures was excluded from the scheme—that the Established Church had refused its concurrence with that system. As regarded the statement that the Scriptures were excluded from the national schools, he (Mr. Fortescue) maintained it to be totally unfounded; on the contrary, the Scriptures were used in those schools, conditionally, however, that their study was not enforced upon the children contrary to the wishes of the parents. In his opinion, the origin of the opposition of the Established Church to the national system in Ireland was to be found in the false position of that Church with respect to the people of that country. He, though a member of that Church himself, had long thought its position was a false one in Ireland; and, therefore, he had voted for an inquiry into the temporalities of the Established Church in Ireland. The clergy of the Established Church in Ireland claimed to have duties to perform to their parishioners, not congregational but parochial. It was that claim which was at the bottom of the Resolution of the right hon. Gentleman. Finding themselves, under the national system, placed on an equality with the clergy of other denominations as regarded the education of youth, and actuated by a sincere but mistaken sense of duty which caused them to consider every inhabitant of their respective parishes as a sort of ecclesiastical subject of their own—these views he believed to be the causes of their opposition to a system which did not enable them to instruct all children in the doctrines of their own Church. But there was another body of Protestants in Ireland besides the members of the Established Church, which was not only equal in point of numbers, but which no one would for a moment venture to say was less Protestant than the members of that Church, or less zealously attached to the free use of the Scriptures—namely, the great Presbyterian body. This body, however, had fully and frankly accepted the national system. It had, he was aware, been stated that they did so only because certain privileges had been conceded to them to secure their adherence to it; but never was there a greater mistake. The privileges extended to the Presbyterians were equally extended to all other religious bodies. As soon as the Presbyterians were satisfied that under the rules of the Board they could give full religious instruction to children of their own communion, they at once adopted the national system. He mentioned these facts to show that the objection of the Established Church to the national system did not arise from such conscientious scruples as the House ought to regard; but from the false position which the Established Church had assumed in Ireland in respect of the legal fiction of ecclesiastical supremacy claimed by it over all the parishioners of every parish. That being the case, he (Mr. Fortescue) hoped the House, while it would be disposed to pay the utmost respect to any conscientious scruples, would not listen to the claim of the Established Church to educate the children of all religious denominations in Ireland, as put forward by the right hon. Gentleman the Member for the University of Cambridge. It might, no doubt, be painful to refuse any claim of a conscientious kind; but it was certain that if ever there was a body which could afford to make sacrifices for their conscientious convictions, and to endure some privations on account of their religious scruples, it was that body represented by the right hon. Gentleman on this occasion—the Irish Established Church—comprising, as it did, the wealth of Ireland, and enjoying, as it did, the whole of the ecclesiastical revenues of that country. He (Mr. Fortescue) anticipated that the time would come when that body would change its mind on the subject of education; and he earnestly hoped that day was not far distant when the Established Church in Ireland would come forward, and by its sincere and hearty co-operation, make the national system a still greater blessing to that country even than it had been up to this period. That day, he believed, was not far distant, but he believed it would be nearer than ever if that body would make up its mind not to mix itself up any more with political contention. He trusted, however, whatever might be the claims put forward by the right hon. Gentleman, that the House would be cautious how it listened to them. The House would see that the proposal made by the right hon. Gentleman the other night, was a direct reversal of those fundamental principles which had been the salvation and essence of the national system of education in Ireland. Believing that those principles were incompatible with the proposition of the right hon. Gentleman, and that the adoption of his Resolution, which embodied them, would have the effect of quieting the minds of the people of Ireland, he trusted that his (Mr. Fortescue's) Motion would receive the support of the House, being assured that, as long as that House and the Government acted upon the principles contained in his Resolution, there would be no fear for the stability of that great system of education which had conferred such incalculable blessings upon Ireland. The hon. Gentleman concluded by moving his Resolution.

Mr. KIRK, in seconding the Motion, said it was important that the House should recollect that it was not the Liberal Government of 1831 that originated the system of national education in Ireland, but that it was the result and consequence of a Commission appointed by a former Government, of which Lord Liverpool, Lord Eldon, Sir Robert Peel, and Mr. Goulburn were prominent members, containing several dignitaries of the Church among its members, with the Lord Primate of Ireland at their head. In their Report the Commissioners said:—

> "We have applied our efforts to the framing of a system which, while it shall afford the opportunities of education to every description of the lower classes of the people, may, at the same time, by keeping clear of all interference with the particular religious tenets of any, induce the whole to receive its benefits, as one undivided body, under one and the same system, and in the same establishments. [After which they declare it to be their unanimous opinion:] — That no such plan, however wisely and unexceptionably constituted in other respect, can be carried into effectual execution in this country, unless it be explicitly avowed, and clearly understood, as its leading principle, that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or description of Christians."

It was to attain this object that the existing Board of National Education was established, superseding the Kildare-place Society. It had been stated that in the year 1840, at the instance of the Presbyterian body, an important change was made in the fundamental rule. Now he (Mr. Kirk) wished to set this right; and in order to do so, he would first point out the position of vested schools. It was intended that the vested school principle should be the sole and single principle of the National Board at its establishment, this principle being that where local parties procured ground, and raised one-third of the cost of the building, the Commissioners should provide the remaining two-thirds of the sum required, the condition being that the property in the school should be vested in them or in trustees for their use, and should thus become public property. The consequence of their becoming so vested was, that the school building must for at least four hours of each day be used for literary education only, and at least one hour each day for religious instruction, this instruction being given by the ministers of the various denominations, or by those whom they should appoint. When the Presbyterian body came to consider this, they found that the larger number of their school buildings were already vested in trustees, and that, therefore, there was a legal technicality which prevented them from legally conveying them to the Commissioners, so as to make them national property; and there was a further difficulty, that these schools were built and endowed for Presbyterian purposes, and the members of that body could not agree that the Protestant rector and the Roman Catholic priest should have the right to go into these schools and give religious instruction to the pupils. In 1832, and again in 1835, negotiations took place with the Presbyterians, which failed. In 1840, when Lord Carlisle, who now filled the office of Lord Lieutenant of Ireland with so much acceptance, was Chief Secretary for Ireland, a negotiation was entered into upon the principle that while the Presbyterians should recognise the fundamental principle of the Board, they should be allowed to retain their own schools for their own purposes; that these schools should be open for the children of every religious denomination for secular instruction four hours every day, but that at the hour for religious instruction there should be Presbyterian teaching and worship only, and that no children of any other denomination should remain, except with the consent of their parents, and that if any did remain, who were not of that persuasion, they should give notice to the parents, in order to remove any suspicion of proselytism. Upon this principle they joined the Board cordially and heartily. There was no teaching in their schools without religious instruction being also imparted, though it was true that they set the Bible apart to be read with due reverence at a distinct time; but the children did not read the Bible as a school-book, and they ought not to do so. Attempts had been made in the course of the discussion to show that Dr. Cooke, in his evidence before the Lords' Committee, had given a very different account of the transaction. He had turned to Dr. Cooke's evidence before the Committee of the House of Lords. Dr. Cooke stated that he was not in favour of any system of compulsion with regard to religious instruction, and he added, in answer to questions put by the Bishop of Ossory, the great leader of the present movement, that it would be a very dangerous principle, to say the least, to make the reading of the Scriptures obligatory upon children, because he held, as a Protestant, that no one ought to force religion upon another contrary to his conscience. The Presbyterians, in their negotiations with the National Board, had always shown an anxiety to maintain their own rights, and to extend the same liberty which they enjoyed to other denominations. They were not less desirous that the Scriptures should be read than members of the Church of England; but they did not wish that others should be compelled to think as they did. He held that the Bible would be rendered distasteful to children by being pressed upon their attention against their wish as well as by being altogether kept from them. A similar opinion was expressed by Dr. Chalmers, in his evidence before the Committee upon the Irish Poor Law, which sat in 1830. Dr. Chalmers said that he would have no part of education made compulsory; that a child ought no more to be compelled to attend a Bible class than a reading or arithmetic class, and that compulsion tended to limit and prevent the spread of Scriptural education, and to establish in the minds of the people a most hurtful association with the Scriptures. He entirely concurred in those opinions, which clearly sanctioned the principles now embodied in the rules of the National Board. With regard to the results of mixed education, although it had not succeeded to the extent once hoped, its comparative want of success must, he thought, be attributed to the opposition of the Church Education Society. The Rev. Mr. Woodward, for some time secretary to the Church Education Society, had published a pamphlet, in which he stated that in the first report of the society he had advocated opposition to the National Board upon two main grounds—first, that the rules of the Commissioners "forbade the Church to instruct her children in her own most holy faith;" and secondly, "that they withheld the Word of God from a class of our countrymen." But the Rev. Mr. Woodword, in a manly and candid manner, proceeded to retract those charges. He said:—

> "Plain truth compels me to declare that I regard these two main objections as having been founded on assumptions utterly unsupported by facts. Personal observation of Scriptural and Church instruction, actually given in schools connected with the Board, showed me that there was a discrepancy between my pre-conceived notions and the reality of the case. I was led to examine for myself. I found that I had wholly misconceived the truth. It seemed to me, as it now does, clearer than the day, that the Board is wholly guiltless of either of the charges upon which I founded my original opposition."

This was a proof of the misrepresentations which had been made with regard to the national system. He would mention two facts bearing upon this point which he had extracted from the Report of 1852. It there appeared from the evidence of Mr. M'Creedy, inspector of schools in Ulster, that out of 1,095 schools, in eleven districts, there were not less than 755, or two-thirds, at which the attendance of pupils, as regarded their religious denominations, was fairly mixed. Those who knew little of Ireland could hardly conceive the effect which the site of a school produced on the attendance of the pupils, or the dislike of Protestants and Presbyterians to attend a school built on the ground of the Roman Catholic chapel, and *vice versâ*. Yet, of these 755 schools, at which the attendance was fairly mixed, forty-one were built on meetinghouse ground, forty-two on chapel ground, and one on church ground; but there were still more curious facts connected with these schools well deserving the attention of the House—he meant especially the religion of the teachers and of those who employed them. In forty-six schools the teachers were Roman Catholics, and the managers Presbyterians; in seventy-four schools the teachers were Roman Catholics, and the managers of the Established Church; in forty-five the teachers were Presbyterians, and the managers of the Established Church; in twenty-four the teachers were of the Established Church, and the managers Presbyterians,—one teacher was a Presbyterian, while the manager was a Roman Catholic, and one teacher was of the Established Church, and the manager a Roman Catholic. Out of all these schools only nineteen were under joint management. If they looked to the latest returns they found that the number of vested schools was 1,617, and of non-vested 3,575. Of the 1,617 vested schools, about 1,300 were under Roman Catholic managers; who would not only not submit to the late Vote, but would agitate against it, and be successful. In the year 1853-4, out of 4,458 schools 2,600 were fairly mixed, or greatly more than one-half; and he assumed that this proportion still existed. But it was of vital importance to note that, of the 2,600, there were not less than 1,745, in all of which the Protestants were in a minority; and in 1,400 of them that minority was so small as not to be more than twelve or fourteen per cent of the number of children on the rolls. So that there were 1,400 schools, in each of which there were only seven or eight Protestant children; and, if the national system were broken down, those children must either forego instruction altogether, or take it with such religious instruction as the patron might choose to enforce, as it was clear that a school could not be provided for seven or eight pupils. In almost all these 1,400 schools the patrons and teachers were Roman Catholic. He was anxious to say a word with respect to the district model schools, the first of which was erected in the town of Newry, which he represented. The last return on this subject was made up to December, 1854, and these schools were, he believed, exclusively under the control of the Commissioners. If these schools were fairly mixed according to the nature of the population which surrounded them, there was great reason to believe that the system was greatly successful. In Newry there were 265 scholars, forty-five of whom belonged to the Established Church, 152 belonged to Roman Catholics, sixty-one belonged to Presbyterians, and seven belonged to other denominations; or 113 belonged to Protestants, and 152 to Roman Catholics. These numbers did not bear a fair proportion to the nature of the population, but that there were not more Protestant scholars might be accounted for by the fact that there was a Church education school there and two other very flourishing schools, the purpose of which was to fit the pupils for the Queen's Colleges and for Trinity College. In Ballymena there were 171 district model school pupils—twenty-two belonging to the Established Church, forty to Roman Catholics, 101 to Presbyterians, and eight to other denominations. In Coleraine the number of these scholars was 156, of whom forty-eight belonged to the Established Church, thirty-two to Roman Catholics, ninety to Presbyterians, and three to other denominations. The hon. Gentleman proceeded to give the proportion of scholars belonging to different bodies in seven other localities, and the total result was that in the whole of the ten places named the number of scholars belonging to Protestants was 656 and to Roman Catholics 1,403. He thought that that proportion represented fairly the character of the population by which those schools were surrounded, and showed that where the system had fair play it was found to be acceptable to the great body of the people. He trusted, therefore, that the Resolution he had the honour to second would be supported by a majority of that House.

Motion made, and Question proposed—

> "That this House has observed with satisfaction the progress made in the instruction of the poorer classes of Her Majesty's Irish Subjects, under the direction of the Commissioners of National Education; and is of opinion that, in the administration of that system, or in any modification of its rules, there should be maintained a strict and undeviating adherence to its fundamental principles, securing parental authority and the rights of conscience to pupils of all denominations, by excluding all compulsory religious teaching, this House being convinced that no plan for the Education of the Irish Poor, however wisely and unexceptionably contrived in other respects, can be carried into effectual operation, unless it be explicitly avowed and clearly understood, as its leading principle, that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians."

MR. WALPOLE: Sir, as the present Motion, brought forward by the hon. Gentleman who proposes it in a speech marked by great candour and temper, is made with the object, according to one part of the hon. Gentleman's speech, of reviewing, and, according to another part, of rescinding the decision come to on Tuesday evening, I think the House will pardon—nay, perhaps, will expect me to state the course which I think we should take on the present occasion with respect to this Resolution as connected with the Address to the Crown I had the honour to move. I think that two questions are raised by this Resolution—the one is a question materially affecting the relations of this House with the Crown, and the authority and weight of this House as a deliberative assembly; the other question relates more particularly to the merits of the Motion which I brought forward on Tuesday evening—a

Motion, be it remembered, that was brought forward after the fullest notice—that was amply discussed, and that was finally decided, not by any pressure on my part, but with the full consent and concurrence of the Government, who voted in the majority against the adjournment of the House. On both of these questions, with the permission of the House, I should like to make a few observations. And, first, with regard to the question which intimately affects the relations of the Crown with this House—I speak in the presence of the noble Lord opposite (Lord J. Russell), than whom there is no one who better knows what the constitutional authority of this House is; and I say, upon that question, that it is of infinite importance, when an Address is voted by the House of Commons to the Crown, we should not rashly, or without due caution, stir again in the subject until we have received an answer from the Crown. Such, I believe, is our general rule—namely, that until an Address has been answered it is not usual to move a second Address with reference to the same subject. That, I say, is the ordinary rule; and I beg the House to consider well what the effect of this Resolution will be if it be intended to rescind the Address with reference to the proceeding of this House. It, in fact, amounts to an evasion of the first Resolution. It puts the House, as well as the Crown, in a false position. It represents this House, to the country at large, as no longer what it ought to be—a deliberate assembly, but an assembly deciding a question upon the chance of the moment, or influenced, perhaps, by some attraction or sense of duty elsewhere. But, certainly, even if it be important to attend to those calls, they ought not to draw us away from our duties here, however arduous those duties may be. It also places the Crown in a still more difficult, and, as far as regards its relation with this House, I think in an unseemly position. At this moment the Crown has the Address, which has been moved and carried, in its hands, while we are deliberating upon a Resolution which is intended to rescind that Address. If the Resolution should have that effect, what is to be the particular course which we are to take upon this subject? The Crown has already been advised upon the subject with reference to the Address which has been voted, without any information with respect to any subsequent Resolution which might be passed for rescinding that Address. I beg to remind the noble Lord opposite (Lord J. Russell) that when an Address was carried by this House on the subject of the Post Office carrying letters on a Sunday, and which Address was voted on an evening when many Gentlemen were not supposed to be here, and when the actual attendance was much less in number that it was on Tuesday evening last, and the majority also less than that by which my Motion was adopted, an attempt was made, not by an Address, but by bringing in a Bill, to do away with the effect of the Address which had been so carried. The noble Lord the Member for the City of London was then Prime Minister, the present First Lord of the Admiralty was then Chancellor of the Exchequer, and they both opposed the Bill, on the ground that it was not right or seemly that we should attempt to rescind an Address voted to the Crown. Subsequently to that, the noble Lord, having deliberated, no doubt, upon the subject, brought the matter under the consideration of the House. The noble Lord, on that occasion—it was on the 1st of June, 1850—made a suggestion, in which I heartily concurred, with reference to Addresses to the Crown, which may be supposed to have been adopted when the House was taken by surprise. As the question has again occurred, perhaps it may be worth while to notice the opinion of the noble Lord on that occasion. The noble Lord then said, that since Addresses to the Crown are carried by a single vote of the House, without any subsequent opportunity of considering the effect of the Addresses, it might be reasonable so far to alter the rules of the House as to assimilate Addresses made in the course of the Session to Addresses which are made at the commencement of the Session; in other words, that the Addresses should be referred to a Committee and reported to the House, so as to give the House the fullest opportunity of deliberating upon that which they had previously and only once considered. Now, as this Motion happens to be my own, I perhaps, in making that observation, may appear to be speaking against my own measure; but I do readily admit that that is also my conviction upon the subject. I think it is a reasonable proposition; and I wish to say, as far as my own opinion is concerned, that I should be glad to agree to such a proposition. Nay, I should have been very glad if that had been already the rule of the House, so that you might have had the opportunity of reconsidering your former decision. Having said thus much upon the constitutional question, with a view of putting ourselves right before the country, I will now proceed to another part of the subject. I cannot refrain from taking notice of one remark made by the hon. Gentleman at the commencement of his speech. I think a few words escaped from him inadvertently. He did not actually say in words that the Motion was carried by a surprise, but he said that the question was carried at a time when everybody expected an adjournment. I should be extremely sorry to stand here and support any Resolution which had been carried, in the remotest degree, by means that could be construed into a surprise. I hope the House will bear with me while I show, at all events, that there was no surprise on my part, and that the House had the fullest opportunity of deliberating upon and of coming to a decision on the Motion. Before Easter I gave notice of my Motion, and placed the terms of it on the paper. After Easter I balloted for a day and obtained precedence. The day for which I obtained precedence was the 6th of May. On the 5th, the day before the Motion was to come on, an important debate took place on the question of peace, and an adjournment of the debate was voted. Believing it to be the wish of the House, I gave way on that occasion, in order to allow the debate to go on; but I made an appeal to the noble Viscount (Viscount Palmerston) whether he could give me a night to bring on the subject. The noble Viscount said that we were early in the Session, that there was a considerable pressure of business, and as I should have another opportunity he was not prepared at that time to give me a day. I then took the chance of another ballot on the 23rd, and I again obtained precedence, and fixed the 17th of June; on which day the Motion came on. That, therefore, gave the House nearly a month's notice. I on a subsequent occasion said I felt it my duty to bring on the Motion, and everybody knew that it was coming on. More than that, on Friday preceding the Motion—and this is important with reference to the question as to whether the division on my Motion was stolen—for that is one of the phrases which has been used—on that Friday I heard for the first time that morning sittings were to take place, commencing on the day which I had fixed for my Motion. I pointed out to the noble Lord the inconvenience of beginning the morning sittings on a day when such a Motion was about to come on, and I suggested that the morning sittings should be deferred in order that the House might fully discuss the subject and get rid of it. Unfortunately, I failed in my appeal to the noble Lord—the morning sittings took place, and my Motion came on on Tuesday. The debate, I think, was a very ample one. At half-past twelve o'clock I moved the adjournment of the debate; only 32 Members voted for that Motion, and 184 voted against it. The whole of the Government voted with me. There was not a word of remonstrance from any quarter against taking the division that night; afterwards the division was taken, and it was in my favour. On reviewing all these circumstances, so far, I think I may say, in justification of myself, that never was there a challenge more fairly offered, never was there a challenge more advisedly taken up, and, I beg leave to add, never was there a battle more honourably won. Now, with regard to the present Resolution, the question is how we are to deal with it. I have pointed out the great inconvenience of indirectly attempting to rescind a previous Address which has been moved and adopted. I think there are no occasions on which that course should be pursued, unless there exist some strong and urgent necessity which calls upon you to take such a course. Now, I must judge of the necessity by the speeches of the Mover and Seconder of this Motion. They have rested the Resolution upon two grounds. First of all they say that the Address I have carried, if it remains as it is, and without any intimation from this House as to its adherence to the national system, will be the subversion of that system. The second ground is, that the necessary consequence of the Address will be to substitute a new system of education in Ireland for that which now exists, and which new system will have the effect of enabling persons to proselytise the children of another faith. These are the two grounds on which this Motion is rested, supposing it to be necessary as a Resolution to rescind an objectionable Vote previously given. Let me deal with both these questions. I am first told that this is an attempt to subvert the system of national education in Ireland; but, I ask any Gentleman to point out to me what are the terms in the Address, or in any of the observations which I made in recommending it to the

House, which tend to show that that Address would subvert or break up your great national system of education? When the Motion was brought on I distinctly said, in the most emphatic terms I could employ, that with regard to vested schools, I left them exactly as they are now. I went on to say that I would not touch, nor in any way interfere either with workhouse schools or with model schools, or the schools for training teachers; and I went on further to say, that I would not touch or in any way interfere with those non-vested schools now in the hands of Presbyterians and Roman Catholics. I said then, and say still, that I wish to leave them all where they are. But, consistently with that, I think you may supplement and add to your system by giving assistance not only to those churchmen who now belong to it, but to others whom it would be but reasonable to include within your system, so as to enable them to receive a portion of that grant which is paid by the country for the great purpose of national education. The only question is, whether you can accomplish that object consistently with your system. As to the reasonableness and justice of such a plan, it is founded upon what I have stated before—that when you raise a great fund out of the general taxation of the whole community, it is no more than reasonable and right that every class and portion of that community should receive some share of that grant, and that they should not be deprived of it by any regulations which interfere with their conscientious opinions and religious principles. The question then is, whether you can supplement and add to your system, so as to do this act of justice to those who do not receive any portion of the grant. The question is not whether I attempt or wish to subvert or break up the national system. The first part of your Resolution refers to the satisfaction you feel at observing the progress of education in Ireland. I will maintain as steadily as any of you the preservation of the national system which now prevails, provided you cannot add to it in such a manner as to include all that can make it really national. But I believe you may accomplish that object by a modification of your rules, and by making those rules perfectly consistent with the principles you here announce; and that schools which are not now included may, by a modification and relaxation of the rules, be included in your system. If I am right in the opinion that this would not necessarily subvert the national system, then I say that one great ground which you think you have for moving this Resolution is taken from you. I think that the whole of the speech of my right hon. Friend—if he will permit me to say so—the Secretary for Ireland, in the debate on the Address, rested on a fallacy in the particular point to which I am about to allude. The second reason which you have assigned for rescinding the Address is this—that if it were carried out it would substitute for the rules of the national system the rules, in effect, of the Church Education Society, which would enable us to proselytise the children of other religious creeds. Now, the whole of the argument of the Secretary for Ireland, and the greater part of the argument of the hon. Gentleman who has made the present Motion, proceed upon the assumption that I wish to substitute a new system for the present. Did I say so—did I say anything like it—in my speech? On the contrary, I never made an observation which could lead any one to infer, and I never made a proposition which ought to make any one infer that I would willingly—taking the words of the speakers and not of the Motion—that I would willingly interfere with or disregard parental authority, or rights of conscience, or that I would compel anybody to be taught contrary to their consciences. As far as my opinion goes, that doctrine is quite the reverse of what I maintain. I hold that such an attempt ought not to be made; and I now distinctly say that, if my proposition could not be carried into effect without interfering with parental authority, and the rights of conscience which you mention in this Resolution, I would be the first man to say that my Address ought not to stand. But, say you, "Whatever may be your observations on the subject, the effect of your Address will be, if it be carried out, to substitute one system instead of another." If so, for Heaven's sake show me the words which will have that effect. Observe how the matter stands. You have 5,000 schools in Ireland at this moment—3,000 of those schools are under the management of Roman Catholics. I do not interfere with any of them. I do not wish a single Roman Catholic to come to the Church schools. The hon. Gentleman who seconded the Motion—or it may have been the hon. Gentleman who moved it—dextrously passed over that part of the case and said, "Your object is not to compel your own children to be educated, but to compel the children of other creeds to come to your schools." That was not my intention, nor would it be the effect of my Address. There is not a town or village in Ireland where Roman Catholic children at this moment are not suffered to receive education in schools under Roman Catholic management; and, as long as that is the case, so long the Church of England schools would have no power to force the consciences of any Roman Catholic, nor of educating any Roman Catholic children unless their parents chose to send their children to them of their own accord. If there is any doubt upon the point, if you think it might be feared that against their own will an education might be forced upon them contrary to their consciences, then I say, lay down regulations to prevent this, and I will consent to them. But what I contend for is this—that there is nothing in the Address that leads to that conclusion, and nothing in my observations that warrants it. But I think, if such an objection as this be taken, that after what I stated the other night with reference to the inquiry which has been conducted in the House of Lords, and with reference to the results of that inquiry, and also in reference to the effect which that inquiry has made upon the mind of the representative of education in this country at the present moment,—I mean the Lord President of the Council,—I say, recollecting the reference I so made, it is a little too much to charge me with an attempt to introduce a system which would have the effect of proselytising and interfering with the rights of conscience, when the very identical thing which I proposed in principle was proposed by him. No doubt there are in the House of Commons many Members of great eminence; but are there not many Members who have not read through those two large volumes on the table? Have they weighed all the evidence that was brought before Lord Granville? Have they heard and considered the discussions which took place between the persons who were the Members of their Lordships' Committee? And can they really disbelieve that Lord Granville stated as the result of that inquiry, that after full discussion he was of opinion that a case of great injustice had been made out; an injustice, however, for the removal of which he thought he had found a way, and that way was to give grants to the Church schools, not indeed salaries to teachers, but books and school requisites, so as to give the children the advantage of attending school without any condition or restriction, except that the schools should be subject to a Government inspection. I think, therefore, that it cannot be said that the Address to the Crown which this House has adopted will, if acted upon, subvert the existing system. When the noble Lord the President of the Council has pointed out that in the first place the principles upon which that Address was founded may be acted upon, and in the second place that, in his opinion, it is right and just to act upon them, it does not appear to me that the House would do well in consenting to rescind the decision to which it has already come. I now come to the Resolution before the House, and I ask myself whether or no I can assent to it. It is a Resolution of rather an extraordinary character, because it indirectly interferes with a distinct decision of this House; and if I am asked whether I can agree to it I am bound to consider how it is worded and how far it is consistent with the Address to which this House has agreed. If the present Resolution implied that the Address was founded upon principles which would interfere with the right of conscience, I would not, and could not, consent to it; but before I come to any conclusion I am bound to look to the terms of the Resolution itself, and to consider whether I must oppose it, or whether it is consistent with the Address. If the terms of this Resolution are such that I cannot agree to, I am bound to meet it by a direct negative, and I am equally bound to oppose it if it be inconsistent with the terms of the Address to which we have agreed. Now, this Resolution may be divided into three parts—the first of which is an expression of opinion. It begins by stating that this House has observed with satisfaction the progress made in the instruction of the poorer classes of Her Majesty's subjects under the direction of the Commissioners of National Education. Now, Sir, as I have already said, I have observed with as much satisfaction as any Gentleman in this House the progress made in the education of the poorer classes in Ireland under the national system, and therefore with that part of the Resolution I entirely concur. It then goes on to an expression of opinion, and says that this House is of opinion that in the administration of that system, or in any modification of its rules, there should be maintained a strict and undeviating adherence to its fundamental principles, securing parental authority and the rights of conscience to pupils of all denominations, by excluding all compulsory religious teaching. That sentence has reference to certain principles which are called fundamental, and which have been well explained by the hon. Gentleman who has brought forward the Resolution, and it also has a close connection with the words which immediately follow. It refers to a modification which all admit may be made according to the circumstances of the case, and by which the present system may be improved, but it insists upon the retention of the principle upon which that system is founded—namely, that in the first place parental authority shall be regarded; in the second place, that rights of conscience shall be respected; and, in the third place, that religious teaching which may be against the consciences of the parents of the children shall not be enforced. Now, Sir, I do not wish, I never did wish, and I hope I never shall wish, in any way to interfere with or to disregard parental authority; or to infringe upon the rights of conscience, or to force religious teaching upon any person whatever; and therefore to that part of the Resolution I am unable to assent. The third part of the Resolution is an expression of the conviction entertained by this House, and the words employed are not the words of the hon. Gentleman himself, but the words of the Commissioners of 1812 and 1814, among whom were many Irish prelates. They are as follows:—

> "This House being convinced that no plan for the education of the Irish poor, however wisely or unexceptionably contrived in other respects, can be carried into effectual operation unless it be explicitly avowed and clearly understood as its leading principle that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians."

As I have already stated, those are the words of the Commissioners of 1812, comprehending many prelates of the Church of Ireland, and I am not inclined to disagree with them. I have now, I think, fairly gone through the terms of the Resolution, with the view of seeing whether or no I can agree to it. I have at the same time to consider that we are in a position of great embarrassment, because by agreeing to this Resolution we may appear to be altering by a subsequent Motion a decision at which we have arrived; but I think that I can show to the House that there is a mode by which we may do justice to one class and not convert the present discussion into a means of obtaining a party triumph. I myself in this matter have no wish but that of doing an act of justice, and admitting persons now excluded the advantages which I think they ought to enjoy; while, at the same time, I wish to retain to those persons who now enjoy the benefits the future enjoyment of them. As far, therefore, as the wording of this Resolution goes, I cannot say that I dissent from it,—nay, more, with every paragraph of it, taken by itself, I cordially concur. The next thing, then, that I have to consider is how far this Resolution is in accordance with the Address to which this House has agreed. This House has agreed—

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that such modifications may be made in the rules of the national system of education in Ireland as will extend the advantages now enjoyed by non-vested schools to any other than vested schools now existing, or hereafter to be established, whatever their regulations may be as to the mode of religious instruction; provided that no children shall be compelled to learn any catechism, creed, or formulary to which their parents or guardians may object; and provided that the patrons shall be willing to place such schools in connection with the Board, to permit the Board's control over books to be used in general instruction, and to receive officially the visits of the Government inspectors."

The words in that address which the hon. Gentleman appears to think inconsistent with his Resolution are these, "whatever their regulations may be as to the mode of religious instruction." But these words, in reality, are not inconsistent with the present Resolution, but require to be combined with it; and what we have now to consider is whether, consistently with its principles the National Board can make such an alteration in its rules, on the one hand, and whether the Church and Wesleyan schools can make such an alteration in their rules, on the other, that the Board can give and they can receive the assistance of the State; and it is my belief that they can. That is the very reason why I said that the Address and the Resolution were not out of harmony the one with the other. It is not for this House, still less is it for me, to indicate the regulations which might be made with the view and the effect of remedying the injustice of which I complain; but it is for this House to lay down the principles on which the Board shall act, and it is for the Board to consider of the rule by means of which principles so manifestly just and equitable may be brought into operation. I beg of you to look at this question as if the Address and the Resolution were taken together. I entreat you to regard it as you would a clause in a Bill to which it was proposed to append a proviso. The clause taken by itself means one thing. The proviso may qualify its meaning and put a somewhat different interpretation upon it, without at all defeating the main object of the clause. If you will consent to view the question in this light, I doubt not that you will be of opinion with me that the Address and the Resolution, so far from involving you in any inconsistency, present for your consideration this simple proposition:—Seeing that there are schools which, in consequence of their regulations with respect to the mode of religious instruction, cannot enjoy any portion of the public grants; and seeing that this House, having at heart the interests of all classes and denominations of Christians, has an earnest desire to afford assistance to such schools—can you not contrive to frame rules and regulations which will enable them to receive some aid from the National Exchequer, at the same time that you take care to conduct your educational system in such a manner as to respect parental authority and to violate no dictate of religious liberty? True it is that if you could not carry this Address into effect otherwise than by subverting your entire system, sweeping away the Roman Catholic schools as at present constituted, and introducing a new set of rules moulded on the model of those used by the Church Education Society, it would not be possible to act on the Address—and for this very obvious reason, that the Roman Catholic children would have no schools to go to, or, what is virtually the same thing, none that would not be liable to what Roman Catholics would regard as the fatal objection of these rules. But you are not compelled to adopt any such course; on the contrary, you are free to take a line of action which, while it will preserve inviolate the rights of the Roman Catholics, will do an act of justice, not of favour, be it remembered, but of simple justice, to another and a not unimportant class of religionists. In the first place, it is reasonable that, following the suggestion of Lord Granville himself, you should so modify your regulations as to give books and school-requisites to all schools, of whatever denomination, in which the education of the pupils progresses satisfactorily. That is one relaxation the propriety of which is obvious. Another is, that in districts where there is a sufficient number of schools to educate Roman Catholic children under the exclusive superintendence of Roman Catholic superiors, it should be lawful to make grants to Church of England and even to Wesleyan schools also, it being distinctly understood that parents who permit their children to be educated therein do so with the full knowledge of the rules observed in the schools. A third relaxation, which might be introduced with advantage, is, that when it is clear that there are in any particular locality sufficient schools for the education of all other classes of Christians, it shall be lawful to give grants to the schools of the Church Education Society, provided always that if it should appear on a Government inspection that the principles of your system are violated, such grants shall be liable to withdrawal. Other modifications I might easily point out, but I forbear to do so, as these three would suffice to redress the wrongs and remedy the evils of which a large body of Christians complain. The question for us now to consider is, how far we can or ought to assent to this Resolution, or what we ought to do? For my part, I could by no means sanction the Resolution if it implied the rescinding of the Vote agreed to the other evening. But I have explained to you my reasons for thinking that it is not susceptible of any such interpretation. I agree with the hon. Member for Louth that it amounts to a revision of that decision; and I will even go the length of admitting that its effect is to put an interpretation on the Address which will preclude the possibility of working that Address in a manner subversive of the national system or injurious to the rights of conscience. I am of opinion that the Address and the Resolution can stand together, side by side, and that it is very proper and reasonable that they should do so. The result, then, is this—believing, as I do, that the Address was founded upon the clearest and most obvious principles of justice, I rejoice that it received the sanction of the House; believing, also, that it would be most impolitic to rescind a decision so recently pronounced, I am equally glad that the present Resolution does not contemplate any such attempt; but believing, likewise, that in any scheme of national education you ought not to interfere with parental authority, and that you should not seek to disturb or influence the religious opinions of any sect or denomination of Christians, I am willing to accept this Resolution, in order that it may remove—if any such thing did exist in the public mind—any apprehension or suspicion that there was an intention either to subvert the present system, or in any way to interfere with religious liberty and the rights of conscience. I look on the Address and the Resolution as embodying one proposition, and that proposition I regard as incorporating these indisputable truths—that as, on the one hand, it would be most unjust to deprive any portion of the community of their share in a grant intended for the purposes of national education, and to which they had themselves contributed, so, on the other, it is equally right and reasonable that in administering these grants you should not allow those who receive them to interfere with the conscientious convictions and religious freedom of others. The rules by which these two great objects are to be carried into effect must be made by the National Board. There may be difficulties in framing them, but they may be overcome, and, if so, they ought to be overcome. This question has now long agitated the country. I believe that it is at present in our power to settle it; but I am sure that it can be settled only by prudence and moderation on both sides. Whether my voice will have any weight when it crosses the Channel I know not, but if it should, I would say to those who, as I firmly believe, have justice in their favour, "Parliament has recognised by an Address to the Crown the equity of your claims, and they are willing to concede them, provided only you will give, as I have no doubt you will, an assurance that you will not seek to disturb the religious convictions of others, or to interfere with their rights of conscience. Be temperate, be moderate, and above all things be conciliatory." And if such is the appeal I would make to those whose cause I earnestly though inadequately advocate, I would make a similar one to the noble Lord at the head of the Government. I am convinced that, if he too will act with moderation and in the same spirit of conciliation, it will be in his power to exercise an influence and authority over the National Board which will cause them to make such modifications in their system as will do justice to those whose claims are righteous, and can no longer be resisted. The noble Lord has achieved many triumphs in his day, and if he should succeed in bringing to a satisfactory settlement this long-agitated question, he will add yet another laurel, and that the brightest of all, to the wreath that encircles his brow. For my own part, I can declare, with perfect sincerity, that my only object has been to promote an amicable arrangement of this most important controversy. If I should attain that object, I shall have more than my reward; and I can assure the House that it is for no other reasons, and with no other views than those which I have endeavoured to explain, that I express my concurrence in the present Resolution.

MR. LABOUCHERE: I beg the right hon. Gentleman who has just addressed the House to believe that it never entered my mind to suspect that he had acted unfairly in the manner in which he obtained the majority on his Motion the other evening. Every one conversant with the forms of the House must be cognisant that if surprise there were, it was occasioned partly by the miscalculations of individual Members, and in some degree by the rival attractions of a more splendid scene—at all events, I can assure the right hon. Gentleman that no blame can be justly imputed to him. It is quite impossible to exaggerate the importance of the question before us. Every question that relates to the education of Ireland is of the greatest importance; and everything that touches the religious feelings of the people of Ireland vibrates from one end of the country to the other, and may lead to consequences which the boldest would shrink from contemplating. The question before the House unites both characters. It is true that the Vote of the other night is limited in its primary and immediate effect to the present system of education in Ireland; but then that system is intimately connected with the moral and religious condition of her people; and no man who understands it—no man who has studied it even superficially, would venture to meddle with it otherwise than with a tender and reverent hand. I therefore considered the question raised the other night as one of the greatest importance; and I confess that I am one of those who heard the success of the right hon. Gentleman's Motion with a feeling nothing short of consternation. The right hon. Gentleman, indeed, tells us that he does not intend to subvert the existing system, and I am bound to believe him; but the question is not what he intended to do, but what he would have done; and no one who is sincerely attached to, or really acquainted with, that system, and has studied it in its effects, can doubt that the Resolution of the other night, left as it stands, would be the death-blow of the plan of united education. Nor is this a view taken by Members of the Liberal party only. The Earl of Eglinton, the Lord Lieutenant of Ireland when the right hon. Gentleman was at the head of the Home Department, in a speech which will ever remain on record to his immortal honour, declared that he went to his vice-regency with strong prejudices on this subject; that he even thought there were some objections to the national system as now conducted: but after experience he wholly refused to assent to alterations precisely similar in principle to those now proposed, assigning as his reason that he could not consent to throw 400,000 Irish children upon the world uneducated. He thereby plainly showed his opinion to be, that the fatal principle which lies at the bottom of the right hon. Gentleman's scheme must, if once introduced, prove subversive and destructive of the existing system. The right hon. Gentleman designates his proposal as "the supplement and extension of that system:" forgetting that it is wholly incongruous with its essential elements. He commenced his address by warning the House of the danger attendant on an expression of its opinion regarding an Address before that Address has been duly considered and answered by the Crown. There may be inconvenience in that course. There are, doubtless, in existence precedents for the revision and reversal of previous declarations of opinion on the part of this House; but I do not hesitate to say, that such is the gravity of the occasion—such is the magnitude of the question—that if there were no precedent on record now would be the time for making one. The right hon. Gentleman refers to the calming effect of the speech he delivered in bringing forward his Motion; but did he not hear the frank avowal of his supporters, that the present system was one to be thoroughly condemned, that it did not deserve the name of "a united system," but ought to be wholly subverted, and then reconstructed on a new basis? And is there no danger that, unless we express a distinct and decided opinion to the contrary at the earliest possible period, those who seek to overthrow the system may be regarded as the true exponents of the sentiments of the House of Commons? The people of Ireland will interpret the Motion by these declarations, its success would be taken there as a declaration of the House of Commons against the system; and it would excite hopes and fears in that country which boded the most serious evil; the House is bound, then, at the earliest possible moment, unless they concur in that opinion, to declare what their opinion really is. The right hon. Gentleman has stated his reasons why he is ready to support the present Motion. I am so much gratified with the prospect of a unanimous vote on the Resolution that I am hardly disposed to quarrel with the mode in which the right hon. Gentleman arrives at his determination to assist in the attainment of so useful an issue; yet I confess that I listened with no small astonishment to his reasoning; and I must say I think that some of his arguments go to prove that the Motion before the House, which distinctly supports all the essential principles of the existing system, is perfectly consistent with his own proposal, which, in the opinion of 99 out of every 100 persons, is completely subversive of that system. Some of his arguments savour rather of the school of Loyola than of the logic taught in the learned shades of Cambridge. However, the object we have in view will be accomplished by the unanimous adoption of the Resolution moved by my hon. Friend. Such a declaration of the opinion of this House will satisfy the public mind in Ireland that any attack upon the system of national education must fail; that, whatever may have been the result of a casual vote, taken when most of the Members of this Assembly were but imperfectly informed of what was being attempted, yet when the representatives of all parts of the kingdom come deliberately to consider the question, they are certain to decide that the best interests of Ireland are bound up with the unfaltering maintenance of a system which, during the last twenty-three years, has educated, in a manner that England might well envy and advantageously emulate, as many as 2,500,000 children, and which at this moment imparts instruction to 550,000 scholars. The opening of a door to anything approaching to proselytism, however concealed or disguised, must infallibly first vitiate, and then destroy, your whole system; and, therefore, the passing of a Resolution by this House, expressing its uncompromising opposition to any such attempts, will serve to allay any excitement on that score in the minds of the people of the sister country. I have already referred to the direct benefits of the Irish plan of national education; but its indirect advantages are equally important. Depend upon it, it operates quietly but powerfully in mitigating political and religious differences in Ireland. Half a million of children of all denominations cannot be educated together in the same schools, in which all topics savouring of sectarian bitterness are rigorously excluded, without a permanent amelioration being produced in the feeling and the character of the Irish people. Supposing the system, progressing thus favourably, were by any accident or misfortune broken down, what would be the immediate consequence? Why, that the education of the people of Ireland would be conducted in two hostile camps—the Protestant schools, supported by the wealth and influence of the landlords, being arrayed against the Roman Catholic schools, upheld by the influence of the priests. These would be the weapons with which they would fight. In the contest between the two parties no doubt the landlord would have the advantage, in virtue of the superior education which his greater means would enable him to provide; but I believe that the priest would wield weapons which would in the long run give him the victory over his antagonists. He would be compelled to agitate, and that in a manner that must prove mischievous to the civil and religious peace of the country, in order to cope with his opponent, and he would be sure to beat him in the end. And what would be the result? All the good we have been effecting would be undone, and a new race would arise with all those bitter sectarian feelings which formerly existed. I conceive that the national system of education ought not only to be valued and preserved for the good it has effected as an instrument of instruction, but because it is an effectual barrier against evils of the greatest magnitude which would infallibly arise if it were overthrown. I am much gratified that the right hon. Gentleman and his Friends have determined to support the Resolution proposed by the hon. Member for Louth; but I am certainly surprised that some of these hon. Gentlemen are able to join in the unqualified but well deserved eulogy which that Resolution pronounces upon the national system of education in Ireland. I heartily rejoice that they have done so, and if their determination be the result of changed opinions, and they lend their influence to reconcile all parties in Ireland to the national system, I believe it may become a still greater blessing to that country than it has hitherto been. I hope that may be so—*consilia in mediis referens.* If the members of the Church of England will frankly lend their aid, and will frankly throw aside all desire to render the system of instruction, directly or indirectly, a means of proselytism, and give to the national system such support as it has received from the Roman Catholic and Presbyterian persuasions, I have no doubt that the benefit to Ireland will be incalculable. I know not whether I may augur, from the support of hon. Gentlemen opposite to this Resolution, that such will be the case. I most devoutly pray that it may, for nothing of better omen to Ireland can occur. I will advert only for a moment to those general considerations which are, I think, inseparable from this question. It is most important, not only because the education of the people of Ireland is of the greatest consequence as such, but because it is connected with the whole religious condition of the country. I need not remind the House what that religious condition is, but I may remind them how it has been dealt with in the present Session. We have in Ireland, in the first place, the Established Church, supported by the great body of the landowners, and possessing rich endowments, though it comprises within its communion a comparatively small minority of the population. The great body of the Irish people profess the Roman Catholic religion, and the only assistance which they receive from the State is a grant for the education of their priests at the college of Maynooth. In the third place, there are the Presbyterians, who receive a Parliamentary grant, which is known as the *Regium Donum.* The system of national education is supported by public grants, but it is unconnected with any religious denominations, although it is more or less affected by them. In the course of the present Session questions relating to all these establishments have been brought under the consideration of the House, and the attacks which have been made upon them have been uniformly resisted by Her Majesty's Government. The Government refused to concur in an attack upon the Established Church in Ireland; they also refused their concurrence to an attack upon Maynooth; they defended the *Regium Donum;* and they have now resisted, I am happy to say successfully, the assault which has been made upon the national system of education in Ireland. I cannot, however, refrain from reminding the House, though I do not do so in any recriminating or taunting spirit, of the course which was pursued by others upon these questions. I see on the opposite benches hon. Gentlemen who hold a high position in this country, who were lately Ministers of the Crown, and who, for aught we know, may soon again occupy that important position. Those hon. Gentlemen supported us in resisting the attack upon the Established Church in Ireland; they supported us in resisting the spoliation of the Protestants and Presbyterians of Ulster; but what was their conduct when an attack was made upon the Roman Catholics? I wish that when we were dealing with the important question of Maynooth we had been favoured with their presence, for we might then have known what policy they would recommend the country to pursue with reference to that subject; but we had to lament their absence. On the present occasion those hon. Gentlemen appeared in the first instance—apparently, at least—as the assailants of the national system of educacation. ["No, no!"] I can assure hon. Gentlemen opposite that I wish to treat them with the utmost fairness, and I give my right hon. Friend full credit for the desire he has evinced to prevent the mischief which was likely to result from the course he recently adopted. I must tell the right hon. Gentleman, however, that, unless a disclaimer is made on behalf of those with whom he is politically connected, the Resolution which he proposed the other night will be regarded as a strong indication on their part of an inclination to alter the system of united education in Ireland in a manner which would cause great dissatisfaction among the Roman Catholics. I shall be very glad if some hon. Gentleman who is entitled to express the opinion of that party will embrace the present opportunity of informing us what is really the policy they would recommend the House and the country to adopt with regard to the religious establishments of Ireland. I conceive that every year of religious peace that is preserved in that country is of infinite importance. Ireland is now tranquil and prosperous. I last year revisited that country after an absence of some years—I had not been in that country since I was officially connected with it in the hour of Ireland's darkest gloom, when famine and disease were pressing so heavily on that unfortunate country. A more gratifying spectacle it was impossible to behold. Indications of prosperity and of successful industry were visible on every side, and the moral condition of the people was hardly less gratifying. I heard on all hands that the spirit of political and religious bitterness was fast subsiding—of political differences taking that form in which they exist in this country and which ought to exist in every free country, for it is a healthy and a natural form—the honest contention of parties for the principles they profess. Religious differences were still more passing away. I believe that state of things will endure, unless you evoke the fatal genius of civil and religious discord which has been the curse of Ireland. I conjure the House, then, as they value the peace of Ireland and the welfare of this empire, to give a firm and determined opposition to every proposal, from whatever quarter it may come, that would be the signal for the revival of that fatal spirit of civil and religious discord which has been the bane of Ireland and the difficulty and the danger of England. I am relieved from the necessity of defending the present system of united education in Ireland by the ample concessions which have been made by the right hon. Gentleman opposite. If he came to curse, at all events he has remained to bless. I believe the expression of the deep sense entertained by the House of Commons of the value of the system of Irish national education, and of the danger of lightly or rashly meddling with it, will produce the best effects in Ireland. I am bound in frankness, on the part of the Government, to state plainly that they will regard the assent of the House to this Resolution as an acknowledgment of the value of the system of national education in Ireland; and that in advising the Sovereign to reply to the Address, they will keep that admission in view. I trust the result of our discussion on this subject will be, that the system of national education, which has scattered the seeds of present and future improvement broadcast throughout

Ireland, will be more firmly rooted than ever, and will long continue to be a blessing to that country, and to conduce to the unity and happiness of the empire.

Mr. CAIRNS said, that the question might be divided into two issues—how far it was desirable that the Resolution should be entertained at the period at which it was now proposed; and secondly, what ought to be done by those who voted for the Address? Upon the first point he had listened with surprise and disappointment to the remarks of the right hon. Gentleman (Mr. Labouchere), who stated that, although it might be inconvenient to rescind an Address to the Crown, yet that this inconvenience might give way to a paramount necessity; and that, if no precedent existed, the gravity and importance of this occasion were such that a precedent ought to be created for the purpose. The right hon. Gentleman thought that the resolution for the Address ought to be rescinded. Why, then, if the right hon. Gentleman thought the Address so injurious did he not create a precedent, and propose to rescind it? Was this wordy Resolution, that took one's breath away before one got to the end of it, what the right hon. Gentleman meant by rescinding an Address of which the Government disapproved? why it was a Resolution which many on his side of the House were ready to accept because they did not think it militated against the Address—clearly showing that it was uncertain and susceptible of different constructions. But if the Government thought the Address subversive of the national system of education in Ireland it ought to be rescinded in a manner that admitted of no dispute. He would assert that the Government had perilled the cause of education in Ireland, and given rise to doubts and controversies as to the action of that House by the course they had taken. The House had now before it a Resolution which, in the opinion of many Members who had voted for the Address, militated in no respect against the Address. The noble Lord at the head of the Government said, there were three reasons which led him to conclude that the House ought as soon as possible to reverse the Resolution of last week,—first, that the subject was one of the greatest importance; secondly, that the decision was most mischievous; and, thirdly, that the address would, in its consequences, subvert the whole national system of education in Ireland. Did th noble Viscount mean, in the first place, to say that every Resolution which was of importance ought to be reconsidered? With regard to the second reason, every Address that left the Government in a minority was no doubt considered by that Government to be most mischievous. The third reason, that the effect of the Address would be to subvert a system of long duration and of infinite importance, surely made it the duty of the Government to subvert the Address instead of which they proposed an ambiguous Resolution. Whatever taunts might be thrown out against the motives of those who voted for the Address they could not apply to him. He was no enemy to the national system of education in Ireland; he did not desire to see it subverted, and, although he perceived defects in the system, yet he must admit that on the whole the system had been productive of the greatest possible benefit to Ireland. He felt inclined, indeed, to assert that more real benefit had been derived by Ireland from the national system of education than from any other measure that had been given to that country. But this was an opinion irrespective of the question whether the system were not capable of amendment and improvement. He never would admit that, because you had something that had done some good, you were to be precluded from entering upon the question whether greater benefit might not be derived from it; or that because it had been productive of advantage it might not be made productive of greater advantage. He rejoiced that the question had been re-opened, because the opinions of those who advocated this change had been the subject of much misrepresentation and calumny; and the proof of this assertion was to be found in the terms of the Resolution of the hon. Gentleman (Mr. Fortescue). It was evident that the Resolution had been framed in the belief and expectation that those who had voted for the Address would vote against the Resolution, and would affirm the negative of the hon. Gentleman's propositions. He rejoiced that those upon his (Mr. Cairns') side of the House now had the opportunity of undeceiving the hon. Member, if he ever entertained such an opinion. Neither he nor any of those who had voted for the Address would maintain the negative of the hon. Member's propositions, or maintain that a system of national education ought to violate the rights of conscience or parental authority, or to disturb the peculiar tenets of any sect or denomination of Christians. There was nothing in the Address that would have that effect if it were fairly carried out. By non-vested schools were meant those which were the property of private patrons, as distinguished from those belonging in the sense of property to the Board of National Education. The non-vested schools had one privilege so peculiar that he could not forbear mentioning it. By the existing rules it was possible that the patrons of a non-vested school might insist upon no religious teaching whatever being given in that school. Was not that a violation of the rights of parents? Suppose there was only one school in a district, and that the parents thought that their children ought to receive religious instruction at the school. It was most material to remember that there was no limit to the extent to which the non-vested schools might be endowed. The Board might permit these schools to be endowed wherever there were children who would go to them. Suppose a case where a patron was anxious to have a religious education for the children along with a good secular education, and were to say—"I do not wish the children to think the religious part of education a light and unimportant adjunct which they can dispense with if they please." Was that a view which the House could regard as unreasonable? He could conceive only one case in which they could refuse to sanction it; that was the case of there being only one school in a neighbourhood which children could attend—if there was no choice, no alternative, but to receive instruction at that school or to receive no instruction at all, that might be a case in which the Board, in administering the public funds, might fairly say that they did not think the patron ought to determine the kind of religious education which should be imparted. But there was not a single spot in Ireland where that state of things existed. Wherever they found a church education school, and children of different denominations, they would also find other schools in which the children of the district might receive instruction either with or without scriptural education. His right hon. Friend's proposition, as he understood it, was, that the House ought not to lay down the rule that the mere fact of the patron desiring religious training to be an essential ingredient in the education given in his school was to debar his school from receiving some portion of the Government grant. And, in voting for the Address of his right hon. Friend, he intended to leave entirely untouched the question of what was to be done in case only one school existed in any particular district. In considering his right hon. Friend's proposition he recollected that there were two circumstances which made a marked distinction between the present condition of the National Board and its condition at the time of its institution. When the present system was founded by Lord Stanley non-vested schools were not contemplated; the object was to establish schools of which the Board was to be the patron and proprietor, and as to which, therefore, they could take no course but to avoid any distinctive system of religious education. Now, however, they had the non-vested schools. One of the Commissioners (Mr. Murphy) was asked before the Committee—

> "Do not you think the system of non-vested schools is, to a certain extent, a departure from the original programme, if it may be so termed, laid down by Lord Stanley?—I rather think it is; but, in the condition of Ireland, it would have been utterly impossible otherwise to obtain control over certain non-vested schools, or schools not likely to be vested, being schools attended by classes which it was most important to bring under the control of the system.
>
> "Do not you think it is less likely that united education should exist in a non-vested school than in a vested school?—It is."

The other circumstance was the failure of the united system as a system of mixed education. Much controversy had taken place as to whether it had failed or not; but, although there might be a question as to the extent of the failure, that the system had failed to a considerable extent was beyond a doubt. He would refer to the evidence of four witnesses on that point. The first was Mr. Buxton, who was asked—

> "It is said that it is necessary to maintain this rule, in order to accomplish united education in Ireland, meaning thereby the union of children of different denominations in the same schools; do you think that the national system has attained that object?—I certainly do not. There was not united education; but the Roman Catholics were in one school, and the Protestants in another school.
>
> "That was the result of your observations?—Yes."

The next was Archdeacon Stopford, who gave the following evidence—

> "Are you not of opinion that, while the principle of the vested schools was one of united education, the principle of the non-vested schools was as clearly one of separate education?—I think it was; and I think it was tacitly admitted by the Board themselves in their sixth report; for they said that such schools must be looked upon as bearing a peculiar religious aspect.
>
> "So that, from the moment the Board consented to give aid to non-vested schools, they departed from the great principle of their system, which was united education?—Practically they did establish a system of separate schools, under the name of a system of united education."

Then Mr. Cross, the Secretary of the Board, said—

> "Perhaps I may be permitted by the Committee to state, as a conclusion to my examination, that I have frankly admitted, in the course of it, that the national system of education, as a united system, has failed to a considerable extent. The various causes of that failure I have stated with honesty and candour. I lament that such has been the result."

And Mr. Macdonnell, the Resident Commissioner, had the following question put to him—

> "To what extent do you think the national system has attained that great object—as it has been considered—of united education?—I do not think the national system has attained any great degree of success with regard to united education—that is, united education as understord in the literal sense of Protestant and Roman Catholic children being educated within the same walls."

Thus the system of mixed education had clearly been a failure, not using that word in an invidious sense, but in the sense that the result of the system—account for it as they pleased, regret it as they might—had not been to enable Roman Catholic and Protestant children to be educated together within the same walls. The hon. Member for Louth (Mr. Fortescue) seemed to misapprehend the meaning of the term mixed education, for he read a statement of the number of Roman Catholic and Protestant children who were being educated in the schools aided by the Government grant. The question, however, was not how many were being educated, but were they educated together? The hon. Member for Newry (Mr. Kirk), too, referred to model schools, but model schools had nothing to do with the matter now before the House, for his right hon. Friend's address did not touch these schools which afforded a description of education superior to the common run of the schools, and in which the children of all religious denominations attended without distinction. Now, what was the paramount object with which the Board of Education was first founded? The object was to secure for Ireland a system of education under which, to quote the words of the Resolution, "no attempt should be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians." But the mode of carrying out that object was a totally different thing from the object itself. The Board thought the best way to carry out that object was to establish vested schools of which they should be the patrons, and in which a separate religious education and a mixed secular education should be afforded. That plan, however, had not been successful, and separate proprietary schools, receiving support from the Board, had been established throughout the country. How, then, in that altered state of things, was the paramount object for which the Board had been appointed to be attained? He thought that the best way of attaining it was to give grants to those separate proprietary schools, albeit their patrons had made religious instruction and scriptural education an essential rule in them, provided always that all the children of any particular neighbourhood were not compelled from want of other schools to resort to them, but had the free choice of religious as well as secular education. He would refer, in passing, to what had been said as to the want of analogy between the case of Ireland and the case of England. The hon. Member for Louth said that England was a Protestant country and Ireland a Roman Catholic country. But were there not Roman Catholics in England to a very considerable amount, especially in large towns, and who stood relatively in the same position as the Protestants in Ireland, and did the difference in proportion make a difference in principle as to what should be done? The hon. Member said that, as long as there was one child in one school in Ireland of a different religious persuasion to that of the patron of the school, so long the rule of the National Board should be maintained. But could the hon. Member contend that there was not one child in a school in England of a different religious persuasion to that of the patron of the school? and, therefore, if the hon. Member would maintain the rule in Ireland to the extent he stated, he afforded a proof that the case of England was analogous to the case of Ireland. The hon. Member had referred to various propositions made for the purpose of altering the system of education in England, and observed that not one statesman who brought forward such propositions but adopted the system existing in Ireland. If the hon. Member had referred to the fate of those propositions, he would have found that the House had refused to adopt the different alterations suggested. Having explained the object and purpose of the Address, he would advert for a moment to the Resolution now before the House. As far as he was concerned he was anxious to give his adherence to every word of the Resolution. It consisted of two parts, the first of which affirmed that the fundamental principles of the national system, securing parental authority and the rights of conscience to pupils of all denominations, should be maintained by excluding all compulsory religious teaching. Those were the objects which he, at least, had in view, and there was nothing in what was proposed by the supporters of the Address inconsistent with those objects. Where there were two schools in a place, one of them giving scriptural instruction as part of the teaching, and the other not giving it, there was no compulsion on the child who went to the school in which scriptural instruction was given, and did not go to the school where that instruction was not given. If there were no choice there would be compulsion, but there was or ought to be in every part of Ireland a choice, and where the choice did not exist the Board had the means of providing it. The other part of the Resolution set forth that the House was convinced that no plan for the education of the Irish poor, however wisely and unexceptionably contrived in other respects, could ever be carried into effectual operation unless it were explicitly avowed and clearly understood as to its leading principle that no attempt should be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians. That was taken word for word from the Report of the Commissioners in 1812, who were archbishops and bishops of Ireland, and others of the greatest eminence as politicians. At that time no Roman Catholic could have a school at all supported by a State grant; and a Roman Catholic child, to be educated at the expense of the State, must then have been educated in a school of the Kildare-place Society, where it was essential that there should be scriptural or Bible instruction. The Commissioners, therefore, finding this state of things, gave it as their opinion that a system of education based on such a principle never could be satisfactory to the people of Ireland. But did they recommend the present system of national education? Everything that they recommended would be attained if the Address carried by the House were acted upon concurrently with the national system. He had the highest possible authority for putting that construction upon the Report of 1812, because he had the authority of Mr. Macdonnell, the resident Commissioner of the Board of National Education in Ireland. Mr. Macdonnell seemed to have been under the same impression as the Chief Secretary for Ireland, and, the Report having been read, he was asked by the Committee of the House of Lords—

> "Considering what has been read to you, are you not of opinion that, if the authority of the Commissioners of 1812 is to be quoted in support of the general scope of the national system it is also as decidedly in favour of such an extension of it as would embrace the Church education schools?—I think the spirit of what your Lordship read, while it shows clearly that the Commissioners approved, as a new system, of something very like what we have established, were also, on the whole, favourable to the endowment of schools like the parochial, or like the Church education schools.
>
> "And an extension of them?—And even an extension of them."

Therefore, if the hon. Member for Louth invoked the authority of the Commission of 1812, and used the words of their Report, as far as his vote went, he should cheerfully support the report of that Commission, with every word of which he cordially agreed. He found nothing in the Resolution of the hon. Member for Louth to which he could object, and he must decline entirely voting the negative to the terms that Resolution contained. He did not know whether it was the object of the hon. Member for Louth or of the Government, who declined proposing a negative to the Address, to induce those who differed from them to fall into the error of asking the negative to the Resolution. If that were the object, he could only say he would do nothing of the kind, because with every word of the Resolution he agreed, at the same time that he entirely concurred in the Address for which he voted the other evening. It was said that they were asking in that Address for something which had been refused for twenty years past, and that they were voting for that which would overthrow the entire system of national education in Ireland. That they were asking for that which had been refused for twenty years past, he begged to deny. He was glad to say that, whereas in years past members of the Established Church, and at one time the Presbyterian body, had made demands beyond what could fairly be maintained, now, for the first time, a definite and clear proposal had been made, which in justice could not be refused, and which, if conceded, would by no means be subversive of the present system of education in Ireland. This was the first time the proposition contained in the Address had been brought before the House of Commons; in previous years it had been proposed to give separate grants to different denominations, and early in the battle there had been those who contended for the system of having Scripture education compulsory in every school. Those were the previous views of the Protestants of Ireland. The proposition embodied in the Address was very different. It was much more definite and more moderate, and, what was of greater importance, it was just. Then it was said they were seeking by that Address to overturn the system of national education in Ireland. He asked what system? In the course of these discussions they had heard of the system of national education in Ireland as if it were something which never had been changed and was as well known as one of the statutes of the country—as if there could be no dispute as to what it meant, or how it was to be carried into practice. [Mr. HORSMAN: Hear!] He would take the liberty of asking the Chief Secretary which system was spoken of when it was said it would be overthrown by the Address? Was it the system which required, as an essential condition, that before any grant was made by the Board there should be local contributions in aid of the schools? Was it the system which prevailed before the rules were introduced, which enabled the Presbyterians to partake of the grant? Was it the system which enabled Bible extracts to be read in schools? Or was it the system, modified and altered in such a way as to oblige the Archbishop of Dublin and two other Members to secede from the Board? Which of these systems would be overturned? Lest it should be supposed he was overstating the changes, he would read the opinion of Mr. O'Regan, one of the officers of the Board, who said:—

> "I think, moreover, that there ought to be some fixed principles laid down for the guidance of the Commissioners. At present there is a national system without any fixed principle; there is a central model school, which is a shifting model; there are district schools which differ from that central school, and differ from one another; there are vested schools and non-vested; and no matter how anxious a man may be to ascertain what the national education system really is, he finds in the complication of the system and its wants of fixity extreme difficulty in satisfying his mind as to its true character and merits."

That was the opinion, not of an opponent, but of an officer of the Board. There was also the opinion of Mr. Irwin, the patron of a school, under the Board, who was asked—

> "Do you conceive yourself to be called upon as the patron of the school to compel a child to go out of the school at the time of the Scriptures being read, that would be willing to remain?

Mr. Irwin said—

> "I must candidly confess that there has been so much of going backwards and forwards in the rules of the Board upon this subject, and as to the mode of interpreting their own rules respecting it, that I do not precisely know what would be the duty of the patron in that case."

He, therefore, asked hon. Members who spoke of this system as so unchanging that if they but touched the hem of its garment virtue was supposed to go out of it—he asked them to remember what had been done in times past, and then consider whether it was not desirable something should be done with regard to the time to come? Not only had they a system which was shifting, but a system which it was utterly impossible to apply in practice, having regard to those matters which of late had become mere matters of controversy. There were in Ireland convent schools, belonging to a body of Christians with whom he did not agree; he believed that, as far as secular instruction was concerned, they were as good schools as ever existed, and nothing was further from his mind than to find fault with them. Those schools were numerous—upwards of 100 in number—and they received from the National Board between £4,000 and £5,000 a year; but it was impossible for Protestant parents to send their children to these schools, on account of the religious education given, as it was for Roman Catholics to send their children to the Church schools. The rule which the Irish Government and its representative maintained to be the rule of the Board, was, that in no school should matters be so arranged that the child obtaining secular instruction should be obliged to take religious instruction along with it. The anomaly of convent schools receiving grants from a Board guided by that rule was admitted before the Committee of the House of Lords. Mr. Cross said they were very peculiar cases and occasioned great trouble. The Board did not know what to do with them. Archdeacon Stopford was asked—

> "Of course, you are of opinion that convent schools, or schools in connection with any of the Roman Catholic religious bodies, must, from their very nature, be schools of separate education?"

The Archdeacon said—

> "I think they must, of course, from their very nature, be schools of separate education. I think it equally impossible that Protestants should send their children to such schools, as that Roman Catholics should send their children to schools where the education is scriptural."—"In point of fact, whatever pretended security the rules of the Board may give, convent schools, from their very nature, must be strongly tinged with Roman Catholic religious teaching?—I cannot imagine how any child in those schools could be secured from the influence which must exist there."

From the Inspector's Report he found that in St. Mary Industrial School there was a regulation that the scholars should attend prayers night and morning. In the St. Vincent National School, for teaching girls lacemaking and plain needlework, the scholars were taught the catechism at intervals during the hours of working. How, he would ask, could it be otherwise than compulsory teaching if every child who went to that school to learn lacemaking was unable to do so without being obliged to learn the catechism? In the St. Munchin's lace school the catechism was taught in turn with lacework from nine until eleven in the morning. Was that one of the schools in which secular instruction was administered without the children being compelled to receive religious instruction? It was not a mere matter of speculation, for he found from the Inspector's Report that in the school at Youghal there were eight Protestant children subject to those rules. He had nothing to say against the convent schools, which were excellent, well-managed schools; but in them it was deemed right to make religion a part of the general instruction, in which he agreed; but he denied that the cardinal rule, as it was called, that no religious instruction should be imposed upon the children attending schools had been observed in those cases. Having shown what had occurred in convent schools he would state what had happened in other schools, and the way in which the Board had dealt with them. He spoke from a Parliamentary document—a return showing the correspondence that had taken place between the Board of Commissioners and the Committee of the Lancasterian National School of Belfast, in reference to charges made against the latter by Dr. Denvir. That was not a school at all connected with the Church Education Society, but was established in 1847 by some benevolent ladies of the Presbyterian denomination. It had the greatest success; but in 1855 a charge was made against the Committee by Dr. Denvir, himself a Commissioner of Education, of administering religious instruction, averring that Roman Catholic children were required to learn the catechism, to join in the singing of Protestant hymns, and to listen to the reading of Scripture extracts by Protestant teachers. An inquiry was immediately ordered, at which Dr. Denvir attended as a Commissioner, and examined the witnesses who were called to prove the charge. A number of witnesses were examined, and finally the Inspector made his Report that—

> "The Testament and the Scripture Extracts of the Board were to be used on alternate mornings; and the Protestants were to have the authorised version and the Catholics the Douay version. Catholics and Protestants sit indiscriminately on the benches, and read verse about, aloud from their respective Testaments, in the chapter of the morning. The great idea of the Committee has been to give a religious instruction of a purely non-sectarian character; and the teachers have been accordingly instructed to make no interpretation of Scriptural passages favourable to one doctrine or another, or, in short, to enter into any doctrinal explanation at all. The evidence of the teachers shows that this has not only been the principle but the practice of the school.

There was a rule of the school declaring that for half an hour each day scriptural lessons should be read from the authorised and the Douay versions by the children of either religion. That rule was sent with others to the Board on the establishment of the school, had been sanctioned by them, and in every Report of the inspector, up to 1854, the school had been held up as a model for others to copy. The inspector had reported that the charge of religious instruction being forced upon children was unfounded. But Dr. Denvir, being a Commissioner, brought the subject forward before the Board. The Chief Secretary for Ireland wished to know how that fact appeared. He (Mr. Cairns) thought it was shown by the circumstance that the school committee, in writing to the Board, expressed their surprise that Dr. Denvir had taken part in the subsequent proceeding, and the Board did not deny it. The decision of the Board was that, notwithstanding one single instance of compulsory attendance was proved, they were of opinion—

> "After a careful examination of the evidence, that, in the management of the school, the committee were not influenced by any desire to convert the Roman Catholic pupils attending it to the Protestant faith, and were sincerely anxious to avoid even the suspicion of proselytism."

It would have been far better to say the charges were disproved, but possibly the milder form of words was adopted, from consideration of the accuser being one of their own number. The Board went on to say:—

> "The Commissioners, however, are equally convinced that the fundamental rule of the institution, as interpreted by the Committee themselves, and by them carried out in practice up to the 12th February last, was totally at variance with the spirit and rules of the national system of education, and calculated to create in the minds of Roman Catholics a suspicion of undue interference with the religious opinions of the children, and to afford, therefore, just ground of complaint."

In that school only half an hour a day was devoted to reading Scripture extracts, while in the convent schools the children were required to learn and repeat the Roman Catholic catechism during the intervals of lace-making throughout the day. The rule of the convent schools remained untouched, while in the case of the Lancasterian school the charge against which had completely failed, the Commissioners turned round and said, "We object now to what we assented to and which we never objected to in the case of convent schools." The ladies of the committee, in their reply to the Board, expressed themselves as deeply hurt to find that the charges made against them had not been specifically stated to be disproved, and also protested against the action of the Commissioners in permitting one of their number, after bringing a charge against them, to form one of the inquiring body to conduct the prosecution, and finally to take part in the decision upon the whole case. He mentioned names not with the view of making any change, but only to show that the National Board of Education could not, on account of its very constitution, hold a perfectly fair hand in presiding over education in Ireland. He hoped that the House would not consider that the views which he had ventured to express emanated solely from the clergy of the Established Church in Ireland. For his own part, he could only say that he thought that the clergy of that Church had acted in a manner worthy of the highest praise, and it would be impossible to suggest that in the part which they had taken they had been actuated by anything but the purest and most conscientious motives. They had deprived themselves of the advantage of annexing their schools to the system of State education, and had consequently debarred themselves from all hope of preferment under the patronage of the Government, for it was well known that no one opposed to the National Board was ever advanced by the Government. The case, however, was not the case of the clergy of the Church of Ireland, so much as of the laity. The income of the Church Education Society, which was subscribed by the laity, amounted to £40,000 a year, so that it was clear that the society did not represent the clergy alone. It was said that the failure of the National system was attributable to the conduct of the clergy of the Established Church in Ireland. Now, did the hon. Member for Newry or the Secretary for Ireland maintain that if the clergy of Ireland had placed their schools under the control of the National Board, Roman Catholic children would have been more likely to attend them? [Mr. HORSMAN: Yes.] Well then, the right hon. Gentleman differed from high dignitaries of the Roman Catholic Church. Mr. Cross said,—

> "I regret to have to admit that the Roman Catholic clergy generally do not like their children to attend national schools of which the patrons or masters are not of their faith."

And in reply to the question,—

> "Are you aware that a great objection is entertained by the Roman Catholic priests in general to allowing the children of their flocks to attend schools where the teachers are Protestants, and where the patrons are Protestants?"

The Very Rev. Dean Meyler replied,—

> "I think there is, because they cannot have a sufficient surveillance over the school to know whether there is any undue influence used with respect to the children; only in that respect, in many country places, the priests can take very little part in the schools, therefore, they require more especially to have effective protection given to the Catholic children."

The same feelings also were entertained by the Methodists and other Protestant

Dissenters. At a meeting of the Belfast Presbytery it had been agreed:—

> "1. That it is the mind of the Presbytery, as a portion of the General Assembly of the Presbyterian Church in Ireland, that the Church in its first receiving, or in its continuing to receive, Government aid to its schools, through the Board of Commissioners of Education, did not and does not thereby express its approval of, or concurrence in, the national system of education.
>
> "2. That it is the opinion of this Presbytery that the said national system of education, founded upon the principle of negation of the Holy Scriptures as the basis of national education, has not succeeded in the object professedly sought to be aimed at—a combined or united general school education, under national auspices.
>
> "3. That it appears to this Presbytery that present circumstances afford a favourable opportunity to the Legislature of effecting such changes in the present national system as may render it worthy of and acceptable to a Protestant nation, by the removal of all restrictions upon the Bible and the full recognition of civil rights and advantages to all classes of the population."

He would next proceed to advert to the charge that the schools of the Church society were engines of proselytism. Now, that such was the case he utterly denied, nor was it probable that it should be the case. Every master or landowner, no doubt, possessed a certain amount of influence, but that influence could be much more effectively employed in inducing parents whose children were already at school to permit them to remain there during the hour of religious instruction than in persuading them to send them at first to a school at which a religious teaching which they did not approve was carried on. The fact was that, as regarded proselytism, there was no system under which it could be more easily carried on than the present, and if it were desired to have a really efficient protection against proselytism, a much better protection would be afforded by placing the schools under State inspection than by continuing them under the sole control of the Church Education Society. When he voted for the Address he had no desire to subvert the system of education; he agreed with the Resolution so far as it went, and did not consider it inconsistent with the Address. He would not follow the Chief Secretary for Ireland through the attack which, speaking as the representative of the Government, he had, upon a question referring to the education of the poorer classes, thought it relevant to make upon the clergy of the Church of Ireland for some supposed difference upon a point of discipline between themselves and the English clergy. He had been anxious not to say a word which could give offence to any one, but he had thought that after the lapse of twenty years, and looking at the variety of opinions entertained by the best and wisest men both in and out of that House, this question might be discussed without a feeling of partisanship or acrimony. In that spirit he had endeavoured to discuss it. He was anxious to maintain the system of education; but he thought that it might, by the introduction of some changes, be made more extensive and more useful.

LORD JOHN RUSSELL: I wish I could participate in the satisfaction which has been expressed, both by the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) and the hon. Member who has just sat down, and which has been echoed by my right hon. Friend the Secretary of State for the Colonies (Mr. Labouchere), but I own I cannot quite agree in this wonderful unanimity which prevails. It appears to me that the position of this House is one, at all events, of some embarrassment. Having on Tuesday evening heard the able and temperate speech of the right hon. Gentleman the Member for the University of Cambridge, supposing either that there would be the usual majority against a proposition to disturb the Irish system of education, or that the debate would be adjourned, and having found an hon. Member who was of the same opinion as the right hon. Gentleman, I thought we might safely pass the evening elsewhere; and I am very sorry that my prediction has been accomplished, and there has been found great inconvenience in the rule of this House which allows Addresses to the Crown to go out of our hands upon only one deliberation. If we pass a Resolution upon any matter entirely among ourselves, we may, if we please, rescind it on the following day, and a Bill we reconsider at its various stages before it goes out of our hands to the other House of Parliament; but, with regard to our communications with the Crown, if it so happen that from a division not being expected, or taking place early in the evening, a question is, without any fault on the part of the Member who brings it forward, disposed of contrary to what would be the opinion of the majority in a full House, we are placed in a position of considerable embarrassment: and that is the position in which the House is now placed. The right hon. Gentleman (Mr. Walpole) seems to think that, because I felt the inconvenience of reversing a decision of this sort on one occasion, I should object to do so on the present. Now, I must tell the right hon. Gentleman that I consider this matter one of so great importance, I consider the proposition which he has made and has carried, in all fairness and in all sincerity, so injurious to the prospects of education, and even to the peace of Ireland, that, if it were possible, I should be ready to come to a distinct reversal of the Vote of Tuesday; and the only fault I have to find with the Motion of my hon. Friend behind me is, that it is not of a more direct and specific character. My hon. Friend's proposition is explained by him as amounting to a complete reversal of the decision which was come to the other night. The right hon. Gentleman (Mr. Walpole) takes it in his hands, and, with something like ingenious Chancery pleading, makes it quite consistent with the Address to which my hon. Friend (Mr. Fortescue) was entirely opposed. Remembering the quotation which was made by my noble Friend below me (Viscount Palmerston) of the famous oracle—*Aio te Romanos vincere posse*—he assumes that this Resolution is somewhat of the same kind. While the present Government remain in power they can say, this Resolution being passed, that the present plan is to be adhered to, no material alteration is to be made in the system of the National Board, and, above all, none of its vital principles are to be touched. But, if there should be a change of Government, the right hon. Gentleman who in that event would, no doubt, fill the office of Home Secretary, would revert both to the Address and the Resolution, and maintain that he was justified by the solemn decision of this House in declaring that there was nothing inconsistent in them, but that, on the contrary, they were confirmatory and explanatory one of the other. That seems to me a rather awkward position in which to place the House. But, as there is no more decisive course open to me, I shall cheerfully vote for the proposition of my hon. Friend the Member for Louth. Now, Sir, let me advert to the proposition itself, and to the substance of the Address, which was carried in this House by the right hon. Gentleman. The Address proposed by the right hon. Gentleman the Member for Cambridge University appears to me to go very far beyond, not only what he has explained, but what he could ever have intended. It appears to me that, the rule being equality, he proposes to substitute inequality; the rule being religious liberty, he proposes to introduce religious exclusion; and the present state of things being harmony, his Address menaces us with discord. Such, in a few words, is the nature of my objections to the proposal of the right hon. Gentleman. The hon. Member who last addressed the House has mentioned one or two instances in which, as he maintains, the Board did not follow their own rules. The cases did not appear to me to be very important ones, and of their details I know nothing; but no doubt my right hon. Friend the Secretary for Ireland will inquire into the matter, and call the attention of the Board to any material deviations—if any such have occurred—from their own regulations. The hon. Member for Belfast (Mr. Cairns), and others who sit on the same side of the House, affect a cordial friendship for the national system; but they must allow me to say that they are the most candid friends I have ever seen. They begin with enthusiastic declarations of their regard for that system, and then immediately proceed to point out one fault after another, and that too, with a precision and minuteness which nothing but the utmost candour could excuse. But what is the plan as laid down originally by Lord Derby, and as it has been generally acted on since? It is this—that religious instruction should not be given during the school hours, and that if there are hours at which religious instruction is given in the school, that at such hours all the children whose parents may object to their attendance should be at liberty to absent themselves. The right hon. Gentleman opposite would have a modification of that system; and the modification he proposes is, that in certain non-vested schools—meaning thereby certain proprietary schools of which the patrons are for the most part members of the Established Church—there shall be an invariable rule that the sacred Scriptures shall be read by all the children attending them—it matters not of what religion they may be. Such a regulation would manifestly tend to produce inequality, and it is worthy of remark that no application for it has emanated either from the Roman Catholics or the Presbyterians. It is suggested, indeed, that equality would be restored by allowing the Roman Catholics also to teach the catechism of their Church to all children without distinction in schools where Catholics have a numerical predominance. But what would be the feeling throughout this country if it were known that £150,000 or £200,000 a year was granted by Parliament to schools in which the Roman Catholic catechism was taught, and that Protestant children were compelled to remain to hear it? There would be no bounds to the indignation of the public. It would be said that we were endeavouring to proselytise Protestant children, and it would be said beside, if all the Protestant children were away, that we were voting an enormous sum for the propagation of error. What! refuse £30,000 for the endowment of Maynooth, yet lavish £200,000 a year on such purposes as these! The idea is preposterous! But then it is said that we should adopt something like the system that prevails in England, and declare that if there are Roman Catholic children they shall attend Roman Catholic schools in the neighbourhood. Well, but that is at once to subvert the whole plan of national education in Ireland. You put an end to the mixed system of education—not mixed with regard to religion, but mixed with regard to persons—and, instead of giving these poor children an impartial rule, you give them a topographical consolation. But let us consider the extent of that infringement on religious liberty which will be the infallible consequence of the right hon. Gentleman's proposal. It was one of the earliest declarations of Lord Derby, when he constructed the present system, that religious teaching should be imparted only when the children of those who objected to it should be absent. In answer to certain representations made to him on the subject by the Synod of Ulster, very soon after the establishment of the National Board, the noble Lord wrote a letter, in which the following passage occurs:—

> "Those hours (namely, the ordinary school hours) will be allotted to other studies, and in them, of course, neither the Bible nor any other book could be employed to which the parents or guardians of any of the children would object on the grounds of religious scruples. To introduce the reading or hearing of any such book during the ordinary school-hours—namely, those during which all the children of all denominations are required to attend, would be a palpable violation of religious liberty of conscience."

It is clear, then, that I have the authority of Lord Derby himself for the assertion that, according to the opinion which he entertained in 1833, the proposal now made by the right hon. Gentleman opposite involves "a palpable violation of religious liberty of conscience." I may be told that the noble Lord is not of the same opinion now. If so, I am very sorry for it; but I cannot follow him in his changes. I know what his opinion was when he was the colleague of Lord Grey and Lord Brougham. It was a sound opinion; it has proved a successful one; it has produced noble results in Ireland; and, for his own sake, not less than for that of the country, I should regret if he were now to contribute to the undoing a work which does him so much credit. Well, then, we can hardly say that the abolition of the rule by which religious instruction is not to be given at certain hours, is in any way necessary for the purposes of national education. The hon. Member for Belfast, repudiating the idea of proselytism, will have it that facilities for conversion—if such were the object—are more abundant under the present system than they would be under the new one, inasmuch as it was now possible to solicit, though you may not compel, the children to attend during the hours of religious instruction. Well, but if that is so, what is the reason that they ask for change? Because, be it observed, what the Presbyterians have done. The Presbyterians, in 1840, after various representations, got this proffer, that all the children, after certain hours, should have the Bible read to them, except such as, having conscientious objections, wished to be absent. Now I cannot agree that the Presbyterians in Ireland are not as good Protestants as any to be found in that country, and I ask why it is that this whole system is to be disturbed? why it is that this House and that Ireland itself are to be put into dread and commotion, in order to adopt a plan which the experience of the Presbyterians has shown to be unnecessary? Sir, I cannot give to this proposal even the credit of a scruple of conscience. In vain do you seek to disguise it. It is that pretension to pride and supremacy which still clings to those who in former days shouted so loudly for Protestant ascendancy. This is a question of no mean importance. It affects no fewer than 2,700 schools, and what you propose to introduce involves a principle which will prove most oppressive to the minority of children in those schools, and, in a word, deprive them of their religious liberty. I say, lastly, that by this alteration, instead of harmony, we shall have confusion and discord. Consider, for a moment, what it is that, through the agency of the national system, we have been able to do for Ireland. Half a century ago, in 1806, the Duke of Bedford, then Lord Lieutenant of Ireland, had much correspondence with the Primate of Ireland with respect to the issuing of a Commission of inquiry into the subject of national education in Ireland. That Commission was appointed; it was continued or renewed by the Duke of Richmond; and in 1812 that Commission issued a report, laying down the just principle, the only principle upon which we ought to act—namely, that "no plan of education, however wisely and unexceptionably contrived in other respects, can be carried into effectual operation, unless it be explicitly avowed and clearly understood as its leading principle, that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians." I quite agree with the hon. Gentleman who spoke last, that the practical proposal of these Commissioners did not carry into effect that wise and sound principle. But inquiries went on; the subject was still discussed; and in 1828 the present Lord Monteagle presided over a Select Committee of this House, in which he gave an outline of the very plan which has been since adopted. In 1831, the plan was adopted by the executive Government of Ireland, and the letter of Lord Stanley gave the outline of that plan. It has been said that non-vested schools formed no part of the scheme; but I believe that of the first eight schools established four were non-vested schools, and therefore, in fact, the very principle since acted on was acted on then. That there have been great variations in the details—that from time to time different propositions have been adopted, in order to make the system work more effectively, I fully agree; and what plan is there, upon a subject of this vast importance and adapted to a country like Ireland, where there are various religious sects entertaining much suspicion and jealousy of each other—what plan of this kind, I say, is there, which from time to time would not have required some alteration? None of the modifications made in it, however, have touched the essential principles of the system, as laid down in 1831. Thus, for a quarter of a century you have been employed in investigations, with a view to obtain a plan for establishing national education in Ireland; another quarter of a century has elapsed during which this plan has been in operation, and has extended the blessings of education throughout the country; you have found the system as it pervaded different parts of the country appeasing religious animosities, giving improved habits to the people, teaching them improved principles of morals, which in their own ill-regulated schools never reached the lower classes of that country; you hope that you may extinguish all that tendency to social disorder and violence which has long been the misfortune of that beautiful country; and at this time when, by half a century's labour, you have attained so much, then comes forward a Gentleman of this House and says, "I will break in upon all this; I will put an end to all this unanimity; I will revive those animosities; I will make Catholics jealous of Protestants; I will induce Protestants once more to try and gain a supremacy over Catholics; and in that way I will deface and destroy the fair edifice which it has been your object to construct." Sir, I have no doubt of the sincerity of the right hon. Gentleman (Mr. Walpole). I have no doubt whatever that he thinks he is only stating fairly the conscientious scruples of members of the Church of England and other Protestants, and is only adding a supplement to the scheme of national education. I entreat him to dismiss that thought from his mind. So far from being a supplement to the plan of national education, his alteration would not be introduced a year before the members of the National Board—both the eminent Roman Catholics who belong to it, and the liberal Protestants who have acted with them—would find that it was impossible for them to lend their hands to this plan of compulsory education: they would then retire from that Board, and you would have none take their places but men who are exposed to all the jealousies, to all the hostility, of the Roman Catholic population of Ireland, as men who are their enemies, and who are seeking to gain an unfair advantage in influencing their religious education. Believing the matter is of this importance, I trust, at least, that so long as the present Government remain in power, they will make no essential modification of this system of national education, that they will adhere manfully to its principles—and that if it is to be altered, let right hon. Gentlemen opposite, when they are next in office, carry those alterations into effect and reap the bitter fruits that will ensue.

MR. NAPIER: Sir, I regret the tone

and temper of the noble Lord's speech. The noble Lord says that we seek to change the present system: that is not the proposition brought before the House by my right hon. Friend in his able and conciliatory speech; and if we had all treated the subject in the same spirit, we should have been in a position to treat it with greater calmness than the noble Lord has done. I feel the importance of the subject fully as much as the noble Lord. There is no subject of such vital interest to my constituents; none upon which I feel personally a deeper interest. I have changed no opinion I have ever had upon it; and the opinions I hold are those which the noble Lord has himself elsewhere, even within the past year, expressed. These opinions have been embodied in a Report of the British and Foreign School Society, and repeated by the noble Lord at a meeting of the Society this year. The noble Lord alluded to the omission of the Bible from education, and quoted Dr. Arnold to prove that if we exclude the Bible that amounted to a denial of Christianity. Yet now the noble Lord accuses the Irish Protestants of a desire of "ascendancy," because we enunciate the very same principle that religion should not be separated from secular education, and that in instructing from the Bible, there need be nothing sectarian. Why, that is the very rule of the Church Education Society; it is the same, as regards the use of the Scriptures, as the rule of the British and Foreign School Society; and I challenge the noble Lord and the right hon. Gentleman the Home Secretary (Sir G. Grey), who is also a Member of that Society, to enunciate at the meetings of it the sentiments upon this subject which the noble Lord has expressed here. And what do I find published on Saturday, in an answer given by the Committee of Privy Council on Education to an application from an English school in this country, founded upon the national (Irish) system of education? That school applied for a grant, setting forth the advantages that system offered, and it was refused; and upon what ground? Their Lordships say that they could not in this country give the money of the State to support the school, because it did not provide for the teaching of the Holy Scriptures; because it did not make the reading of the Scriptures an essential part of the general system of instruction. That is to say, the Privy Council refuse a grant to an English school founded upon the principle of the Irish National School system. Why, what does the noble Lord suppose the Protestants of Ireland are made of? Are they such serfs as to submit to a system under which they are refused that which is granted in England? And are they to be deprived of the benefit of the national grants because they adhere to the principle of the British and Foreign School Society, sanctioned by the Government—the principles of the Privy Council Committee of Education in England? Does he suppose that that which is not good enough for the British and Foreign School Society in this country—which is not good enough for the Wesleyans in either country—and which the Lords of the Council do not approve and will not recognise in England, is good enough for the Protestants of Ireland? Sir, it is not true that we desire to subvert the system of national education. For myself, I have always thought that it was founded on a fallacy, and that it followed a phantom—that it sought to do what was impossible. Is education to be based upon religion? Then how can you have a united system of education, when you have different Churches differing upon the fundamental principle? Is there any one principle upon which the Protestants differ more from the Roman Catholics than upon this—as to the authority of the Scriptures, and the position which is occupied by the Word of God in education? And how can you get the two Churches to join together in a system of education? You might as well expect to reconcile light and darkness. You can only found religious education upon the principle either of religious truth or religious liberty. You, in your system, are afraid of religious liberty, and ashamed of religious truth; and your system, being based upon neither principle, violates both. It is not necessary to enter into the merits of the system. I think its advantages have been egregiously exaggerated. But if it be a good system, extend it; if it be not, improve it; and our suggestion is both to extend and to improve it. You have to consult three parties in every system of education—the State, the patron, and the parent. Now, as to the State, its conscience is expansive, and it has sanctioned the principle of liberty. Then, as to the conscience of the parent; you profess to respect it, but do you provide for it in the present system? Suppose a school under a Roman Catholic patron, and a Roman Catholic parent anxious that his child should be taught the Scriptures, how is he to get that teaching? Or, suppose a district in which the Roman Catholic priest presides, how is the Protestant parent to get his children taught the Scriptures? You enable the patron, by empowering him to decide whether any and what religious instruction shall be given, to exclude the Scriptures, or to exclude religious instruction altogether, but you do not enable him when he pleases to introduce and use the Scriptures? Now, I heartily adhere to that part of the Resolution referred to by the noble Lord, that there ought to be no interference with the religious opinions of any "sect" or "denomination;" but I hope that the noble Lord will admit that the Protestants are, at all events, a "sect" or "denomination." And what is their distinguishing principle? That the Word of God should be the basis of education; and if you have a system which gives the patrons the compulsory power of excluding the Word of God from education, how do you adhere to the spirit of the Resolution? The terms would be violated by refusing to allow the Protestants to act on this principle. What is the principle of the national system as introduced by Lord Derby? Was it to exclude the Scriptures from all schools which took a share of the national grant? That was not his intention. He found the system was to read the Scriptures in all schools. That gave no freedom to Roman Catholics. The Report of the Commission of 1812 was not of the nature represented by the noble Lord, otherwise it would not have been extension but retaliation. The Report of that Commission proposed to provide 2,400 schools on the parochial system, and to supplement them with the neutral schools, and in these extracts from the Scriptures were to be read; the Report distinctly laid down that no education could be useful which was not based upon the Scriptures. You had the system of Lord Derby, to give freedom with the expectation of a united system, and the rules were framed upon that expectation, but it has proved a failure; the non-vested system may meet the case of the Roman Catholic or the Dissenter, but not the case of the Church or Wesleyan Protestant. The hon. Member (Mr. C. Fortescue) says that under the national education system you have had a religious education complete. But put the case of a Protestant patron, who desires that the Scriptures should be the basis of religious education during the hours appointed for such teaching. There is a rule as to the conduct of the school during the hours of general instruction; but if there be a single Roman Catholic child in that school he may be made use of by the priest to object to the use of the Scriptures during those hours, and they are excluded. Thus all religious education is excluded, and the instruction given is only secular, the religious element being quite cut out of it. It is said the parent, and not the patron, is responsible for the religious education of the children; but what right have either to exclude the Word of God? It appears that there are instances of parents confessing that they did not themselves object to the use of the Scriptures, but that the priests made them do so. Why should the patron be obliged to co-operate with the priest in such a case in withholding the Word of God? The patron absolutely had no power whatever except that of excluding religious education. Why enable the patron to do violence to the conscience of the parent? Nay, under your system the conscience both of patron and of parent may be violated. And is that the principle of your Resolution? How are you to carry it out? You talk of compulsion. Allusion has been made to the opinions of the Bishop of Ossory. Let me read a few words from his clear and lucid exposition of the question:—

> "We do not claim or desire the power of enforcing religious instruction on any one; but do not force us to carry out that which is wrong, or to deprive other children during the hours of general instruction of that which is the right basis of religious education."

Sir, I feel that the question of education is in a most critical position. My belief is, however, that there never was a more favourable opportunity for an amicable settlement of this most important question. Do not deal with the Resolution for the Address as if it had been a mere party manœuvre. Let us look at it conscientiously and honestly. There is a large portion of the Protestant clergy and laity of Ireland ready to make any concession for the sake of education, so that it does not sacrifice the vital principle of the use of the Holy Scriptures, and who feel that, when it comes to the question of the use of the Word of God in its Divine simplicity, there is a point at which sacred principle is involved and concession must stop; believing, as they do, that if religion is to pervade education, the Word of God must be taught. They are intelligent and earnest men, anxious for education, and they declare, and I on their behalf declare, that it is not their desire to subvert your system of education, but to make it one which can be so worked as to be really national in its operation. If you leave out the third part of the schools of the country and one-fifth part of the pupils, how can you call your system national? It is a system to which they object upon grounds common to the Protestants of this country—grounds of which the noble Lord (Lord J. Russell) himself has declared that he approves, when he has spoken at meetings elsewhere than in this House. Is it worth nothing to obtain their co-operation? Let the question be settled by securing it. The proposition of the President of the Council was a step in the right direction, and the speech of the right hon. Member for Cambridge was another. I believe the noble Lord himself, if he were not fettered by the dictates of policy and party, would concede the justice of our claims. The noble Lord cannot think that statesmen should never change their opinions. Lord Derby, he says, established the system. Well, but we have now the authority of Lord Derby against the system as it now stands. He is now a wiser and an older man. He had an idea of a united system of education. The experience of a quarter of a century has shown him that it is a delusion. It has proved a failure. If we cannot make it a united system, let us at least try to make it national. If we will not make it national, do not let us call it national. If you can modify the system so as to include the Protestants of Ireland, you will have them as allies; if not, then how can you call a system national which excludes them, and converts them into enemies? If the Protestants of Ireland were told that they must remain permanently excluded unless they abandoned their principle that instruction in the Holy Scriptures formed an essential part of education, I hope they will prefer relinquishing all hopes of State aid to yielding up the sacred ground on which they took their stand. I trust, however, that by adopting my right hon. Friend's proposition the Protestant community of Ireland may be converted into allies instead of being forced into the rank of enemies of the existing system.

MR. HORSMAN said, he had listened attentively to the remarks which the right hon. and learned Gentleman had just made, but he candidly confessed that he had been unable to discover what were the opinions which the right hon. Gentleman held on the question at issue. It had been remarked, that language was given to man to conceal his thoughts; and, certainly, it was impossible to collect whether the right hon. and learned Gentleman approved the Resolution before the House, the speech of the right hon. Gentleman (Mr. Walpole), who had expressed his concurrence in every word of that Resolution, or whether he adhered to the condemnation of the principle and the working of the system, and to the denial of its success, which he pronounced the other evening. With regard, however, to the right hon. Gentleman the Member for the University of Cambridge, he could not but think the course he had taken gave occasion for complaint. When it was alleged that this was a timid and evasive Resolution, it might be asked, what was the character of the Address carried on Tuesday by the right hon. Gentleman? The right hon. Gentleman came forward with a Motion which disturbed and unsettled a system which had endured for so many years, and declared that his Motion did not contain a single syllable hostile to the established system of education in Ireland. The real ground of complaint against the right hon. Gentleman was that, coming forward as the representative and champion of the Church Education Society, which had for years been waging open war against the national system, he yet separated himself from all the allies and colleagues on whose behalf he spoke the other evening, and now asked the House to confine its attention to his own speech, and shut its eyes to the views and aspirations of those who fought on his side. It was the vainest sophistry to attempt to reconcile the plan of the Bishop of Ossory and of the Church Education Society, which was embodied in the right hon. Gentleman's Address to the Crown, with a Motion like the present, affirming the Resolutions of the National Board. The Bishop of Ossory had distinctly declared that the Government system and that of the Church Education Society were not only different, but diametrically opposed to each other, and utterly incompatible. The abovenamed society was a proselytising body, insisting on the reading of the Bible being made compulsory on all the scholars; while the National Board, on the other hand, allowed perfect freedom of conscience to every child. The right hon. Gentleman said he would not subvert the existing system; but if every patron of a non-vested school could prescribe whatever religious instruction he pleased, he might require every child indiscriminately to be taught his own peculiar tenets, the inevitable effect of which must be to drive from the school every pupil that dissented from those tenets. If Protestant schools were separately endowed by the State, the superior advantages which their greater wealth would enable them to hold out would tend to draw into them the children of other denominations; and the result would be, that the Roman Catholics would have, in self-defence, to establish rival schools in the same localities, and to resort to agitation in order to compete successfully with opponents possessed of ample pecuniary resources. The right hon. Gentleman said, he spoke the other night with the authority of Lord Derby; but that noble Lord, when Premier, frankly acknowledged, that if separate grants were given to schools exclusively Protestant, the same advantage must be extended to schools exclusively Roman Catholic. [Mr. WALPOLE: Hear, hear!] He was glad to have the right hon. Gentleman's admission of this equitable principle; but if that rule were followed in the case of all the Roman Catholic schools, as well as universities and colleges, they would have not one Maynooth, but 3,000 Maynooths yearly, undergoing discussions in that House. ["Hear, hear!"] He was glad to see that the Member for North Warwickshire (Mr. Spooner) was startled from his slumbers by this. It was clear the hon. Gentleman had not been taken into Lord Derby's counsels; for he, doubtless, fancied that his labours were at an end, when he demolished one Maynooth the other day; but he now found 3,000 Maynooths suddenly start into his astonished view, every one of which would be open to attack when the educational grants came annually before the House. It was evident the hon. Member was but little aware of the logical results of the victory which he cheered so lustily a few nights ago. The hon. Member for Belfast (Mr. Cairns) asked why the English system should not be introduced into Ireland? The reason was, that the plan of denominational grants had been adopted in England to protect the minority from what they regarded as the predominance of the Established Church; while the extension of that practice to Ireland, owing to the different circumstances of that country, would give to the party in power the means of strengthening their ascendancy. Separate grants in England defended the rights of conscience—in Ireland they were asked, in order to assail those rights. All parties were agreed that religion ought to be the basis of education, but the question was, should the religion taught be that of the patron of the school, or that of the child? The National Board answered that it should be the latter. Their opponents, however, would not be satisfied with anything short of a system of proselytism; and it was for the House to choose between the two principles. Those who thought that such a course was the one to be followed by the State, would of course adopt the Church Educational Society's view of the subject; all who believed in the sacred rights of religious liberty would support the Resolution before the House. The next point was, were they to have the English or the Irish system in Ireland? But the established system was unanimously supported by the clergy and laity of the Presbyterian and Roman Catholic bodies; and there was not a tittle of evidence to show that the Protestant population, and, especially the poor of that denomination, were not generally equally favourable to it. Its only enemies were a section of the clergy of the Established Church. His argument in favour of the present system was based upon its undoubted success. The question was, had it been accepted by the great majority of the population of Ireland, had it now come to them as a blessing, and would its discontinuance be looked upon as a great misfortune? There could be no doubt upon that point. It was admitted on all hands. There was now before the House the Resolution of his hon. Friend the Member for the county of Louth, in which he plainly, unequivocally, and unmistakeably asserted that the system had been successful, and ought to be supported. The House on all sides was prepared to affirm that Resolution, and to say that the system had succeeded. In fact, it was admitted to be a blessing to the Irish people, and the Legislature, after twenty-five years' experience, was ready to stand by it, and even the right hon. and learned Member for the University of Dublin had not one word to say against it. He remembered the words of an English Prelate, which ought to be remembered and to be acted upon wherever they were known. That right rev. Prelate said, in the last discussion upon this subject in the House of Lords—

> "If we cannot compel the Roman Catholics to read the Bible, let us show by our conduct that we have read the Bible; let us show it by our charity; let us show it by our spirit of conciliation; let us show it by our Protestant Christianity; let us show that we practise its precepts, and let us hold out the right hand of brotherhood to the Roman Catholics of Ireland, and be sure that they will accept it."

He (Mr. Horsman) agreed with the right rev. Prelate that that was the spirit in which they ought to extend the right hand of brotherhood to the Roman Catholics, and he was satisfied that if they did act in that spirit, a great benefit to the cause of education would result from their operations.

MR. PATRICK O'BRIEN pleaded, as his excuse for rising to address the House at that late hour, the vital importance of the question to his countrymen, and more especially to the poorer classes in the county which he had the honour to represent; where, from the absence of large numbers of Catholic proprietors, the people would be the more readily affected by the proselytising spirit conveyed in the Address moved for by the right hon. Member for the University of Cambridge. He conceived there were two questions to be considered in this debate—a question of conscience and a question of expediency. He could not comprehend the tone of the argument founded on conscientious objections; for, leaving out of consideration those vested schools, to the regulations of which a person entertaining strong Scriptural views might, perhaps, be fairly allowed to demur, he yet could not find out, upon any principle with which he was conversant, any possible justification of the course taken by Protestant clergymen and laymen in relation to non-vested schools. For, how did the case stand? There was nothing at this moment to prevent a Protestant becoming patron of a non-vested school; being so, he might, if he pleased, have Scriptural education during every hour of the day—the very arrangement at present carried out in the Church education schools—but then, in case of Scriptural education being offered to the pupils in a national school, it was a preliminary not to be neglected that Catholics should be allowed to leave the school. This was the main question at issue. At present the Catholic population was receiving a capital education, fitting them for progress in this life, inculcating a sound morality, and permitting their parents and spiritual directors, at proper times and places, to afford to them that spiritual instruction which they believed to be necessary to their eternal salvation. Again, the Presbyterians — religionists whose Scriptural tendencies could not be doubted, many of whom were the descendants of those Scottish Covenanters who, with the Bible in one hand and the sword in the other, took to the hill-side in defence of religious opinion. These men, too, were satisfied with the existing system. What, then, was the motive actuating those recusant churchmen in the course they were pursuing? They boasted that at present their system was a more combined one than the national; they asserted that they had within the walls of the Church Education Society some 30,000 Catholic children; they knew that, if content with teaching them formularies, and instructing in the Scriptures their own flocks solely, they could well carry out that view; but they likewise knew that they should allow the Catholic children to leave the school before such instruction. It was otherwise in their own schools, and they were therefore anxious to get a rule relaxed, whose relaxation would admit of their expending the money—nominally advanced to the school—for the purpose of a missionary and proselytising character elsewhere. Hon. Members were not so desirous to carry out those strong views, and he was, he must confess, astonished to find the right hon. Member for the University of Dublin (Mr. Napier), and his colleague (Mr. Hamilton) declaring against the system, and insisting that their conscientious scruples should be regarded, when he was aware that in the very University which they represented—the cradle of the Protestant Church—they disregarded those rules which hon. Members were desirous to force upon the poorer classes. When the right hon. Gentleman (Mr. Napier) spoke of a "Godless system" of education, and mourned over the absence of the Scriptures in most national schools, he should, in the first instance, have turned upon the system introduced into the University which he (Mr. Napier) represented. He (Mr. O'Brien) had graduated in arts at that University, and he could safely affirm, that during the five years he was within its walls, he had never been obliged nor solicited to attend any dogmatic teaching, nor ever been forced to read his Bible. The heads of the University never enforced upon members of a different communion the reading of the Bible; they knew that if they subjected him, and Roman Catholics in his position, to pressure upon that subject, they would not attend the University; and yet the right hon. Gentlemen who represented the University were desirous to enforce upon the unprotected poor a system which they did not venture to propose in a rich University. The hon. Member for Belfast had stated that where there were two schools together—one Church education and the other national—there could be no question that compulsion did not exist, there being free choice to the children to enter either school; but any one who knew anything of Ireland must know how incorrect was such an observation. Gifts, in money and kind were given to the children, and if such persuasive measures were found insufficient, the attendance of the child at the school was the sole mode of saving the father from eviction from his holding. Again, the hon. Gentleman remarked that he was accused of attempting to upset the national system of education, and he asked what system? Is it the system of 1833, of vested schools, or is it the system of vested and non-vested granted to the Presbyterians? He would tell the hon. Gentleman what system the Address moved for by Mr. Walpole was calculated to upset—that system which, in the words of the Resolution moved by the hon. Member for Louth, has "for its leading principle that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians." That was an intelligible definition of a system, and that system he was there to support. But, again, the Protestant clergy argued that, parochially, they were charged with the spiritual care of the souls of their parishioners, and were in duty bound to instruct them according to the rubric; but, if that were so, it was the catechism and formularies of their Church that they were bound to teach them, and not the Scriptures; but their practice was directly the contrary, because they in that House, through the mouths of their advocates, offered to give up their catechism and formularies provided they were permitted to teach the Scriptures? In common with the majority of the Members of that House, he was astonished at the course adopted to-night by hon. Members who took advantage of an accident to snatch a division upon the preceding Tuesday, and in a manner (to borrow a phrase from hon. Members who used it, often opprobriously, against Members of his faith), most jesuitical, to explain away the effect of the Resolution of the hon. Member for Louth, and to state that it quite coincided with the Address. Lawyers might get up in that House, as they had done to-night, to special plead and endeavour to persuade country Gentlemen and other non-professional Gentlemen in that House that it was so; but he was certain that the large mass of persons who would read the Address and the Resolution would consider them to be irreconcilable, and he believed that the majority in their souls thought they were so, and that in supporting the Resolution they were doing so most unwillingly, and were, indeed, eating a bitter apple. He (Mr. O'Brien) was there to declare that they met there that night to affirm in its entirety the principle of national education; and in challenging the hon. Members for Dublin and Cambridge Universities to divide, he was removing the slightest shadow of a pretence from any platform orator, either at Exeter Hall or in the Rotundo, saying at any future time that the House of Commons was hostile to the great question of national education.

Mr. GROGAN agreed with his hon. and learned Friend who had just spoken that the House was placed in an extraordinary and anomalous position with reference to the question under discussion, and he thought this arose from the Jesuitical form in which the Resolution of the hon. Member for Louth (Mr. Fortescue) was drawn, for many hon. Gentlemen had declared their inability to detect any difference or contradiction between the Resolution of the hon. Gentleman and the address of the right hon. Member for the University of Cambridge. He felt the awkwardness of the position in which the House was placed, and he regretted that some of his hon. Friends had not boldly endeavoured to ascertain what were the real intentions of Her Majesty's Government on this subject. He thought it most important that it should be clearly and distinctly known whether the English Parliament and Her Majesty's Government considered that the Protestants of Ireland ought not to receive for the education of their children that assistance which was afforded indiscriminately to all classes and creeds in this country. In order therefore to bring this point to an issue, he would propose the following addition to the Resolution of the hon. Member for Louth:—

Amendment proposed, at the end of the Question, to add the words—

> "But that, consistently with these principles, it is the opinion of this House that no School should be disentitled to receive aid from the funds of the Board because the rules of such School require a portion of Scripture to be read each day by every child as a part of the general instruction of the School."

MR. I. BUTT seconded the Amendment.

Question proposed, "That those words be there added."

MR. G. A. HAMILTON said, he had indulged the expectation that it would have been possible to adopt the Resolution of the hon. Member for Louth without Amendment or division, for he had thought the interpretation put upon that Resolution by his right hon. Friend (Mr. Walpole) might have been admitted by the Government as a basis for the consideration of this difficult and long-vexed question. If any Member of Her Majesty's Government had held out the hope that during the ensuing recess the subject would be considered by them with a view to some modification which, without interfering with the principles of the national system, might remove the injustice of which Irish Protestants complained, he would have felt the utmost gratification. The noble Lord (Viscount Palmerston) had had an opportunity—and, indeed, he had even yet an opportunity—of settling this question without compromising the great principles of the national system. In the course of the debate, he (Mr. Hamilton) and his hon. Friends who entertained similar opinions upon this subject had been taunted for having remained silent when a Resolution approving, to a certain extent, the national system was under discussion; but their silence had arisen merely from an earnest, anxious, and heartfelt desire to promote the settlement of the question. For his own part, he could sincerely say that he was not an advocate for a system of proselytising, and he might make a similar assertion with regard to those whom he represented. [Mr. HORSMAN: The Church Education Society.] He denied that the Church Education Society was a proselytising institution. Let the right hon. Gentleman point out, if he could, a single instance of a child educated by that Society having been made a proselyte. Its object was, to inculcate upon the pupils who attended its schools the great fundamental truths of Christianity, but not to make them converts to any particular creed. Nor had that society any desire to violate the rights of conscience, or to interfere with parental authority. Since the Government had held out no hope that they would consider the proposition of the right hon. Gentleman the Member for Cambridge University during the recess, he should consider it his duty to vote for the Amendment of the hon. Member for Dublin.

VISCOUNT BERNARD moved the adjournment of the debate.

VISCOUNT PALMERSTON should certainly oppose the adjournment of the debate. The question had been fully discussed, every person had made up his mind upon it, and he thought the House was ready to come to a decision.

MR. I. BUTT said, that if the general feeling of the House was against the adjournment of the debate, his noble Friend would not of course press his Motion. At the same time, he hoped that hon. Members would see the very peculiar position in which those who felt with him were now placed. Up to that moment he had taken little interest in the debate. Perhaps he was wrong, but from the first time he read the notice of the hon. Member for Louth, he could not shut his eyes to the fact that it pledged the House to an unequivocal approval of the existing system of national education in Ireland. To put a different construction upon that Resolution was simply to take the words in a non-natural sense, and if the House should agree to it in its present shape, the country would justly conclude that they had expressed satisfaction with the principles and proceedings of the National Board. He did not wish to disturb the existing system, but the Protestants of Ireland felt that great injustice was done to them, inasmuch as the rules of the Board denied to them the same advantages which were given to every other persuasion. Feeling that he would not act honestly if he assented to a Resolution which he interpreted as expressing unequivocal satisfaction with the proceedings of the National Board, he would have risen earlier in the evening to move the Amendment which had just been submitted by the hon. Member for Dublin if he had not received a most distinct assurance that it would be proposed to the House by a Gentleman of more weight and influence than himself. It was too late now to discuss it as it deserved, and therefore he trusted that the noble Lord at the head of the Government would withdraw his opposition to the adjournment of the debate.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided* :—Ayes 50; Noes 331: Majority 281.

Question again proposed, "That those words be there added."

MR. VANCE, considering that great difference in opinion existed in the interpretation of the words of the Resolution, and that many hon. Members were anxious to state their opinions upon the main question, whether the Holy Scriptures were to be read in the schools of Ireland supported by the State, moved the adjournment of the House.

MR. NEWDEGATE knew that many hon. Members wished to state their opinions upon this question. He, therefore, hoped that the House would consent to an adjournment, or, if not, that the hon. Member for Dublin would take another opportunity of bringing his Motion before the House. He was afraid that by no fault of the hon. Member he would not be doing justice to himself or his subject by taking a division upon it at present.

MR. GROGAN appealed to the noble Lord at the head of the Government to allow the debate to be adjourned, in order that many Gentlemen who felt strongly upon this subject, and had not yet addressed the House, might have an opportunity of expressing their opinions.

MR. GEORGE said, he had seconded the Motion for the adjournment of the debate, because the Resolution of the hon. Member for Louth was so ambiguously framed that he had found it impossible to understand its meaning. And, with regard to the intentions of the Government, he would ask whether any hon. Gentleman was one whit wiser now than he had been at the commencement of the debate with regard to the interpretation which the Government would put upon the Resolution, supposing that it were carried? He would now—although it was after the eleventh hour—ask the noble Lord to state the sense in which they interpreted the Motion?

VISCOUNT PALMERSTON: The adjournment of the House does not seem exactly the proper mode of accomplishing the purpose of those hon. Members who wish the debate to be prolonged, because I apprehend the effect of that adjournment would be that the Motion would be dropped. My hon. Friend says he is not much the wiser for the speeches he has heard. I do not know whether we could any of us hope to be made much wiser by the speeches still held in reserve. Perhaps we are as wise without as we should be with them. But I really hope that the House will come to an immediate decision upon this question. I am asked in what sense Her Majesty's Government understand the Resolution which has been moved to-night. Why, Sir, the sense in which we understand it is, that if the Resolution be passed it would be the opinion of the House, upon which the Government would act, that no change should be made in the regulations and practice now existing in regard to the administration of public grants for the purpose of education in Ireland. And, considering the importance of this matter—considering the deep interest which is felt upon it in Ireland—considering the great mischiefs that would arise from re-opening those religious differences which now seem happily in a great degree brought to a close, I think a unanimous vote of this House upon the Resolution, in conformity with the very honourable suggestion of the right hon. Gentleman the Member for the University of Cambridge, would be a wiser termination of the debate than any at which we could arrive, even after hearing those speeches in order to listen to which we are called upon to adjourn. I should really hope that every hon. Gentleman had made up his mind upon this question. The question is not a new one; I venture to say that there is no man in the House whose opinions would be influenced by any speeches to which he might hereafter listen. All men who knew anything of the subject have reflected upon it deeply and often, and have by this time made up their minds. I therefore call upon the House now, this night, to decide whether the national mixed system of education in Ireland, which has conferred such great benefits, and which, if persevered in, will confer still greater benefits upon the people of Ireland—whether that system is to be continued or be put an end to,—whether religious peace is to be established in Ireland, or religious war declared? That is the important question upon which the

House has to vote, and I think the House is just as competent to come to a decision upon it to-night as it could be to-morrow, or any other night to which the debate might be adjourned.

MR. NAPIER: If the statement of the noble Lord had been made in reply to my right hon. Friend (Mr. Walpole), I certainly should have moved an Amendment, which, as the Government know, I was prepared to move. In consequence of the Government having accepted, as I understood, the interpretation put upon the Resolution by my right hon. Friend, I did not move my Amendment, and I believe that many Gentlemen who would have supported it have now left the House.

MR. LABOUCHERE: I must say a few words after the observation of the right hon. and learned Gentleman. It is true that when I spoke I addressed a much thinner audience than I am now addressing; but I confidently appeal to every hon. Gentleman who heard me to say whether I did not explicitly state that the Government accepted the Resolution of the hon. Member for Louth as a distinct reversal of the vote of the other night. I felt that the Government would be guilty of misconduct if there was any ambiguity in the course they took upon this question. I should attach no value to the Resolution if I thought it could be regarded in Ireland in any other light than as the expression of the determination of Parliament to affirm and maintain the system of national education unaltered and unimpugned in all its main principles, although perhaps improved in some of its details.

MR. DISRAELI: It was, and it is, my intention to vote for the Resolution of the hon. Member for Louth. I wish to maintain the system of national education now existing in Ireland in all its fundamental principles; but I must protest against being bound, when I vote for a Motion, to any particular interpretation that may be put upon it by any gentleman or body of gentlemen in the House. I am master of the meaning that I place upon any Motion for which I may vote, and this is the intrepretation I attach to the present Motion—By voting for it I shall signify my wish to support in its fundamental principles the system of national education that at present exists in Ireland; but it will be perfectly open to me to support any modification in that system consistent with those fundamental principles. If I had supposed that, by voting for the Address moved the other night by my right hon. Friend, I had voted for any object inconsistent with the policy I have indicated, I should not have supported it. I do not wish now to enter into any discussion on the subject, but as the Secretary for the Colonies seemed to suppose that the interpretation put upon the Resolution by himself and his colleagues would bind every gentleman who might vote for it, I felt it my duty to guard against that inference, and to vindicate the feelings and sentiments by which my vote will be guided.

MR. I. BUTT said, that the right hon. Member for the University of Cambridge had shown by his speech that he accepted the Resolution in a directly contrary meaning to that avowed by the Government. He had been a little puzzled all the evening perfectly to understand what was the real point in dispute. It was all very well to talk about "fundamental principles," but the essential difference between two parties in the House was, that those who thought with him believed that by giving aid to schools in which all the children were required to read the Scriptures the fundamental principles of the national system were not departed from; whereas hon. Members on the other side believed that the fundamental principles were departed from by such a practice. Well, that issue was not to be settled by any abstract Resolution about "fundamental principles," but it was distinctly raised by the Amendment of the hon. Member for Dublin. The hon. Member for Warwickshire had stated that several of his friends had left the House, expecting no division, and, therefore, he was entitled to say that if a division should now be pressed, the House would be taken by surprise, and the decision would go to the country without weight.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 39; Noes 328: Majority 289.

Question put, "That those words be there added."

The House *divided*: Ayes 95; Noes 279: Majority 184.

### *List of the* AYES.

Alexander, J.
Archdall, Capt. M.
Baldock, E. H.
Bennet, P.
Bernard, Visct.
Blackburn, P.
Bond, J. W. M.
Bramley-Moore, J.
Bruce, Major C.
Buller, Sir J. Y.
Burghley, Lord
Burroughes, H. N.

Burrowes, R.
Cabbell, B. B.
Cairns, H. M.
Campbell, Sir A. I.
Child, S.
Cholmondeley, Lord H.
Clinton, Lord C. P.
Cobbold, J. C.
Cole, hon. H. A.
Coles, H. B.
Compton, H. C.
Davison, R.
Dod, J. W.
Drax, J. S. W. S. E.
Duckworth, Sir J. T. B.
Duncombe, hon. O.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Farnham, E. B.
Fellowes, E.
Forster, Sir G.
Frewen, C. H.
Galway, Visct.
George, J.
Gladstone, Capt.
Gooch, Sir E. S.
Greenall, G.
Guinness, R. S.
Gwyn, H.
Hamilton, G. A.
Hanbury, hon. C. S. B.
Handcock, hon. Capt. H.
Hardy, G.
Hayes, Sir E.
Herbert, Sir T.
Hildyard, R. C.
Hume, W. F.
Jones, D.
Kendall, N.
King, J. K.
Knatchbull, W. F.
Knox, Col.
Langton, W. G.
Langton, H. G.
Leslie, C. P.
Lovaine, Lord
Lowther, hon. Col.
Macartney, G.
Malins, R.
Maxwell, hon. Col.
Michell, W.
Montgomery, Sir G.
Naas, Lord
Napier, rt. hon. J.
Newdegate, C. N.
Pakenham, T. H.
Palmer, R.
Parker, R.
Peel, Gen.
Percy, hon. J. W.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Major
Smijth, Sir W.
Smollett, A.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stewart, Sir M. R. S.
Stuart, Capt.
Taylor, Col.
Trollope, rt. hon. Sir J.
Vance, J.
Vansittart, G. H.
Warner, E.
Warren, S.
Whitmore, H.
Williams, T. P.
Woodd, B. T.
Wyndham, Gen.
Wynn, Lieut. Col.
Wynne, rt. hon. J.

TELLERS.

Butt, I.
Grogan, E.

## *List of the* NOES.

Acton, J.
Adair, Col.
Adderley, C. B.
Agnew, Sir A.
Alcock, T.
Anderson, Sir J.
Annesley, Earl of
Antrobus, E.
Atherton, W.
Baines, rt. hon. M. T.
Baird, J.
Ball, J.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Beamish, F. B.
Beaumont, W. B.
Bell, J.
Berkeley, hon. H. F.
Berkeley, F. W. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, J.
Biggs, W.
Bland, L. H.
Boldero, Col.
Bonham-Carter, J.
Booth, Sir R. G.
Bouverie, rt. hn. E. P.
Bowyer, G.
Brady, J.
Bramston, T. W.
Brand, hon. H.
Brocklehurst, J.
Brotherton, J.
Bruce, Lord E.
Bruce, H. A.
Buckley, Gen.
Burke, Sir T. J.
Butt, G. M.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Caulfield, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Chaplin, W. J.
Cheetham, J.
Chelsea, Visct.
Clifford, H. M.
Cockburn, Sir A. J. E.
Cocks, T. S.
Collier, R. P.
Colvile, C. R.
Corbally, M. E.
Corry, rt. hon. H. L.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Davie, Sir H. R. F.
Davies, D. A. S.
Deasy, R.
Denison, J. E.
Dering, Sir E.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Dundas, F.
Dungarvan, Visct.
Dunne, M.
Egerton, E. C.
Ellice, E.
Emlyn, Visct.
Esmonde, J.
Euston, Earl of
Ewart, W.
Ewart, J. C.
Fagan, W.
Feilden, M. J.
Fenwick, H.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
FitzGerald, Sir J.
FitzGerald, J. D.
FitzRoy, rt. hon. H.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. G. W.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
French, Col.
Gallwey, Sir W. P.
Gaskell, J. M.
Gifford, Earl of
Goddard, A. L.
Goderich, Visct.
Gordon, hon. A.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Gurney, J. H.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, Lord C.
Hankey, T.
Hanmer, Sir J.
Hastie, Alex.
Hastie, Arch.
Headlam, T. E.
Heard, J. I.
Heneage, G. H. W.
Heneage, G. F.
Herbert, H. A.
Hervey, Lord A.
Heywood, J.
Higgins, Col. O.
Hindley, C.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hughes, W. B.
Hughes, H. G.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Ingram, H.
Jackson, W.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Admiral
Keating, R.
Kennedy, T.
Kershaw, J.
Kingscote, R. N. F.
Kirk, W.
Labouchere, rt. hon. H.
Lewis, rt. hn. Sir G. C.
Lindsay, W. S.
Littleton, hn. E. R.
Locke, J.
Lowe, rt. hon. R.
Luce, T.
MacEvoy, E.
M'Cann, J.
MacGregor, John
Magan, W. H.
Maguire, J. F.
Mangles, R. D.
Marjoribanks, D.
Marshall, W.
Martin, P. W.
Massey, W. N.
Matheson, Sir J.
Meagher, T.
Milligan, R.
Mills, T.
Milner, Sir W. M. E.
Milnes, R. M.
Milton, Visct.
Moffatt, G.
Monck, Visct.
Montsell, rt. hon. W.
Montgomery, H. L.
Morgan, O.
Morris, D.
Mowatt, F.
Mowbray, J. R.
Murrough, J. P.
Napier, Sir C.
Noel, hon. G. J.
Norreys, Sir D. J.
North, F.
O'Brien, P.
O'Brien, Sir T.
O'Brien, J.
O'Connell, Capt. D.
O'Connell, Capt. J.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Paget, Lord A.
Pakington, rt. hn. Sir J

Palmerston, Visct.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Phillimore, J. G.
Pigott, F.
Pilkington, J.
Pinney, Col.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Portal, M.
Portman, hon. W. H. B.
Powlett, Lord W.
Price, Sir R.
Price, W. P.
Pritchard, J.
Ramsden, Sir J. W.
Repton, G. W. J.
Ricardo, O.
Ricardo, S.
Rice, E. R.
Richardson, J. J.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Russell, F. C. H.
Russell, F. W.
Rust, J.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Seymour, H. D.
Shee, W.
Shelburne, Earl of
Shelly, Sir J. V.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smyth, Col.
Somerset, Col.
Somerville, rt. hn. Sir W.
Stanley, Lord
Stanley, hon. W. O.
Steel, J.
Stracey, Sir H. J.
Strickland, Sir G.
Strutt, rt. hon. E.
Sutton, J. H. M.
Swift, R.
Talbot, C. R. M.
Tancred, H. W.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tomline, G.
Traill, G.
Vane, Lord H.
Verner, Sir W.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walmsley, Sir J.
Walter, J.
Watkins, Col. L.
Wells, W.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M'G.
Williams, W.
Wilson, J.
Wood, rt. hon. Sir C.
Wortley, rt. hn. J. S.
Wrightson, W. B.
Wyndham, W.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

Main Question put, and *agreed to*.

*Resolved*—"That this House has observed with satisfaction the progress made in the instruction of the poorer classes of Her Majesty's Irish Subjects, under the direction of the Commissioners of National Education; and is of opinion that, in the administration of that system, or in any modification of its rules, there should be maintained a strict and undeviating adherence to its fundamental principles, securing parental authority and the rights of conscience to pupils of all denominations, by excluding all compulsory religious teaching, this House being convinced that no plan for the Education of the Irish Poor, however wisely and unexceptionably contrived in other respects, can be carried into effectual operation, unless it be explicitly avowed and clearly understood, as its leading principle, that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or denomination of Christians."

### SARDINIAN LOAN BILL—QUESTION.

Order for Committee read.

House in Committee.

MR. BOWYER wished to know whether before the termination of the Session the Government meant to give a clear announcement to the country and to Europe of the policy it intended to pursue with regard to the affairs of Italy? He was induced to ask the question in consequence of the ambiguity of the language and the conduct which the Government had employed in respect to the affairs of that country.

VISCOUNT PALMERSTON said, the objects of the Bill had been explained when it was originally proposed, and, at the same time, the views of the Government in respect of it had been stated. The Bill was the completion of the loan, and it was not for the purposes of revolution. It was simply to enable the Sardinian Government to defray a part, and only a part, of the expenses which it had incurred by the auxiliary force it had sent to co-operate with the English and French armies in the East. As to the policy of Her Majesty's Government in respect to Sardinia, that policy could be explained in a few words. It was anxious to support the Sardinian Government in that enlightened and liberal course which it had so honourably pursued; and if that which was not the case at present should occur—if the Sardinian Government should be animated by schemes of aggression, the British Government would use all the influence it possessed to dissuade it from such a course. Such interference was quite unnecessary as long as the Sardinian Government was animated, as at present, by moderation, wisdom, and enlightenment.

The Bill then passed through Committee.

House resumed.

The House adjourned at Two o'clock.

* * *

## HOUSE OF LORDS,

### *Tuesday, June* 24, 1856.

MINUTES.] PUBLIC BILLS.—1ª Sardinian Loan; Seamen's Savings Banks.

2ª Sleeping Statutes; Oath of Abjuration Amendment.

3ª West India Loans.

### JOINT-STOCK COMPANIES BILL.

House in Committee (according to Order) (on Re-commitment).

LORD CAMPBELL said, he did not mean to offer any Amendment on this Bill, although, as to the Limited Liability Bill, he confessed he had his misgivings as to the adoption of that principle. He did not, however, agree in all the objections urged against the measure by his noble Friend behind him (Lord Overstone); nor was he, on the other hand, so sanguine as to suppose that this measure would give rise to a new California. He was disposed to think that the anticipations of those who supported the Bill would be disappointed. He hoped that not serious mischief would arise from it, but he certainly did not expect any considerable benefit from it.

Lord OVERSTONE repeated his leading objections to these measures of the Government, but was almost inaudible. He said, that he thought the Government had incurred a serious responsibility in thus disturbing the relations that had hitherto existed between debtor and creditor; and, commenting on the exception of banking and insurance companies from the operation of the Bill, asked the noble Lord the President of the Board of Trade how he understood this Bill proposed to deal with companies associated together for these purposes? The Government, by this measure, were about to draw what he believed to be an unjust distinction between banking and the general commercial transactions of the country. He was desirous of knowing what class of companies was to be endowed with the privileges of limited liability, and what class of companies was to be exempted from the advantages of the new system?

Lord STANLEY of ALDERLEY said, he was prepared to admit that the exemption of banking and assurance companies was somewhat opposed to the principle of the Bill. But those companies were excepted from the Joint-stock Companies' Act; and, although this Bill proposed to amend that Act, it was not proposed to make any alteration in this particular. He thought that there were many reasons why banking companies should be excepted, for they were subject to peculiar regulations. Up to this moment no difficulty had been experienced by the absence of a definition as to what constituted a banking company, and he saw no reason to apprehend why greater difficulty should now be experienced in courts of law in making this definition.

Lord MONTEAGLE said, the real question was this, whether there was any practical difference introduced in the relative position of banking companies in the present Bill from the previous state of the law? If there were such difference, it furnished an additional motive for caution on this subject. At the present moment there was an advertisement in the public papers, setting forth the operations of a future company with the view of claiming the advantages of the law of limited liability, and to all intents and purposes those were banking operations.

The LORD CHANCELLOR said, any objection of the kind came inappropriately from the noble Lord, because he had succeeded, in the present Session, in carrying a Bill legalising the practice of crossed cheques. It was very well known that the law, as it at present stood, would not permit more than six persons to establish a banking concern, except they were incorporated. As to the definition of a banking company, there was always a difficulty in making definitions when you came to the extreme line; and if they were to wait for a clear definition before they legislated, they would soon come to a dead lock.

The Duke of ARGYLL, referring to an observation of Lord Overstone, on his (the Duke of Argyll's) speech on a previous discussion of this Bill, denied that the arguments he had then advanced had been brought forward in a spirit of levity. Those arguments were, he contended, strictly logical, and he was ready to repeat them. The noble Lord had frequently admitted that there was no reason whatever why an individual should not bargain as to the degree of liability which he would incur in any matter of business; and the whole question now was, whether you should enable persons to make that bargain more easily than they did before. On the other hand, however, the noble Lord declared that persons should be liable "to the utmost extent" for all their liabilities. Now, he (the Duke of Argyll) admitted that persons must be responsible to the extent to which they bargained to be responsible; but beyond that he did not think the Government had any right to bind them.

On Clause 18,

Lord OVERSTONE (who was almost inaudible) again protested against the course adopted by the Government; and urged that it was not right that the Legislature should refuse to impose any safeguards upon Joint-stock Companies, but leave every man to the exercise of his own discretion. The noble Lord having read Lord Ashburton's description of the panic of 1825, contended that similar results might be anticipated if the House persisted in sanctioning this measure; and warned their Lordships that when the crisis arrived —as it might do even in a more exaggerated form than then—it was not the imprudent, the rash, and the foolish only who would suffer; but that the innocent, and even the careful would be necessarily drawn into a vortex from which they could not escape.

Lord STANLEY of ALDERLEY said, that the account which the noble Lord had read of the occurrences of 1825 was truly descriptive of the evils of excessive speculation; but he begged to remind their Lordships that all those evils existed under the present law; and it proved that the paternal system of legislation which the noble Lord recommended was not the wisest that could be adopted; but that, instead of treating the whole public as children who could not take care of themselves, it was better to leave these matters to the judgment of the public, who would then act like grown-up, sensible men, and would not be deluded by the false security supposed to be imposed by a number of fallacious restrictions which did no good, but, as he believed, encouraged and created the frauds which they were supposed to prevent. The principle of limited liability was no new one; it had been conceded already by three successive Parliaments, and he called upon their Lordships now to make the proposed attempt, and not to be deterred by descriptions of results which had accrued from rash and desperate speculation.

Clause *agreed to.*

Amendments made; the Report thereof to be received on *Thursday* next.

## FACTORIES BILL.

House in Committee (according to Order).

On Clause 4,

The Earl of SHAFTESBURY, remarking that the words of the clause were doubtful, asked whether it was intended to continue to males above eighteen years of age the same protection which they enjoyed under the existing Act? The present clause appeared to limit the protection to females and young children. Now, he (the Earl of Shaftesbury) thought that no class was more exposed to injury from mill-gearing than this class of half grown-up lads. He thought that the vague and indefinite manner in which horizontal machinery was mentioned would lead to confusion and dispute. It would be far better to introduce words to the effect that all such machinery should be not less than seven feet from the floor.

The Earl of DERBY observed, that the Bill did not touch machinery at all. Its sole object was to place mill-gearing on the same footing as machinery. In many of the older factories a large portion of the horizontal machinery was at a less height than seven feet from the floor, and yet it was perfectly secure. He did not think, therefore, that there was any necessity for enacting that such machinery should in all cases be seven feet from the floor; and he might remind their Lordships that the words in the Bill relating to horizontal shafting were introduced after mature deliberation, and with the sanction and approval of the Home Secretary. The Bill would not deprive male adults of any real protection which they enjoyed under the present Act. The effect of the Bill as a whole was, that it relieved the manufacturer from fencing that portion of his gearing which young persons were not liable to approach, and which the inspector had not declared to be dangerous; while, on the other hand, it extended to mill-gearing the penalties for non-compliance with the Act which now applied to machinery only. It also gave to workmen the liberty of bringing an action for any accident caused by the gearing or machinery, and it provided that penalties might be inflicted for non-compliance with the Act, whether an accident occurred or not. The terms of the clause had been arranged between the manufacturers and the Secretary of State; and therefore it would not be altered by their Lordships.

Bill *reported,* without Amendment, and Bill to be read 3$^a$ on *Friday* next.

## POLICE (COUNTIES AND BOROUGHS) BILL.

Amendments *reported* (according to Order).

Further Amendments made.

The Earl of POWIS moved the insertion of a clause giving to the magistrates increased powers with respect to the appointment and suspension of police constables.

Lord WROTTESLEY expressed himself in favour of such a clause.

Lord PANMURE opposed the Motion, and said, that the Government could have no objection whatever to a committee of the magistracy meeting to inquire into and report upon the finance and other matters relative to the police force of counties and boroughs, and transmitting the result of their labours to the Secretary of State. But he thought it would be a course attended with great inconvenience if the magistrates were permitted to exercise constant control and superisvion over the force.

After a few words from Lord BERNERS, Amendment *negatived.*

Bill to be read 3ª on Friday next.

### SLEEPING STATUTES BILL.

Order of the Day for the Second Reading read.

EARL FORTESCUE, in moving the second reading of this Bill, observed that the statutes with which it proposed to deal were 120 in number, extending over a period of about 500 years—from 13 *Edw.* I. to the 17 *Geo.* III. A cursory view of the titles of those statutes would, he was sure, satisfy their Lordships that they ought not at this time to form part of the law of England. Those statutes had been condemned by the Statute Law Commission, and this Bill had, he believed, passed the other House without a word of dissent from any quarter. There was this danger attending these obsolete laws, that, although they might be permitted for a long time to slumber, they could at any period be called into pernicious activity. On these grounds he begged to move the second reading of the Bill.

*Moved*—That the Bill be now read 2ª.

LORD CAMPBELL gave his hearty concurrence to the measure, observing that while the common law held a statute, no matter how old or disused, to be in use unless repealed by the same power that called it into existence, the civil law held that any law that had fallen into desuetude lost all force and became extinct. This Bill would help to purge the Statute-book from a mass of excrescent legislation, and the noble Lord was entitled to the thanks of the public for introducing it.

THE LORD CHANCELLOR said, that a noble Lord having asked him whether he intended to propose that this Bill should be referred to a Select Committee, he had replied in the negative; and for this reason, that the measure had already undergone the full consideration of the Statute Law Commissioners, in order that it might have been introduced with several other Bills which they had in preparation, and which would, he hoped, be ready to be laid on the table before the end of the Session. The object of the Commissioners had been to discover all those effete enactments which were a disgrace to our Statute-book, with a view to their repeal; but it was necessary to include within the same category not merely entire statutes that were practically obsolete, but all the parts of statutes of the same character. This task was, however, found to be so great that it was deemed better not to delay the introduction of the present measure until it had been completely achieved. Such a postponement would have made this a "sleeping Bill;" and it had, therefore, been thought inexpedient. The measure had his entire concurrence; and, under the circumstances which he had described, he believed that to send it to a Select Committee would be a sheer waste of valuable time.

THE MARQUESS OF SALISBURY, while he abstained from opposing the Bill after the explanation just given, was understood to protest against the passing of laws of the highest importance without the House being furnished with the documents and evidence on which they were based.

LORD MONTEAGLE supported the measure; adding, that he hoped the Irish statutes, in similar cases, would undergo a similar deletion.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Friday* next.

### THE OATH OF ABJURATION AMENDMENT BILL.

Order of the Day for Second Reading read.

THE EARL OF DERBY, in moving the second reading of this Bill said, that at that hour, and in that state of the House, he would not enter into any detailed statement. He did not, indeed, expect any opposition to the object he had in view; for, although the object which it was designed to effect would have been attained by a measure which was under consideration on the preceding evening, their Lordships had rejected that measure because it contained another proposal of which they had repeatedly expressed their disapproval. The present Bill, strictly limited as it was to the Amendment of the statute imposing the oath of abjuration, was not liable to any such objection, and deserved to be received with favour. Although some time ago he had come across a book in which it was stated that certain descendants of the Pretender were still alive and had been recently visiting their dominions in Scotland, he had no apprehension that those persons would presume to put forward any claim to the Crown of these realms. They were beings who had no other than a visionary existence. It was matter of notoriety that all the legitimate descendants of the Pretender were now defunct; and, this being so, to abjure them was a mockery. The oath being no longer necessary, it was desirable that it should be got rid of as soon as possible, and the more so, as many of their Lordships conscientiously objected to it, on the ground that it was not only superfluous but blasphemous.

*Moved*, That the Bill be now read $2^a$.

Lord CAMPBELL said, he should not object to the second reading of the Bill, and offered his assistance to the noble Lord in making certain alterations necessary to its perfection. There could be no doubt that for a long time this oath had been a disgrace to the Statute-book, and he had been a painful sufferer in having to administer it, and even Judges had been affected by it. The Act required that the oath should be repeated aloud; and in the appointment last year of an eminent Judge to the bench (Mr. Justice Willes), on his being sworn in, when he came to the words in the abjuration oath requiring his abjuration of the descendants of the Pretender, that learned personage stopped short, and on his admonishing him, as in duty bound, he replied that he was abjuring the descendants of the Pretender in his heart; but the learned Judge was obliged to repeat the words audibly, or he would not have properly taken the oath, and would not legally have been able to exercise the functions of a Judge. He (Lord Campbell) desired to see this oath abolished, believing no oath was necessary beyond the oath of allegiance; but the Bill of the noble Earl in its present state was so botched an affair as had never before been sent down by that to the other House of Parliament. The noble and learned Lord criticised the construction of the Bill, and said it would be far better to enact the oath in the precise form in which it was to be taken, than to enact that certain words should be added to, and certain words omitted from the existing oath. Unless that was done, much inconvenience might arise on administering it. The House of Commons would be more inclined to entertain the question in that form than in the form prescribed in the Bill.

The Marquess of CLANRICARDE thought that, considering the circumstances of the moment at which this Bill was introduced, and the result of the debate of the previous evening, it would place that House in most offensive antagonism with the other House of Parliament. Unless the measure were materially altered in Committee, he should at some future stage move its rejection.

The Earl of WICKLOW opposed the Bill; but, he said, on different grounds from those taken by the two noble Lords who had just spoken.

The Earl of DERBY said, that he had been induced to put his Bill in its present shape, by a desire to avoid a conflict with the other House of Parliament. Had he adopted the course recommended by the noble and learned Lord (Lord Campbell) the words "on the true faith of a Christian" would, in all probability, not have been re-enacted by the House of Commons, and the Bill would have been lost. The course which he had taken would effect the abrogation of an unnecessary and, therefore, improper oath without calling attention to those special words with which their Lordships were not disposed to part; and he hoped that the House of Commons would not seek an unnecessary conflict, by rejecting a Bill which effected an object which all desired, because it did not make other changes upon which there was a difference of opinion between the two Houses of Parliament.

Motion *agreed to;* Bill read $2^a$, accordingly, and *committed* to a Committee of the whole House on *Friday* next.

House adjourned to Thursday next.

---

# HOUSE OF COMMONS,

*Tuesday, June* 24, 1856.

Minutes.] Public Bills.—3° Nawab of Surat Treaty; Sardinian Loan.

## NAWAB OF SURAT TREATY BILL.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read the third time."

Sir FITZROY KELLY, in moving the third reading of the Bill, said, that after the unanswerable speech of the right hon. Gentleman the Member for Oxford (Mr. Cardwell), in the debate on Wednesday last, no doubt could be entertained that the East India Company had bound themselves to pay an annuity to the Nawab of Surat and his heirs. The merits of the Bill were now fully before the House, and he thought no one could doubt that the Company were bound to pay the annuity to the heirs general of the Nawab, and that the present claimants were entitled to receive it. He had reason, after communicating with the right hon. Gentleman at the head of the Board of Control (Mr. V. Smith) to believe that the East India Company were now the only parties who opposed the rights of the heirs of the Nawab, and the passing of the present Bill.

Sir JAMES HOGG said, he rose to move that the Bill should be read a third time that day three months. He could only say that if the Government had come to the conclusion which the hon. and learned Gentleman, the Member for East Suffolk, had intimated, they ought to be ashamed of themselves, for every Government for the last ten years had insisted upon a totally different view. Lord Ellenborough, Lord Hardinge, Lord Ripon, Lord Broughton, and the right hon. Baronet the present First Lord of the Admiralty (Sir C. Wood), had all held that this claim had no foundation, either in law or equity; and that if the claim was now conceded the effect would be to withhold the provision now made to those members of the late Nawab's family, whose rights as heirs general had been judicially declared. He had on previous occasions contended, and was prepared to contend again, that under the treaty these parties had no right to the Nawabship, and that it was never contemplated that they should have a right. His right hon. Friend (Mr. Cardwell) spoke of a compromise. He would tell the House what that compromise was, which, in his opinion, was—not to use a harsher term—most discreditable. It had been proposed that there should be given to the present claimant and the heirs general £15,000 a year for ever. The proposal of the Government was, that the present claimant should receive the £15,000 a year for his life, but that none of the collateral heirs were to participate in that arrangement. Both the Courts of Justice and the Legislature of India had declared that those collateral heirs were entitled, by the Mahomedan law, to the whole that had been assigned to them. He would ask the House what they would say if the East India Company, or if Her Majesty's Government, were to consent to rob those collateral heirs of their property? And yet the main point of the measure now before the House was to entirely ignore the rights of those collateral heirs. He knew that the House of Commons, like an individual, was apt to be acted upon by impulse, but if only time were given he knew that it always came right. The statement of his right hon. Friend the Chairman of the Committee (Mr. Cardwell), the other evening, had its influence; and he was aware of the disadvantage of contending against the Report of that Committee. But there was no oral evidence before the Committee; there was nothing but written evidence, so that every hon. Member having those documents before him was as competent to form an opinion as to the meaning of the treaty as the five gentlemen of that Committee. The Committee were, no doubt, placed in a difficult position, by finding that they had referred to them a case which involved considerations of public interest. But the course they ought to have taken was to report those difficulties, and have left the matter to the House. They, however, very unfortunately, as he thought, proceeded to discuss and decide the case. They had given an opinion with respect to the construction of the treaty of 1800, which the Government of India had not asked them to do. It was assuredly going beyond the constitution to call upon the House of Commons to construe treaties. Upon the Report of that Committee, however, the present Bill came before the House. The House had been told that terms of compromise had been placed before the Court of Directors; but the Court of Directors would have nothing to do with it, because it was grossly unjust to absent parties. It was true he had given his support to the second reading of the Bill, for which he was now very sorry; but he had been coerced into doing so by the Government expressing a wish to support the second reading in order that the matter might be afterwards in some other form arranged. He had been deceived, and he never would depend again upon anything so slippery as the support of Government. Lord Wellesley had been accused of being guilty of fraud and force in obtaining possession of Surat. The papers relating to that transaction were laid before the House of Commons in 1806, on the motion of Mr. Paul, who was the man who arraigned Lord Wellesley, and if the conduct of Lord Wellesley could then have been successfully assailed for the part he had taken with regard to the treaty of 1800, Mr. Paul would have been most ready, if he could, to convict Lord Wellesley. No proceedings, however, were taken in that House against Lord Wellesley in 1806, when the transaction was recent; and surely it was not for men fifty years after to come forward and assail that nobleman. Then, with respect to the treaty itself—between whom was that treaty made? It was a treaty between the East India Company and the Nawab of Surat—between two political powers for political purposes; and no one could contend that the word "heirs" in such a treaty referred to collateral heirs, and not to the persons who should succeed to the throne. Where there was a treaty between two Sovereign Powers in which the word "heirs" occurred, it must be construed to be a treaty between those who succeeded to the sovereign authority:—the word could never be construed to mean collateral heirs. What he contended for was, that this was a treaty between two political Powers, in which the one Power agreed to give £15,000 a year to the other Power to support and maintain him in his title and dignity; the person, therefore, who took the one must take the other, so dignity and the stipend went together; and when the dignity lapsed the stipend lapsed also, as a matter of course. He felt that he had trespassed upon the House too long; but, said the hon. and learned Gentleman, I think there is my excuse (pointing to the President of the Board of Control, who sat alone on the Treasury Bench)—"the last rose of summer." Every liberality had been shown to the family of the Nawab. Meer Jaffier Ali Khan, who originally received only £1,200 a year, had had that stipend increased by order of the Court of Directors to £2,400 a year; and the aggregate allowance to him and the family of the Nawab was 84,600 rupees a year. In the part he had taken in the debates on the subject, he felt that he had only done his duty, and from a conscientious conviction that the whole of the proceedings of the Governors General of India, of successive Boards of Control, and of the Court of Directors in the matter, had been sound and just.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. VERNON SMITH said, he certainly had not any feeling of shame for the part he had taken in endeavouring to bring this question to a close. It appeared to him that the arrangement he had proposed was one dictated by a desire to do justice to all parties. His hon. Friend had told the House that he had rested upon the slippery support of Government; but the greater part of the embarrassment which he (Mr. V. Smith) had felt had certainly arisen from his having rested upon the slippery support of the Court of Directors. Now his hon. Friend was very much in the habit of assuming that the East India Direction was himself, and that House was in the habit of attending to him as if he spoke on behalf of the whole Court. He (Mr. V. Smith) in his position had no means of communication with the Court of Directors, except by correspondence with the Chairman and Deputy Chairman, and he could state that in every step he had taken those gentlemen completely agreed. When the hon. Member for Honiton (Sir J. Hogg) taunted him with receding from the course taken by preceding Governments, did the hon. Gentleman mean to say that, when these questions were submitted to his judgment, he was not at liberty to form his own opinion upon them? In that case all discussion and deliberation would be futile. But he utterly repudiated the doctrine. The hon. Gentleman had spoken disdainfully of compromises, but the question now under consideration had been from the earliest time nothing but one of compromise by the Indian Government; and as a question of compromise he had seen no reason why it should not still be treated. But, after all, the whole subject lay in a small compass. The only point they had to consider was, whether it ought to be treated as a legal or as a political question. Now, he had always contended that it ought to be treated as a political question; and, therefore, it was that he dissented from the Gentlemen who sat upon the Committee, because they had looked upon the treaty as a legal question only. With regard to the rights of the parties, his opinion was that, although he did not think the Indian Government were legally bound to pay the stipend to the collateral heirs of the Nawab of Surat, yet he thought they ought to deal with his heirs and descendants in a spirit of the utmost liberality, which he certainly did not think they had done on the present occasion; and he in a former debate stated that, as far as he was concerned, he was willing to extend the bounty of the Indian Government to the full amount of £15,000 a year. As to the matter of compromise, he certainly did feel so strongly against the Bill being treated as a Private Bill, that he said, if the Bill could be withdrawn and the thing settled out of doors, it would be by far the better course; and that with the sanction of the Court of Directors that was what he was prepared to do. Having always endeavoured to carry on the Government of India in concurrence with the Court of Directors, he sent to the Chairman of that Court the terms of compromise which he was prepared to adopt; but the Court of Directors objected to the proposition. That proposed compromise was, in his view, nothing but an extension of a previous compromise. If the Court of Directors had been anxious to come to some decision upon the question they would have fairly stated it; but their rejection of his proposal was so complete that he had nothing to do but to consider the case as it stood. The hon. Member for Honiton said, on a former occasion, that the Government ought to settle the matter by sending out a despatch to India. There was no doubt the President of the Board of Control had the power to enjoin the Court of Directors to send out a despatch, but there was one subject which ought to be carefully guarded against, and that was the subject of money. He was not prepared to say that even upon that subject, if the President of the Board of Control was desirous of exercising his power, he could not do so; but he should be very unwilling to attempt to exercise that power unless it was perfectly clear that it was his undoubted right. As to its being the duty of the Government to oppose the Bill, he thought it would be a most hopeless attempt on the part of the Government; neither was he prepared to say, after a large majority of that House had supported it, that the Bill should be stopped and not proceed any further. It would go up to another assembly on whose judgment the hon. Gentleman could perhaps be more inclined to rely than on the judgment of the House of Commons. There the question might be re-argued. Upon the whole matter he could only say, on the part of the Government, that he had acted with the utmost frankness, his only desire being that the parties making this claim should be dealt with in a spirit of the utmost generosity, and he thought that the best course for him to adopt was to leave the matter with the House and suffer the Bill to pass without opposition.

Mr. G. BUTT said, as a Member of the Committee, he fully concurred in the statement made by the right hon. Gentleman the Chairman of that Committee (Mr. Cardwell). Much which the hon. Baronet (Sir J. Hogg) had addressed to the House had nothing whatever to do with the question that was really before the House. What the House had to do was, to consider the construction to be put upon the treaty; and considering the representations made by Governor Duncan, upon the faith of which the treaty was signed; looking at his diary, and at the despatch of Lord Wellesley, it was impossible that any one could doubt, if this were a question between A and B, that the construction which the Committee had put upon the treaty was a correct one. It was idle to talk of the construction being different, because the situation of the parties might be different; the construction must be the same, whatever might be the position of the parties.

Mr. LOWE said, he would offer no opinion on the question that had arisen between Meer Jaffier Ali Khan and the East India Company, but there was another question of great consequence to those concerned in it, and one which involved the reputation of British justice. The case was this—the Nawab died possessed of a considerable amount of personal property, which was taken possession of by the East India Company, and by an Act of the Legislative Council (whether wisely or not it was not his business at that time to argue), the Government of Bombay made a distribution of that estate, and the distribution so made was as final and conclusive, as a decision of the House of Lords would be in this country. The Government of Bombay gave half the property to the present claimant, Meer Jaffier Ali Khan, and distributed the other half among the widow and collateral relatives of the Nawab. The money, however, had not been paid to those parties, and the Committee now, by this Bill, re-opened the question, after those persons had acquired indefeasible rights, to let in Meer Jaffier Ali Khan—represented by able counsel — to appeal, and set up a claim before the Privy Council to the other half. He did not think it would be to the credit of that House if they were to take away the allowance from those poor and unfriended relatives of the Nawab.

The SOLICITOR GENERAL said, that the manner in which the East India Company had carried out the treaty which they had concluded with the late Nawab of

Surat was a violation of all justice; for they had passed a measure which gave to their own servants the absolute right to decide on the extent of their obligations under the treaty, or of the manner in which the provision made under it should be distributed. All that the Bill now before them called upon the House to determine was simply whether the East India Company should fulfil their obligations, and whether there should be an independent tribunal having the power to enforce upon the East India Company the performance of those obligations. If any party had obtained a vested interest under any judgment, his rights would not be disturbed. All that the Bill proposed to do was for providing a means for ascertaining and enforcing the rights of claimants under the treaty with the late Nawab of Surat.

SIR HENRY WILLOUGHBY said, that the argument of the hon. and learned Solicitor General was a denial of legislative powers to the Indian Government. He (Sir H. Willoughby) thought that an agreement would be come to on this claim if the third reading of the Bill were postponed. He was very much opposed to haste in a matter of this kind, which involved very grave consequences. Let them not imagine that this was an isolated case. It was not, and in dealing with it the House should deal with general principles. His belief was, that if the third reading of the Bill were postponed, an agreement on the matter could be come to before the expiration of twenty-four hours.

MR. MANGLES said, that the hon. and learned Gentleman (the Solicitor General) had entirely misinterpreted the Act of the Indian Legislature in stating that it gave the East India Company, by their own servants, the power to decide on their own duties under the treaty. That Act referred alone to the distribution of the private property of the late Nawab, in which the East India Company had no interest. He thought that the right hon. Gentleman (the President of the Board of Control) had gone further than he was authorised by the Court of Directors in proposing the compromise which he had submitted to the House.

Question put—"That the word 'now' stand part of the Question."

The House *divided*:—Ayes 213; Noes 28: Majority 185.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

The House at Four o'clock adjourned till Six.

The House resumed at Six o'clock, when Mr. WILKINSON presented a petition signed by 177 registered and qualified electors of West Kent, complaining of the conduct of Mr. Ogle, the revising barrister, for not allowing costs in cases of frivolous objections, and praying for an alteration of the law.

Notice taken, that forty Members were not present; House counted, and forty Members not being present,

The House was adjourned at ten minutes after Six o'clock.

## HOUSE OF COMMONS,

### *Wednesday, June 25, 1856.*

MINUTES.] PUBLIC BILLS.—1° Exchequer Bills (£4,000,000).
2° Intestates' Personal Estates.

### MAYNOOTH COLLEGE BILL.

Order for Second Reading read.

MR. SPOONER: Sir, I assure the House that I am not going to trespass on their time at any length. I am not going to repeat arguments which I have often used, or to make statements which I have repeatedly made, in order to show why this Bill should pass into law. I am merely about to state its provisions; and then, without entering into the general question, to leave the House to come to a decision on the measure before them. It is first proposed by this Bill to separate all connection whatever between the Government or the nation at large and the College of Maynooth—to leave this institution to its own responsibility and resources—to leave it to its own management; and thus to do away with the great national sin of supporting a College founded on such a principle as that on which the College of Maynooth is founded, and teaching such doctrines as that College teaches. The first provision of the Bill is one to totally break up the incorporation which now exists, and to leave the managers of that College a perfectly independent body. The first clause provides "that so much of that Act as incorporates the trustees of the College be, and the same is hereby repealed." That clause would take away the corporate character of the establishment. Clause 2 states:—

> "Provided always, that the several persons who at the time of the passing of this Act shall

be members of the said corporation shall be and continue trustees of the said College, and shall have all such powers and authorities as to the government of the said College, the supply of vacancies in their number, and the acquiring and holding of lands, and all other the rights, privileges, and immunities which were lawfully possessed and enjoyed by the trustees of the said College at the time of the passing of the said Act, and that all property which may have been acquired by or on behalf of the said College by virtue of the provisions hereby repealed, and all other the property of the said College shall be and the same is hereby vested in and shall continue to remain the property of the said trustees."

It will, Sir, from this clause be seen that I do not propose to meddle with one iota of the property of the College; all I desire to do is, to remove any connection between that establishment and the Government of this country. Well, Sir, the second clause having made the provisions which I have stated to the House, Clause 3 states—

> "Subject to the payment from time to time of such sums as will enable the said trustees, who are hereby empowered to receive and apply the same, to continue the provisions contemplated by the said recited Act to the students actually resident in the said College at the time of the passing of this Act until the expiration of the usual term of residence as students, not exceeding eight years from the time of their entry respectively, and to continue the provision mentioned in such Act towards the salaries of the president and vice-president, officers, and professors of such College until such students' term of residence shall have expired as aforesaid, so much of the said recited Act as is comprised within the fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh sections of the same, with reference to the payments of the salaries of the president, vice-president, officers, and professors, and the expense of commons, attendance, and other necessaries to be supplied for their use, and of provision for the students, and of the expenses of commons, and other necessaries in respect of the students, and for the construction and furnishing of the buildings of the said College, shall be, and the same is hereby repealed, and, except as aforesaid, it shall not be lawful for the Commissioners of Her Majesty's Treasury to pay any further moneys out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or any other public fund, to the trustees of the said College of Maynooth."

It will, Sir, be seen from those clauses that though the object of the Bill is to prevent any more grants, there are certain exceptions in favour of students who have already entered the College. These exceptions I have introduced because I do not think it would be fair that young men who entered the College on the faith of the Act which provided that they should be maintained and educated in that establishment, should be deprived of those privileges so long as their studentship continues. It is for that reason the provision for the payment of money out of the Consolidated Fund, while those young men continue students, has been introduced. The fourth and last clause of the Bill enacts that—

> "The 14th, 15th, 16th, 17th, 18th, and 19th sections of the said Act, which relate to the appointment of visitors, the holding of visitations, the authority of such visitors, the visatatorial power, and the keeping of the minutes of such visitors, shall be and the same are hereby repealed."

That, Sir, is a very short Bill, very simple in its operation, very clear in its object—that object being to separate altogether Maynooth College from both the Government and the nation. I am anxious for this separation, because I conceive that supporting Maynooth College as it is now constituted—supporting a college teaching such doctrines as Maynooth does—is totally inconsistent, in the first place, with the Protestant constitution of this country, and, in the next, with the oath which is required of the Sovereign at the coronation. And, Sir, I will add, that the supporting of such an establishment is, in my opinion, also totally inconsistent with the Word of God. I may be told that I am no judge of that; that I have no right to set up my opinion as to what is consistent with the Word of God. I am quite aware that I have no right to set up my individual opinion dictatorially; but every man in this House has not only a right, but he is bound, in the due discharge of his duty, if he sees anything which he believes to be inconsistent with the Word of God, to use any influence which he may possess, either personally or by reason of the position in which he stands, to endeavour to rectify that which he thinks wrong. But, Sir, it is not my own opinion which I set up in this case. It is the opinion of the Church of which I and very many of the Members of this House are members; and I repeat, that the maintenance of this College by the State is inconsistent with the coronation oath, by which the Sovereign swears to maintain in its fulness and integrity the Protestant Reformed Church: that Protestant Reformed Church declares that the doctrine of the mass is idolatrous and ought to be abhorred by every one; and her Articles teach that such doctrines as are inculcated in Maynooth are blasphemous fables and dangerous deceits. We require of our Sovereign an oath that she will maintain inviolate the principles of that Church which holds, in respect of the doctrines of the Church of Rome, the opinions I have described—opinions held by all true members of the Protestant Church; and therefore I say that it is totally inconsistent, after such an oath, to ask our Sovereign to consent to the payment of this Maynooth grant—a grant paid for the maintenance of a College which maintains that the Protestant Reformed Church is a heresy, and which also teaches those doctrines which the Established Church declares to be idolatrous, blasphemous, and deceitful. I say this is inconsistent; and I cannot in anyway reconcile two such opposite principles. But, then, I am told that if this grant to Maynooth College be taken away, the first blow will be struck at the United Established Church of England and Ireland. Sir, I deny that proposition *in toto*. There is not the slightest analogy between the two positions. The property of the United Church is as much the property of that Church as is the property of any of the nobles and gentry of the land their property. Nay, more, let me say that many of those private properties are held on much shorter titles, and are much more liable to be assailed. I am not at all afraid of seeing the property of the United Church assailed; its title is indefeasible. The noble Lord at the head of the Government laid down the state of her case so explicitly a few nights ago, that I am not at all afraid that he will ever attack that property, which will be assailed only by a few men who desire to overthrow everything but the Romish Church; and we are not in danger of finding many such as they. But, Sir, I am not ashamed to say, frankly and fairly, that if the United Church of England and Ireland cannot stand without the support of that which that Church and the Coronation Oath both declare to be idolatrous, then the sooner she falls the better. But again I repeat that I am not afraid of that. The Established Church of England and Ireland will stand upon her own right; her property is safe; and there is no analogy whatever between the maintenance of those rights and that property, and the taxation of the country for educating the priests of a Church which teaches doctrines such as the Roman Catholic Church avowedly does. Sir, as I before said, it is not my intention to enter into any of those arguments which have so often been used in this House, but I shall confine myself to the statement which I have made in respect of what the Bill proposes to do. I trust that the opponents of the Bill will be as brief as I have been, and that they will not be afraid to allow the House to come to a decision this day on the question. I am perfectly willing to abide by that decision, and I think that this question ought not to be adjourned from day to day. I have been told that this discussion will break the harmony between parties that now exists; a harmony which will exist no longer than we continue to concede all the demands which the Roman Catholics choose to make. But I think that the best way to maintain real harmony is to let the House of Commons speak out and say, are they willing to support this College of Maynooth? Let the country at large know the decision of the House—whether Roman Catholic priests are still to be educated at the expense of the public, or be left, as they ought to be, to their own resources and management. There is no necessity for pecuniary assistance to the Roman Catholics; they are a rich body; they can find money for everything they want. We see them erecting in this country the most magnificent buildings; we see that they spare no expense to give to their places of worship all the allurements that can be provided, not merely to bring together members of their own communion, but also to induce Protestants to attend, and so swell the congregation—not to provide for congregations, but to make congregations. They are every day endeavouring to propagate their faith; they display the greatest energy in seeking for converts; and therefore, on the lowest and simplest ground of necessity, there is no case of want made out on their part. And, Sir, to what other denomination do we give such assistance? If the College of the Roman Catholics is to be endowed, why should we not endow establishments for the Methodists, the Baptists, and the Independents? Why should the Roman Catholic College alone be singled out for support from the public taxation of the country? But, Sir, there is no occasion for me to proceed with arguments of this kind, for the House has already so far assented to my proposition, by a majority, as to put me in a position now to ask for the second reading of this Bill. I shall, however, just say one word in reference to the course taken by the Government with respect to this Bill on a former occasion. I know of no other instance in which, after a Committee of the whole House had come to the determination to direct a Bill on a particular subject to be brought in, two subsequent divisions on the same evening were taken in order to prevent the introduction of that Bill. Such a course of proceeding was, in my opinion, totally inconsistent with the practice of Parliament; and I can only account for it by supposing that it was adopted in the hope that some few stragglers who had not heard the discussion might be induced to come in and vote against the introduction of the Bill. However, Sir, notwithstanding all this, a majority still remained. The vote of that majority enabled me to bring in the Bill; and I now ask the House to give it a second reading. If there be—and perhaps there may be—matters of detail in the Bill requiring amendment, amendment can be made in Committee. I can, however, assure the House that the Bill was drawn by an able lawyer, who framed it to meet the evil of which I complain; to leave the property in the hands of those to whom it belongs, namely, the Roman Catholics; to leave in their hands the management of their own concerns, but to separate those concerns from all connection with the State. Sir, I move that this Bill be now read a second time.

Sir WILLIAM VERNER said, in rising to second the Motion, he would not have thought of trespassing on the time of the House, had it not been for the Amendment of which the hon. and learned Member for Dungarvan (Mr. Maguire) had given notice, and the continued opposition on the part of the Friends of that hon. Member —notwithstanding the three votes on the same night in favour of it—and the immense number of petitions against the continued endowment of Maynooth which had been presented to that and the other House of Parliament from all parts of the United Kingdom. It had been very generally circulated in Ireland that this measure was an attack upon the Irish Roman Catholics. Now, so far as he was concerned, he gave it the most unqualified contradiction, and he was sure that no such intention had ever entered into the mind of his hon. Friend. He (Sir W. Verner) was well acquainted with many Roman Catholics in Ireland, for whom he entertained a sincere personal regard, and he believed that they did not entertain a less favourable opinion of him. But this question had no reference to the Roman Catholics. He considered Maynooth College and the Roman Catholics were quite distinct; and he believed that the College of Maynooth was one of the greatest misfortunes that could be inflicted on them. ["Oh, oh!"] He thought it would have been much better for the Roman Catholics if this institution had never existed. With regard to the Motion now before the House, he did not think there could be any difficulty. He thought the question which the House had to consider was merely, whether the education of students in that establishment was conducted in such a manner as to carry out the intentions of the founders, and to render it deserving of the aid of Parliament. On a former occasion the hon. and learned Member for Dungarvan said—

> "If it could be proved that the teaching of Maynooth attacked our social existence by tampering with oaths, contracts, and allegiance, he would say, 'Down with Maynooth.'"

Now he (Sir W. Verner), though he did not expect to convince the hon. Member, yet he thought he would be able to show that the College of Maynooth had interfered with all three; and in reference to the first referred to by the hon. and learned Member—namely, oaths—it was stated in evidence before a Committee of the House of Lords in 1825 by a late Bishop of his (Mr. Maguire's) own Church, (Dr. Doyle) that—

> "The students at Maynooth were obliged to take the oath of allegiance prescribed to be taken by Roman Catholics."

It was perfectly true, as stated by the right rev. Doctor, that the students of Maynooth were required to take an oath of allegiance. But it was equally clear from that that the impression which Dr. Doyle wished to make on the Committee was, that the oath of allegiance prescribed to be taken by the students at Maynooth was what was universally considered to be the oath of allegiance; but he (Sir W. Verner) could show, from the evidence of other witnesses, who were examined before the same Committee, that the following was the oath required to be taken by every priest on being collated to a parish. It was—

> "I acknowledge that the Holy Catholic and Apostolic Church of Rome is the mother and mistress of all Churches. And I do promise and swear true obedience to the Pope, successor of Blessed Peter, Prince of the Apostles, and Vicar of Jesus Christ; also all the things defined, delivered, and declared by the sacred canons and

> councils, and especially of the Holy Council of Trent; and I condemn, reject, and anathematise all things contrary thereto, and all heresies which the Church has condemned, rejected, and anathematised. This true Catholic faith, without which no man can be saved, which at the present I do voluntarily profess and truly hold, the same will I take care to hold entire and inviolate, by God's help, most constantly even to the last breath of my life; and as much as in me lieth, to be held, taught, and preached by those that are under me, or whose care belongs to me in my office. This I do promise, vow, and swear, so help me God."

This oath was handed into the Committee by Dr. Dixon, a converted priest, and was corroborated by the rev. Doctor Phelum, who had also been a Roman Catholic. The House was told that the abolition of the Maynooth grant would be a breach of contract. He believed that that argument was used by many persons from a conscientious feeling; but, he believed also it was taken up by others merely to justify them in giving their vote for the continuance of the grant to Maynooth. He believed the reasons which had led to the establishment of the Maynooth endowment were not unknown to the House. The Roman Catholic clergy of Ireland had, previous to the establishment of Maynooth, been educated mostly abroad, and it was feared from their foreign education they might have imbibed democratic and revolutionary principles; and in order to meet this objection it was resolved to give an annual grant to the college at Maynooth. That was what was called a contract. He would ask hon. Members what was a contract? A contract, as they must know, was an agreement between two parties, and if either party deviated from the terms of that contract it became void and at an end. Now, he would ask, had he not shown that Maynooth college had not only deviated from her contract with the State, but was absolutely acting in a manner most injurious to the country's interest? Was it to be contended, therefore, that the payment to that College should be continued? He would wish to submit to the House the opinion of a gentleman of high standing and great talent, who had for many years been a Member of that House, and who had held one of the highest offices under the Crown. The title of the book from which he would quote was "The State in its Relations with the Church. By W. E. Gladstone, Esq., Student of Christ Church, and M. P. for Newark;" and Mr. Gladstone's statement was as follows—

> "The support of the College of Maynooth was originally undertaken by the Protestant Parliament of Ireland, in the anticipation that has since proved miserably fallacious, that a more loyal class of priests would be produced by a home education than by a foreign one, and that a gradual mitigation in the features of Irish Romanism would be produced when her ministers were no longer familiarised with its condition in continental countries, where it remains the religion of the state. Instead of which, it has been found that the facility of education at home has opened the priesthood to a lower and less cultivated class, and one more liable to the influence of secondary motives. In amount, this grant is niggardly and unworthy—in principle, it is wholly vicious; and it will be a thorn in the side of these countries so long as it is continued."

If the House concurred in opinion with the right hon. Gentleman, they must arrive at the conclusion that this grant could not be maintained on grounds of "contract." In a former discussion, the hon. and learned Member for Dungarvan denied that the Roman Catholic priests were averse to circulating the Scriptures in Ireland, that, on the contrary, he had it on the authority of a Dublin bookseller or publisher, that he had himself published Bibles and Testaments which had been approved of by the Archbishop of Tuam and the Roman Catholic clergy. [Mr. Maguire: Hear, hear.] Now, the hon. and learned Member had not told the House what was done with Bibles and Testaments when circulated throughout Ireland. He (Sir W. Verner) would state to the House the treatment they received. He would read to the House an extract from a letter which he had received from the clergyman of the parish to which it referred, and which bore date the 10th of February, 1852:—

> "I enclose two accounts of Bible-burning in this parish by the Franciscan monks who reside on one of your hon. Member's property.
>
> "I myself was an eye-witness of their conduct, as two of them came a distance of two miles to burn a New Testament on a small bridge near the Scripture-reader's house.
>
> "On my remonstrating with them, one of them thrust the blazing book into my face, saying, 'It was the devil's book; damnable, devilish, heretical.'
>
> "You will see by the letter I inclose that the priest, the Rev. Peter Ward, ordered this to be done, and also that the ashes of the books should be buried, lest they should pollute the land."

This would prove how much the Holy Scriptures were respected by the Roman Catholic priests; he would now give an instance, from the Students who were educated at Maynooth, after they had left it, of the allegiance inculcated in that

College, and would read from a local paper the report of a *soirée* of the Young Men's Society, held at Limerick in June last. It commenced by giving a list of the visitors, stating—"Amongst others the Revs. H. O'Farrell, Cosgrove, Danac, O'Higgins, M'Donnell, O'Neill, O'Collaghan, Hastings, Doyle, &c." The report then proceeded—

> "The chair was taken by the Rev. G. Butler, of St. Michael's, spiritual director of the society. The chairman said, the toast first on the list was one which, if introduced at all, could hold no other than the first place in an assembly of the children of the Catholic Church; it was a toast which he knew all would receive with fervent enthusiasm and with deep and solemn veneration—it was 'Our Holy Father, Pope Pius IX.'—(Immense cheering and waving of handkerchiefs, again and again renewed.) The next toast in order was 'The Queen.'—(Applause.)"

The House would remark that there were no "waving of handkerchiefs or other demonstrations of applause," after the Queen's health was proposed. The report concluded—"The Rev. Mr. Butler having vacated the chair, dancing commenced, and was continued until six o'clock next morning." He would beg to remind the House that this meeting was held on a Sunday. So much for the teaching of Maynooth. He believed he had shown that he was entitled to the vote of the hon. and learned Member for Dungarvan in favour of the measure, by proving that Maynooth did tamper with "oaths, contracts, and allegiance." Before concluding, he wished to call the attention of the House to a circumstance which had occurred when this question was under discussion last Session. The then Irish Attorney General (now Mr. Justice Keogh) made use of expressions which he thought most extraordinary, coming from a person filling one of the highest law offices under the Crown and a Member of Her Majesty's Government. That hon. and learned Gentleman, addressing the hon. Member who had brought forward the Motion, and those who supported it, asked them if they "are aware of the consequences, should this measure pass, and the effect it would produce on the part of 6,000,000 of the Roman Catholics of Ireland?" Now, he considered this a monstrous statement, coming from an Irish Attorney General, and addressed to Members who were conscientiously discharging their duty in this House, acting in accordance with the instructions of their constituents, and supporting the sentiments expressed in the numerous petitions which had been presented to the House. He trusted that hon. Members would vote in accordance with the merits of the question. It had been clearly shown that while the support of Maynooth was inconsistent in a Protestant State, the institution itself had more than failed in carrying out the intentions of its founders—that it had, in fact, acted in direct opposition to them; and he therefore trusted that the second reading of the hon. Member for North Warwickshire's Bill would be carried by a large majority.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. JAMES MACGREGOR said, he had no difficulty whatever in deciding as to the course which he should take on the present occasion. The House had, after full and repeated discussions upon the subject, resolved, as far back as three months ago, that this Bill should be introduced. All the arguments, whether for or against the measure, had been over and over again submitted to the House, and might therefore be said to be exhausted. But the ground upon which he was prepared to support the second reading of the Bill was the principle, as he understood the words, of "religious and civil liberty." He believed that the teaching at Maynooth was totally and entirely contrary to that principle—that it was as inimical to political as it was to religious liberty; and he trusted the House would affirm that view in the same decided manner as it did on the 15th of April last. The evidence taken before the Royal Commissioners amounted to this—that it was taught at Maynooth that the Sovereign Pontiff of Rome was superior in spiritual if not temporal matters to Her Majesty the Queen of these realms, and that what was inimical to his interests and power was not to be supported against his authority. He understood, then, that the spiritual authority exercised in behalf of the Pontiff of Rome, through his clergy and through the teaching at Maynooth, was subversive of that attachment and loyalty to the Queen which was her due from every Roman Catholic, as well as every Protestant subject of Her Majesty. Now, he believed that if Her Majesty's Roman Catholic subjects were left to the free exercise of their own will and conviction, they would be as loyal, as peaceable, and as much attached to the Throne and the institutions of the country as any other class of people; but under the influence of the teaching at Maynooth, and of that despotic and tyrannical system of priestcraft which had its centre in Rome, it was impossible that free volition could be exercised by those who entertained the sentiments which were propagated at Maynooth. The tactics of the House of Commons were sometimes of a very peculiar character, however; and looking at the thin state of the benches, and remembering recent events, it need not astonish the constituencies of the country even if the decision arrived at by that House on the 15th of April were reversed in this month of June. Still he would fain believe that the principles upon which that decision was pronounced were so thoroughly recognised by a majority in that House, and by a majority of the constituencies of Great Britain, that it would be again affirmed. If they could suppose the matter to be one that was lightly regarded out of doors, then he admitted that it would be well if these discussions were at once put an end to, for in a national point of view he looked upon the amount of money voted to Maynooth as a mere bagatelle. But the fact was, that there was a great principle at stake—the principle of maintaining the right of private judgment—the principle of freedom, even for the Catholics themselves. He would not attempt, for one moment, to argue the question upon religious grounds. He believed that upon those grounds every hon. Member entered the House with a mind as much made up as his own. He would content himself with saying, that in a political sense, and in regard to the maintenance of that liberty which we happily enjoyed in this country, and which it had cost our forefathers so much to achieve, he hoped the House would no longer pledge itself to the maintenance of establishments whose office it was to promulgate doctrines that were alike subversive of the authority of Her Majesty, were incompatible with civil and religious liberty, and destructive of those institutions upon which the prosperity of the country was based. He held that the inestimable blessings of a free press, trial by jury, an independent bar, and even representative institutions themselves, would be jeopardised if the principles upon which Maynooth was founded and supported were to be the order of the day. Years ago, when the question was under consideration, he had hoped that an inquiry would have been made into the management and teaching of Maynooth by a Select Committee of that House. It was certainly true that such a Committee might not be the best tribunal to which to send questions of a religious nature; but it had this advantage—there was a large amount of freedom in its investigations, and there was also the certainty of its arriving at a fair and candid decision. For those reasons, therefore, he should have been the better satisfied if the Report as to Maynooth, which was now lying upon the table, had emanated from a Committee of that House, instead of a Royal Commission. As the inquiry had been conducted, it did not seem to him to have savoured much either of trial by jury or a free press; before the Report of the Commission was submitted to Her Majesty they heard that it had been laid before another Sovereign; and that Sovereign one whose tenure of regal or temporal power seemed to be, in the opinions of Roman Catholics themselves, of the most doubtful and precarious nature, whose authority was so weak in his own territory, where society was in the utmost state of disorder and confusion, that but for the support which he derived from foreign bayonets his reign would speedily be at an end. In conclusion, bearing in mind what had taken place at the last election—what had been the declared opinion of the country upon the subject on that occasion, and that that opinion was not changed by any circumstances which had since occurred, but was even more widely and strongly entertained by the constituencies, he hoped the House would show itself the faithful representative of the public sentiment, and by agreeing to the second reading of the Bill affirm the principle it enunciated on the 15th of April last.

MR. H. HERBERT said, the hon. Member for North Warwickshire (Mr. Spooner) had expressed a wished that the House should come to a decision upon the question at once. He (Mr. Herbert) would be happy to assist the hon. Gentleman in securing that object, and with that view he would beg to move, as an Amendment, that the Bill be read a second time on that day three months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. NAPIER said, he had understood

his hon. Friend (Mr. Spooner) to express the wish that a decision should be arrived at that day, and not that any hon. Member should be precluded from expressing his opinions upon the subject. And he thought that where the State made or refused to make, or withdrew, grants of public money, especially in a case of this kind, it was the solemn duty of the Members of that House to explain the reasons on which their decision was founded. It was still more necessary when the country was so divided to abstain in the course of their discussions from all inflammatory language. Now there were two views in which the college of Maynooth might be regarded, and they were totally distinct. It might either be treated as an educational establishment, or as a religious endowment. But with respect to the latter, he had never understood that the grant was professed by the State to be supported on that ground. At no period under the constitution of this country—certainly not since the Reformation—had a State endowment of any other than the established religion been known. The *Regium donum* in Ireland was made in the shape of an annual Parliamentary grant, and the grant to Maynooth itself was, as stated in the Statute of 1845, for the better education of those who were to enter the priesthood, and not one word was said with reference to its being in the nature of a religious endowment. Now, the Bill of his hon. Friend (Mr. Spooner) sought to repeal the Statute of 1845, and he put this plainly and fearlessly to the House, that if it appeared upon the inquiry that had been had and the evidence taken, that the purpose and object of that Statute, so far from being carried out, had, in reality, been frustrated and defeated by the grant of public money, then that in itself was ground for the discontinuance of the grant. The object of the Statute was to increase the facilities which had been given under previous Statutes for having a domestic, well-educated Roman Catholic priesthood, and that object was an intelligible one. But if the State gave money for that purpose, it was surely its duty to see that that money was properly applied. It appeared, however, upon the evidence, that the money granted to Maynooth was applied to the support and propagation of Ultramontanism, not for the purpose of giving a good and enlightened education, but a compulsory and an unsound education, from the principles and dangerous doctrines of which the majority of that House and the country differed. He contended then, that they had no right to vote away public money, if such money, professedly given for one object, were devoted to another and a totally different one. Let it be observed that since the passing of the measure of 1845 an entirely new state of things had arisen in Ireland; that for the first time in the history of that country they had now an ecclesiastic appointed as Roman Catholic Primate of Dublin, at the sole will and pleasure of the Pope, and he believed contrary to the wishes of the domestic clergy; that that ecclesiastic was a Legate of the Pope, and that the independence of the clergy was altogether at an end. If, then, the original agreement of Maynooth was to provide a clergy who should be free from foreign influences—who should be a National clergy, with a National episcopate; and if the Statute of 1845 gave power to extend, not alter, that object, he asked, were they acting fairly by the trust reposed in them, and carrying out the object contemplated by the Legislature which founded the College of Maynooth, if they allowed the grant to be applied by a Legate of the Pope himself to the education of 500 free students in the doctrines of Ultramontanism? It was stated the other night that there were at the present moment upwards of 3,000 National schools in Ireland presided over by Roman Catholic priests. Well, those priests were nominated to Maynooth by the Legate of the Pope, the Ultramontane Archbishop of Dublin, and of course were educated in Ultramontane doctrines. They were then taken and placed over those schools, with power to enforce the Papal edicts upon the consciences of the people. Much was said, in the course of the recent debate, about the necessity of preserving parental authority and the rights of conscience, and strong denunciations were hurled against systems of compulsory instruction. On that occasion they refused to give one farthing of public money to those who asked it for the purpose of putting forward in its pure simplicity the truth of God's Word, because theirs was a compulsory education; yet they continued an Act of Parliament which placed £30,000 a year at the disposal of the Pope's Legate, and those other Archbishops and Bishops who had sworn upon the Holy Gospels administered by the Pope's Legate that they would execute the canons and decrees of the Council of Trent amongst all their co-religionists in

Ireland. He had stated that Ultramontane doctrines were taught at Maynooth; and that was a vital question as to which the evidence, though short, was to his mind most decisive. In the year 1826 a Commission was appointed, not so much to inquire specifically into the College of Maynooth as into the educational establishments of Ireland. Certain Professors of Maynooth were examined before that Commission, and they gave a list of the works which were then used as class-books in the institution, and as standard works that represented their opinions. Amongst those works, it was stated by Professor Furlong that "the treatises prepared by Dr. Delahogue and those written by Bailly were the class-books on dogmatic and moral theology." But although thirty years ago it was stated that those works contained their standard opinions, it now appeared, according to the evidence of the Professors examined before the late Commission, that there were no books to which they could refer as containing their standard opinions; and in answer to the question,

> "In what way would any person form an opinion; to what would you refer him as indicating the opinions at Maynooth, or the course of teaching at Maynooth upon discussed points?"

Dr. Crolly, one of the professors, said,—

> "I could not refer the Commissioners to any book; and I have already stated that in my written answer. . . . . I do not know any course of theology that would indicate exactly the opinions taught in Maynooth."

Now, it was a remarkable fact that, subsequently to that inquiry in 1826, *Bailly's Theology* was put in the *Index Librorum Prohibitorum* by the authorities at Rome, and that the moment it was put there the trustees of Maynooth expunged it from their course, and discontinued its use in the college; and the reason for that proceeding, it would seem, was, that the book contained opinions which were considered as having a Gallican tendency. But the *Moral Theology* of Scavini had been substituted for that of Bailly; and according to the evidence of Dr. Renehan, the President of Maynooth, it was at the suggestion of the professors themselves that Scavini's book had been introduced. The Report of the Committee stated that the professors "were requested by the trustees to suggest what book could be substituted for Bailly, and that they did suggest the *Theologia Moralis* of Dr. Scavini." Various reasons were given by the professors why Scavini's book had been substituted for Bailly's; but he (Mr. Napier) believed that the true reason was that the former took the Ultramontane, whilst the latter took the Gallican side; and it was well known that in the Roman Catholic Church the divines who took those opposite sides were as different from one another as Arminian and Calvinist. Well, he asked the House, seeing that the position of the Roman Catholic episcopate in Ireland and the course of teaching at Maynooth had been so completely changed of late years, no longer to continue a grant which had ceased to be applied to the object for which it was originally designed. He said this with great regret, living as he did on cordial terms with so many Roman Catholics. But there was another part of the question which was perhaps even more important than that to which he had referred—he meant with regard to the canon law of Rome. That was a matter of supreme importance, inasmuch as it was through the instrumentality of that law that the consciences of the Roman Catholic laity were coerced. If there were any sincerity in the Resolution the House had come to the other night—if they really did desire in respect to the education of the Irish people to maintain the rights of conscience, then they were bound to look with peculiar jealousy at this part of the case; but if they gave money to educate a priesthood, and enable that priesthood to put in force the canon law of Rome, and that canon law was brought to bear upon the consciences of the people, it was a mockery, and nothing less than a mockery, to talk to him about the rights of conscience and authority of the parent. There was a remarkable fact with respect to the canon law which came out in the course of the inquiry of 1826, and again before the Royal Commissioners on a recent occasion. On the 29th of September, 1854, Professor O'Hanlon, the prefect of the Dunboyne establishment, stated in evidence in writing, "The books from which I collect matter for my lectures in canon law are (in addition to *Cabbasutius*, the class-book appointed by the trustees) the works of Reiffenstuel, &c." In his oral examination on the 4th October, he also said, "I have omitted to state that *Cabbasutius* is the class-book used by order of the board of trustees." He was then asked, "Do you consider that the class-book indicates the doctrines inculcated?" to which he answered, "Yes; we do not depart from the doctrine of *Cabbasutius* generally. There are some matters, however, with regard to which we do not exactly adopt his views." But on the 10th of January following, another professor (Neville) was examined; and what did he say? He was asked, "Is not *Cabbasutius* the text-book on canon law in the College of Maynooth?" "No," said he, "not at present; the text-book is *Devoti.*" He was then asked, "How long has that *Devoti* been the class-book?" and he answered, "I think it must have been for the last twenty years." "But *Cabbasutius* is a class-book, is it not?" he was again asked, and his answer was, "It was formerly; but it has been found not to be sufficiently full, and *Devoti* has been substituted for it." Now, it was a very remarkable fact, that in 1826 Dr. Murray, the then Archbishop of Dublin, was asked this question as to *Cabbasutius*, "What book was used before *Cabbasutius* as a book on canon law?" His answer was, "I believe that *Cabbasutius* was the first which was authorised by the Board as a book on canon law." He is then asked, "Do you recollect any other books brought over by Dr. Troy, at any time?" to which he replied, "Yes." "Why were they not used?" "Because they were supposed to inculcate opinions too strong with regard to the interference of spiritual authority in temporal matters." "And for that reason they were not used in the college?" "Yes, for that reason they were not used." "What was the name?" "*Devoti.*" "And *Cabbasutius* was introduced in lieu of it?" "I cannot say it was introduced in lieu of it, because there was no book of that description authorised till *Cabbasutius* was adopted." Here, then, they had *Scavini* introduced in the place of *Bailly*, and *Devoti* in the place of *Cabbasutius.* In other words, Ultramontanism had been introduced, or teaching which "inculcated opinions too strong with regard to the interference of spiritual authority in temporal matters." Now, if the House were in earnest in treating the College of Maynooth simply as an educational institution, they might effect the object by annual grant as well as by endowment, and if the education given there were such as they all agreed in, there was no reason why it should not be an annual grant. They might then take care that the money was fairly and properly applied, and not handed over to those who were appointed by the Pope, and who felt it to be their duty to apply it in a manner that the majority

of that House could not reconcile to their consciences. He must also be allowed to say, that in these matters the State ought to have a conscience as much as any private individual. Let them give as large an amount of liberty as possible; but not forget that, as a State, they were responsible to God for the proper discharge of their duty. Our great poet had well said—

> "There is a mystery in the soul of state,
> Which hath an operation more divine
> Than breath or pain can give expression to."

Well, the House had seen that the public money was applied to support the teaching of Ultramontanism, to pay the Professor of Canon Law for teaching the doctrines of *Devoti*, a book which in the year 1826, previous to Catholic emancipation, had been set aside because it inculcated doctrines that were considered too strong as to the interference of the spirituality in temporal matters; and they were paying that money under an Act of Parliament, which tied up their hands, deprived them of all control over the establishment, and enabled the Church of Rome from the centre of its authority to fetter the conscience, and by the operation of the canon law to introduce a system of compulsion and coercion. They had heard much of the Synod of Thurles, and according to the evidence of the very rev. Dean Meyler before the Commissioners on Maynooth, the Statutes of the Synod of Thurles were "binding on the consciences" of the clergy in Ireland "in all mandatory decrees to observe them; that they were sent to Rome for the approbation of the Pope, and that when they came home with his approbation, of course they were law. He (Mr. Napier) had also been very much struck with a letter written by an intelligent Roman Catholic layman, which appeared in the *Northern Whig*, a Belfast newspaper, at the time the Synod of Thurles was held, and in which the writer said—

> "It is my melancholy duty now to raise my humble voice, as all enlightened Catholics and liberal Protestants should do, in defence of their helpless countrymen, to save them from the persecuting influence of the decrees of the Catholic hierarchy lately in council assembled at Thurles; for I believe that the opinions of the Primate, if not neutralised or nullified by some merciful measure of the Government, must prove ruinous to the Catholics of this country. In truth, my Lord, I consider the proceedings of that synod an indirect persecution against the Catholics of this country."

He (Mr. Napier) had about the same period declared the people, the Roman Catholic laity, were interested in having a domestic clergy, an independent Church, personal freedom of conscience, and individual liberty of conduct; and by that opinion he was prepared to abide. They talked the other day of the Austrian Concordat, and later than that of the rights of conscience, parental authority, and civil and religious liberty; and yet by this grant to the College of Maynooth they crippled the rights of conscience, overrode parental authority, and violated civil and religious liberty. But they had been told that if they touched Maynooth they must prepare for the downfall of the Irish Church, and very recently they had had a debate upon that question, at the close of which nearly all the Roman Catholic Members of the House voted in favour of applying the property of the Church to the construction of piers and lighthouses, and other secular purposes equally desecrative. Now, as to the Established Church in Ireland, all he had to say was, that its title and permanence rested upon entirely different grounds; and with his hon. Friend (Mr. Spooner) he would say that if it could only be upheld by the continuance of a system which in his conscience he believed went to rivet the fetters of bondage upon the Roman Catholic portion of the Irish people, "rather than that should be the case, let it fall." The best title of the Established Church in Ireland was to be found in this fact, that it was a witness for what the State regarded as truth. It had also its traditions, its historical title, and what was known as its "Parliamentary title." But, after all, its real title must consist in its being a faithful witness for the truth; and whenever either it or its sister Church in England ceased to perform the great mission confided to them, he had no wish whatever that it should last one hour longer. In the present instance, however, they were dealing merely with an Act of Parliament, the object of which, he contended, had not been fulfilled. If the endowment of Maynooth were treated as a religious endowment, then he objected to it that it was incompatible with the religion of the State, as well as incompatible with the Act of Union, which recognised the existence of but one endowed Church, whilst, if it were treated as an educational endowment, it had failed altogether in its purpose and object. The view which he had that day expressed with regard to the safety of the Church was one which had been taken not many years ago by His Royal Highness Prince Albert, in an eloquent speech, characterised by all that depth and purity of sentiment and amount of intelligence which gave power to His Royal Highness's opinions—

> "I have no fear," said His Royal Highness, "for her safety and ultimate welfare so long as she holds fast to what our ancestors gained for us at the Reformation—the Gospel, and the unfettered right of its use.

The Church of Ireland was certainly prepared to stand by that principle. Truth and freedom were inseparably united. What, therefore, God had joined together let no man attempt to sunder; and it was because he thought that the money which Parliament had voted was given to perpetuate bondage, to promulgate the doctrines of Ultramontanism, and defeat the very object which was professed by the Act of Parliament endowing Maynooth, that he now felt called upon, though with unfeigned reluctance, to give his vote in support of the Bill of his hon. Friend, whatever the consequences to which it might lead.

Mr. MAGUIRE: Sir, the Catholic Members of this House were challenged by the hon. Member for North Warwickshire (Mr. Spooner) not to stand in the way of a division on his Motion; and that challenge they were ready, and are still willing, to accept. So far am I from declining the issue of a division, that although I had placed a notice of my Amendment on the paper—that the Bill of the hon. Member should be read this day three months—I authorised the hon. Member for Kerry (Mr. Herbert) to move that Amendment, in order to give the promoters of the Bill an opportunity for taking the division at once; but as that offer was not accepted, and as four hon. Members have spoken against Maynooth, and not only against that institution, but against the religious faith and teaching of the Catholic people and clergy of Ireland, I deem it my duty to endeavour to defend that institution, that people, and that priesthood, against some, at least, of the calumnies uttered against all three. I am willing, Sir, to give the hon. Member for Warwickshire credit for the sincerity of his motives; but I contend that he is grossly deceived and misled in reference to everything connected with the Catholic Church in Ireland. In his speech, and in those made on the same side of the House by other hon. Gentlemen, the old calumnies have been revived, and relied upon as the justification of the Motion to read this penal Bill a second time. The hon. Member expresses his desire to wash away from Protestant England the stain of the national sin which she incurs in supporting Maynooth, whose teaching is opposed to the word of God; and he repeats his venerable accusation of "idolatry, blasphemy, and deceit." Other gentlemen have added their contributions to the indictment against Maynooth and the religious faith of the Irish people. Let us see if these accusations be not the mere wanderings of heated imaginations, without a shadow of truth to sustain them. Now, my answer to all these and similar charges is this—that the character and conduct of the Catholic priesthood and people of Ireland are sufficient proof that such charges are futile and absurd, and that the teaching of Maynooth is in accordance, and not in opposition to, the word of God. The present Bill is a penal measure, and is ostensibly based upon the assumption that Maynooth has grievously sinned against morality and social order, and that the Catholic religion has been tried and found wanting. Before such a Bill can pass this House, those allegations, on which its necessity is ostensibly based, must be proved beyond doubt or question. Have they been proved?—rather, have they not been disproved, over and over again? The hon. and gallant Baronet (Sir W. Verner) has recalled certain expressions of mine on a former occasion, from which I do not now shrink. I then said if it were proved that the teaching of Maynooth touched our social existence, by tampering, not merely with the allegiance of the subject to the Sovereign, but with the sanctity of oaths and the sacredness of contracts—if it were proved that such teaching had a tendency to sever those ties and destroy those obligations which bind man to man in the social relations of life—I, as a Catholic, would, from my heart and soul cry, "Down with Maynooth!" Now there are two modes by which the value of the accusations on which the Bill is based may be tested; the first is, to examine into the institution itself, its doctrines, its teachings, and its discipline; and the next to go into a far larger field of inquiry—namely, into the moral character and conduct of the Irish people, who have received their religious teaching from the clergy educated in Maynooth. Will hon. Gentlemen have the goodness to recollect that there has been an inquiry, a recent inquiry, strict and searching, into the teaching of Maynooth; and that the result has been the triumphant vindication of that institution from the foul calumnies so wickedly and wantonly levelled against it. That inquiry, once so strongly insisted upon, is either overlooked or sneered at by hon. Members, who find that the result is not such as suits the object they have in view. Maynooth was asserted to be a hot-bed of sedition, and its doctrines utterly subversive of allegiance to the Sovereign. This is the assertion; but what say the Commissioners, who have narrowly and minutely searched into this allegation, with reference to it?—They say:—"We should, however, be doing injustice to the college if we failed to report, as the general result of the whole evidence before us, that we see no reason to believe that there has been any disloyalty in the teaching of the college, or any disposition to impair the obligation of an unreserved allegiance to your Majesty." It was also asserted that the course of instruction by which the Catholic priest was prepared for the duties of confession, was calculated to deprave his mind, and destroy his moral purity. What do the Commissioners say on this point? They say:—"We are bound to say that we have no reason to believe, from the evidence of any party, that those studies have had practically an injurious effect upon the mind or character of the students." Then as to the character of the students who are to be the priests and teachers of the Catholic people of Ireland—"We have heard no imputation from any quarter against the moral character of the young men; and we have no reason to believe that their general character is other than irreproachable." I now confidently ask the House, are the vague accusations, are the unsupported allegations, are the wild delusions under which the hon. Member for North Warwickshire and some of his really honest supporters are labouring, to be weighed for one moment against the solemn conclusion at which the Commissioners, after full and minute inquiry, have arrived? The right hon. and learned Gentleman, the Member for the University of Dublin (Mr. Napier) wants to judge the College of Maynooth by some isolated passage in one of its text books, and is angry with the Professors because they will not be judged of by such fallible test. I should like to know was there a book ever written from which some passage might not be gleaned that, read by itself, and without the context, might not be quoted against the author? Nay, is there a man in this House against whom some sentence which he had spoken at some time or another, might not be quoted with a mischievous ingenuity, to the detriment of his sense or his judgment? And is a great institution to be condemned, not because it teaches certain doctrines and opinions, but because it uses books which contain passages which its Professors do not teach, and do not agree with? If sufficient time were afforded them, the Professors intended to compile text-books for the use of the College, to which no objection could be taken; but as yet they are compelled to use works which may contain some few passages which can never by any possibility apply to the present times or state of society. As a proof of the perfect freedom with which the Professors deal with the text-books from which they lecture, I refer hon. Members to the evidence given by two of that body upon this important point:—

> Dr. Crolly (page 191)—"The spirit of the teaching in Maynooth cannot be deduced at all from the class-books in use and authorised, except in what concerns Catholic doctrine and defined things. I do not form my opinions from the class-books, because I consider that when I lecture upon a subject, it is my duty to ascertain, not what a man teaches, but what is true and what is false. I lecture according to what I believe, without reference to the peculiar opinions of the class-book in question."
>
> Dr. Russell (page 69)—"The public do not understand the degree of freedom which, in the Schools of Catholic Theology, we enjoy in relation to the works which we employ as our text-books. We do not consider ourselves bound to hold—except in those matters which are of faith or closely connected therewith, the doctrines laid down in a text-book. On the contrary, in many cases, I have known the Professor's lecture to consist in disproving the doctrine which is laid down in the text-book."

Maynooth, notwithstanding the evidence and the report of the late Commission, is a fountain source of all evil, and the State, in order to free itself from a grievous responsibility, must tear from it its means of support, and publicly brand it, its teachers, its students, its faith, and all who hold that faith, with a stigma of infamy. Now, with regard to the real conditions and character of this institution, I may quote the deliberately recorded opinion of a gentleman of distiction and rank in his profession—not a Roman Catholic, but either a Scotch Presbyterian or a Scotch Protestant. The work I refer to was written by Sir John Forbes, Physician to the Queen. This intelligent gentleman visited Ireland some three years since, and, as I believe, with an earnest desire to know the truth, and a conscientious desire to state it. He visited Maynooth; and this is the result of his investigation:—

> "On the whole, from what I myself saw at Maynooth, and from what I have since learned respecting it, I am bound to conclude that it is a well planned and well managed institution, calculated to communicate to its students a good secular as well as a religious education, and to send them forth amply qualified for the discharge of their sacred functions as priests, and, as well-informed gentlemen, to set an example of social propriety to their flocks. It was an opinion formerly prevalent in England, and still entertained, I believe, by many, that the Roman Catholic clergy in Ireland are an inferior order of men, and hardly admissible into the conventional category of gentlemen. I know not what may have been their condition and quality formerly, but at present such a character is totally inapplicable to them. * * * At any rate, as far as I could learn, they possess, as a body, those higher qualities of character and conduct for which gentility and polish can be no substitute, and that pure life and conversation which, by adding example to precept, lends to their teachings that force and vitality which can alone render them effectual."

Now, if the College of Maynooth were this vile and pernicious institution which it is represented to be, it necessarily follows that the clergy who receive their education in it must partake of its character: if the College be bad, the priests taught by it must also be bad. What is the description given by an enlightened Scotch gentleman of the Catholic priests of Ireland? Here is the result of his observation and inquiry; for he states that he sought for information from all quarters:—

> "I heard but one report of the priests; and that was that their character and conduct were uniformly excellent and exemplary. In an earlier stage of my journey I have made a similar statement; and I now repeat it as the result of all I saw and heard in Ireland. I do not believe that a more favourable report could be made by an impartial observer of the character and conduct of the Protestant clergy of England or Scotland; and no one, I believe, will think of denying this claim as a body to moral and social excellence."

May I not respectfully ask the House, whether those statements in favour of Maynooth, made, too, by one whose testimony is devoid of bias in favour of Catholics and Catholic institutions, do not more than counterbalance the wild and wanton calumnies which have been circulated against it by heated fanatics or honest dupes, as well as by interested hypocrites? Another allegation urged against Maynooth was, that the Catholic clergy generally were the enemies of education, and the friends and promoters of intellectual darkness. In support of this grave accusation, Mr. Macaulay was triumphantly quoted on the Motion to read this Bill a first time. I think I am in a position to prove that this allegation is also the result of a heated imagination, or of gross ignorance or prejudice on the part of those who make it. That the charge is particularly absurd, so far as the Irish clergy are regarded, has been rather abundantly disproved by the facts stated in the debate on the system of national education in Ireland, which took place two nights since, as well as by those repeated this very day by the right hon. and learned Gentleman the Member for the University of Dublin. What is the main fact with respect to that system in Ireland? This—that there are no less than 3,000 of the non-vested schools of that country partly or wholly founded by Catholic priests, with the aid of their congregations; and that the Catholic priests are their active and zealous patrons and promoters. I can state, from my own personal knowledge, that I know many instances where these calumniated priests—these Maynooth-reared priests—these enemies of education—these lovers of intellectual darkness—have reduced themselves to a position of extreme embarrassment in their efforts to establish and sustain, not one school, but two schools, three schools, and sometimes four schools in their parishes, according to their extent and the educational requirements of their inhabitants. The right hon. and learned Gentleman now complains that those 3,000 schools are in the hands of Ultramontane priests, who can enforce their dangerous doctrines upon their pupils. I ask that right hon. and learned Gentleman—I ask the hon. Member for North Warwickshire—I ask the opponents of Maynooth, what was the declaration of Monday night last? Was it not distinctly and unequivocally asserted, when that insidious attempt was attempted to be vindicated, which attempt, if successful, would have undermined and eventually destroyed one of the noblest institutions of the country, that there was not the remotest intention of touching or interfering with those 3,000 schools—that they were to be left, as they then were, in the hands of the Catholic clergy. Now, I assert that, if the teaching of Maynooth be what it is described by those hon. Gentlemen to be, and if its influence on the clergy be so pernicious as we are told by them it is, these gentlemen have grossly deserted their duty, in not, on that occasion, having demanded that those 3,000 schools, with their 400,000 children, should be torn from the grasp and freed from the control of such dangerous teachers who promulgated such detestable doctrines. But then the state of the Catholic clergy abroad was urged as a reason why we should deprive the clergy at home of the means of education. I hold in my hand a work which, written by a practical observer, as well as by an author of high repute, in my judgment is entitled to as much credit as Mr. Macaulay—I allude to Mr. Laing, and to his work, *Notes of a Traveller.* My first quotation is rather curious, as it points out to hon. Gentlemen in which Church the drones are to be found.

> "The sleek, fat, narrow-minded, wealthy drone is now to be sought for on the episcopal bench, or on the prebendal stall of the Lutheran or Anglican churches; the well-off, comfortable parish minister, yeoman-like in mind, intelligence, and social position, in the manse and glebe of the Calvinistic Church. The poverty-stricken, intellectual recluse, never seen abroad but on his way to and from his studies or Church duties, living nobody knows how, but all know in the poorest manner, upon a wretched pittance in his obscure abode—and this is the Popish Priest of the 19th century—had all the advantage of position with the multitude for giving effect to his teaching."

Mr. Laing thus describes the Catholic clergy as they really existed abroad; and his language is just as applicable to the Catholic clergy at home. This description I particularly commend to the attention of hon. Gentlemen from Scotland—

> "Our clergy, especially in Scotland, had a very erroneous impression of the Popish clergy. In our country churches we often hear them prayed for as men wallowing in luxury and sunk in gross ignorance. This is somewhat injudicious as well as uncharitable; for when the youth of their congregations, who, in this travelling age, must often come in contact abroad with the Catholic clergy so described, find them in learning, liberal views, and genuine piety, according to their own doctrines, so very different from the description and the describers, there will unavoidably arise comparisons, in the minds especially of females and young susceptible persons, by no means edifying or flattering to their clerical teachers at home."

We have been told the clergy on the Continent are the arch enemies of education, that their object is to cast a kind of intellectual pall over the human mind; and Rome and Spain are quoted as fearful instances of this fearful policy. Now, Mr. Laing, whose prejudices may be judged of by his constant use of the term "popish," makes this most important statement, as the result of his own observation—of what he himself saw in the countries which he mentions—

> "In Catholic Germany, in France, Italy, and even Spain, the education of the common people in reading, writing, arithmetic, music, manners, and morals is at least as generally diffused and as faithfully promoted by the clerical body as in Scotland. It is by their own advance, and not by keeping back the advance of the people, that the popish priesthood of the present day seek to keep ahead of the intellectual progress of the community in Catholic lands; and they might, perhaps, retort on our Presbyterian clergy, and ask if they, too, are in their countries at the head of the intellectual movement of the age? Education is, in reality, not only not repressed, but is encouraged by the Popish Church, and is a weighty instrument in its hands, and ably used. In every street in Rome, for instance, there are at short distances public primary schools for the education of the children of the lower and middle classes in the neighbourhood. Rome, with a population of 158,678 souls, has 372 public primary schools, with 482 teachers, and 14,099 children attending them. Has Edinburgh so many public schools for the instruction of those classes? I doubt it. Berlin, with a population about double that of Rome, has only 264 schools. Rome has also her University, with an average attendance of 660 students; and the Papal States, with a population of 2,500,000, contain seven Universities. Prussia, with a population of 14,000,000 has but seven."

I hold, Sir, I am justified in thinking that these extracts, written by no friendly pen, are a sufficient answer to that noisesome flood of calumny which has been poured out upon the Catholic clergy — not, of course, in this House, for it would be unparliamentary to say so. It has been argued that the grant to Maynooth should be withdrawn from it, because it has failed in its object. But in what way has it failed? Has it failed in producing an energetic working clergy? If the Catholic clergy of Ireland were more of the fine gentleman class, they might be unsuited to their position, their duties, and their flocks; but they are eminently a working clergy, admirably suited for their duties, and well qualified in every respect to deal with the necessities, the sufferings, and the miseries of the people among whom they are placed. They are ever ready for any calls which may be made upon them by the poorest and most miserable of their congregation. Night and day they are at their work, visiting the sick at all hours, at night as well as in the day, and at any distance. In the dead of night, he was willing to breast the lonely mountain side, to visit—not the wealthy invalid, who might leave in his will some memorial of his gratitude—but the miserable cottier in his squalid cabin. And in the crowded city he might be found hurrying along, when all others were sunk in slumber, to the filthy lane, ascending the creaking stair, and entering the garret poisoned with its deadly atmosphere of poverty and disease, and there not only administering the consolations of religion to the dying Catholic, but freely giving the last shilling in his pocket to purchase food or fuel for the comfort of his afflicted fellow-creature. I know it to my personal knowledge—for my brother, now a Catholic chaplain in the hospital at Scutari, was previously a curate in one of the poorest and most densely populated parishes of Cork—that the Catholic priest has rarely a shilling which he can call his own, and this in consequence of the incessant appeals to his charitable feelings by the scenes of distress which he hourly witnesses, as well from his efforts to promote the education of his flock, or in some other way improve their condition. And these are the clergy whom certain hon. Members seek to brand by the insulting penal Bill now before the House. But I ask the hon. Members whose names are on the back of this Bill, do they believe that those who vote with them believe with them? Do they not know the very contrary? I confidently ask them, do they believe that there are 100 Members of this House who are really in earnest in their opposition to Maynooth? I solemnly protest my belief that there are not fifty. Catholic Members have been charged with attempting to prevent divisions on this subject; but are Protestant Members eager for a division? Why, I myself have frequently heard Protestant Members express the most anxious desire that the question should not come on at all, and privately advise Catholic Members to try to "speak it out." Catholic Members dread neither division nor discussion; but the vast majority of the Protestant Members of this House are anxious to avoid the discussion altogether, not only on grounds which are honourable to their good feeling, but from motives of sound policy. Who were the originators of this grant? This grant was originally proposed by a Protestant statesman, the Minister and representative of a Protestant King, and sanctioned by a Protestant Parliament. It was further increased and further sanctioned by Protestant Parliaments under Protestant Kings. It had been recommended and supported by the wisest and most sagacious statesmen this country has ever seen; and it was ultimately proposed and passed in its present form by one of the greatest statesmen of modern times, who, whatever may be the opinion entertained of him by those who seceded from him, or who were his political or personal opponents, will be long remembered with gratitude by the masses of the nation, as their friend and benefactor. And yet Sir Robert Peel was a sincere and conscientious man, and as much devoted to the welfare of his own Church, as ever the hon. Member for North Warwickshire himself. Thus this grant has culminated to its present point under the sanction of a Protestant Minister, a Protestant Parliament, and a Protestant Queen; and yet we are told that its maintenance is a national sin, and that the nation must wash itself free from the stain of its guilt by adopting this Bill, which in so many words brands the Church and the religion of Her Majesty's Catholic subjects with ignominy and shame. There is not a statesman at either side of the House who would think of proposing its abolition; nor will there be any party who will venture to make that abolition a part of their policy. In fact, they dare not—not for want of personal courage, for there is sufficient of that, even to the doing of wrong; but because the policy which it would enunciate, the passions which it would excite, the consequences which it would provoke. The hon. Member for North Warwickshire, who had no higher ambition than to serve his God and promote the cause of charity, might safely attempt to withdraw the grant and put down the college; but then the hon. Member would never be a Prime Minister, and would probably never rise even to the dignity of a whipper-in. Perhaps his is the loftier and purer ambition, and he can afford, therefore, to endeavour to give effect to his extreme opinions; but no man who aspires to sit in a prominent position on the Treasury bench would ever be so ill advised as to stand up in this House and propose or support such a Bill as we are now asked to read a second time today. When Sir Robert Peel proposed his plan in 1845, Lord Sandon and other leading men treated it as a matter of restitution, not of generosity or liberality. And what else was it but a small instalment of the long-standing debt of justice due to the Catholics of Ireland? Attempt to disguise it as some people may, it is not to be disputed that the revenues, the estates, the endowments—in a word, the property of the ancient Catholic Church of Ireland was torn from it by the rude hand of violence, and given over to a rival and a hostile Church. If this be not the fact, what mean those venerable but beautiful ruins of once-glorious convents and abbeys and churches which meet the eye so frequently amidst the most lovely spots in Ireland?—What mean those grand old cathedrals which are converted to purposes other than those for which they were erected and endowed? I do not however desire to rip up the sad story of the past, wishing rather that bygones should be bygones; but I do assert that, as a matter of plain and ordinary justice, the Catholics of Ireland have a right to far more than this paltry grant which it is now proposed to snatch from them, and on grounds which involve the grossest calumnies. It has been said that this is not the "right time" for a Bill of this kind; and a truer word was never uttered. Never was there a time less fitted for a measure of insult and oppression to the Catholics; for Catholic blood has been spilled like water in the cause of England. Where would you have been at this moment were it not for Catholic France and Catholic Sardinia?—where but for the wild chivalry of Connemara, of Tipperary, and of Kerry? On such an occasion as this I may call to your mind how great a share of the glory earned by the British army is due to the fiery courage and boundless devotion of the Irish Catholic soldiers. These brave men, who fought in the battle and endured in the trench, were taught by priests educated in Maynooth; and as an evidence of the teaching which they had received, and of the real character of those who had trained them, I will ask the permission of the House to read a few extracts to show what manner of men those Irish soldiers really are. I do not seek to show you what they were when they dashed up the hill at Alma in the face of a withering fire and a resolute foe; I do not seek to show you what they were when, at Inkerman, fighting under a gallant general (Sir De Lacy Evans) who is an honour to this Assembly, they exhausted the strength and baffled the fiercest efforts of a desperate enemy; I do not seek to show you what they were as they rushed to a certain death in the charge of Balaklava, or in the assaults of the 18th of June and the 8th of September; I do not seek to show you the Irish soldier in the fury of conflict, with arms in his grasp, his veins throbbing with fire, and every muscle of his strong frame quivering with the sublime excitement of a mortal struggle of brave men against brave men—all this has been already told by William Russell, the *Times'* Correspondent and the historian of the war, in language which will live for ever;—but I do wish to show you how the Irish Catholic soldier—the Popish soldier—taught and trained by the calumniated priest—could face death or the hospital pallet, with all his energies prostrated, and his shattered frame wrung by unutterable tortures. The book to which I allude is entitled *Eastern Hospitals and English Nurses,* written, as the writer herself states, by a Protestant, one of the Lady Nurses, who formed one of the noble band under Miss Nightingale, whose motives and whose services merit the homage of all who can appreciate and reverence the purest benevolence and the most devoted courage. [The hon. and learned Member then read several passages from the work descriptive of the fortitude and devotion of many of the sick and wounded soldiers who were brought to the hospitals.] I ask the House, are those men to be branded as idolaters, and is that religion from which they caught the inspiration which thus sustained them in their dying moments to be stigmatised in the foul manner which they have heard? I have exhibited the Catholic soldier under the most trying circumstances in which the human being and the Christian can be placed, and I shall now quote an extract or two as a matter of justice to those whose services and whose heroic devotion have been hitherto without a public recognition—I allude to the Sisters of Mercy. Now the Sisters of Mercy of the Irish convents—of Dublin, Cork, Kinsale, and other districts—were received and professed by bishops educated at Maynooth, were preached to and confessed by chaplains also educated at Maynooth; and I conceive that a brief record of their services is apposite and germane to the occasion, when an attack is made not only upon Maynooth, but upon the Catholic Church and all its institutions. I have been informed, by an hon. Friend near me, that a letter has been recently received from Miss Nightingale, in which she refers in the most generous terms to the invaluable aid which she received from the Sisters, and without which it would have been absolutely impossible for her to have accomplished the gigantic work which she had undertaken. [The hon. and learned Member then read another passage, pointing out the exertions and assiduity of the Sisters of Mercy during the campaign.] Well has it been said that this is not a time for such an attack against the religion of Roman Catholics, as is now attempted through the College of Maynooth. No public recognition of the services of the nuns who went out to the East has as yet been made in this or in the other House of Parliament, either by private Members or responsible Ministers; but though they require no acknowledgment of those services — though they would shrink with horror from the expression of public gratitude—Catholic Members have a right to boast of their labours and their services, and to refer to them in answer to the foul calumnies on which the advocates of this Bill rest their arguments in its favour. It was said, even this day, that the doctrines and worship of the Catholic Church were idolatrous, and therefore that it was a national sin to maintain an institution which trained priests to that worship, and for the propagation of those doctrines; but I will show that the doctrines taught by the Catholic Church—by the Maynooth priest to the Catholic child, whether in the remote mountain parish or in the thronged city—are no more idolatrous than those which Luther, the great Protestant Reformer, as Protestants describe him, himself professed and taught. The constant charge against Catholics by those who will not give themselves the trouble to learn the real truth, or who affect an ignorance of it, is, that they give every honour to the Saints, and especially to the Blessed Virgin, and altogether overlook the great Author and Father of all. Now the teaching of the Catholic Catechism, 100,000 copies of which are annually circulated in Ireland, was distinct and clear upon this alleged adoration of the Saints. It is as follows:—

> "Are we forbidden to honour the saints?—No; if we only honour them as God's special friends and faithful servants, and if we do not give them supreme or divine honour, which belongs to God alone.
>
> "How do Catholics distinguish between the honour they give to God and the honour they give to the saints, when they pray to God and the saints?—Of God alone they beg grace and mercy, and of the saints they only ask the assistance of their prayers.—Tobius xii. 12."

Another allegation against Catholics was that they adore the crucifix, and prayed to images, proving, in fact, that the Church taught and that its followers practised idolatry. Here is what the Church teaches as her doctrine, and teaches on the authority of the Sacred Scriptures—

> "May we then pray to the crucifix, or to images or relics of the saints?—By no means, for they have neither life nor sense nor power to hear or help us.
>
> "Why, then, do we pray before the crucifix, and before the images and relics of the saints?—Because they enliven our devotion by exciting pious affections and desires, and by reminding us of Christ and his saints; they also encourage us to imitate their virtues and good works.—Exod. xxv. 18; John iii. 14."

This simple, but comprehensive exposition of Catholic doctrine, the doctrine of Maynooth, the doctrine of the clergy, the doctrine of the people, is, I venture to think, a complete answer to the mis-statements which have been made on this subject by the hon. Member for North Warwickshire and his Friends. I say, upon the very catechism, which is put into the hand of every Catholic child in Ireland, the Catholics are entitled to an acquittal from the foul imputation of idolatry. The House will, I trust, pardon me if I refer to one who, with Protestants ought to be a high authority upon matters of doctrine—Martin Luther, who, whatever the opinions held with respect to his conduct by different people, all must admit to be a man of great power and vigour of mind. It will be clear from the following extracts that if the Irish Catholic who has received his religious training from a Maynooth priest, is an idolater, so was Martin Luther, and that long subsequently to the so-called Reformation — [The hon. and learned Member then read some passages from Luther's Sermons, "On the use of Holy Images."] Lastly, there is purgatory, another constant subject of ridicule and attack; and thus Martin Luther declares his unhesitating belief—

> "As to what relates to purgatory, I do not fear to say that we must believe it with a firm and resolute faith; for I am sure and certain that the poor souls in purgatory suffer inexpressible torture, and that we can assist them by prayer, by fasting, by alms-deeds, or by some other good work."

By the bye, it was once wittily remarked by an Irish defender of the doctrine of purgatory, in answer to a furious attack upon it, "that it was an excellent thing to believe in, for one might go further and fare worse." I have shown, by the comparison of the Catholic Catechism with the writings of the author of the Protestant Reformation, that the very doctrines which Maynooth is sought to be condemned for holding, and Catholic priests for teaching, were held and defended by one whom Protestants should be the last to question. So much for Catholic doctrines; but I prefer to rest the defence of Maynooth, as a Catholic Institution upon the character and conduct of the Catholic people of Ireland, whose spiritual guides and instructors are, to a very great extent at least, priests who have been educated within its walls; and I boldly assert that in every relation in which a people can be regarded, they would stand the test of a comparison with any people of any nation on the earth. I call on the hon. Member for North Warwickshire to abandon his crusade against Maynooth; and, in return, I shall point out to him a wider, a nobler, and a more glorious field for his energies, much nearer home. I assure him he never can make anything of Maynooth; but there is splendid work cut out for him at his own door, by which work, if he will only undertake it, he may enrol himself in the ecclesiastical annals of his country. I hold in my hand a report of a meeting held on Monday last in London, at which a Resolution was moved by a noble Lord, who was called at the meeting Lord Robert Grosvenor, but whose name I cannot mention in this House. That Resolution was to this effect—

> "That owing to the supineness of former times, and to the unparalleled increase of population in and around London, there remain, notwithstanding the successful efforts of the last twenty years, parishes and districts of from 12,000 to 30,000 souls under the nominal charge of one incumbent, the greater proportion of whom are being left to grow up in worse than heathen ignorance, and that in a city which is confessedly the wealthiest in the world, and which sends forth her missionaries to preach the Gospel in the farthest parts of the earth."

This is no Popish calumny, no cunning device of the enemies of the Protestant Church, but a solemn statement made by a Protestant nobleman, at a Protestant meeting, in the presence of Protestant Bishops, Protestant Clergy, and a Protestant public, of the deplorable spiritual darkness and destitution of whole masses of the population of the greatest Protestant city in the world. Am I not therefore justified in directing the hon. Gentleman and his Friends to that extended and almost boundless field for their benevolent exertions which lies at their own door, and to abandon as idle their farcical and utterly absurd notions of ever inducing or compelling the Catholic people of Ireland to change their religion. You have failed hitherto most completely, and so you will fail to the end. Not long since the hon. Gentleman and his Friends deluged poor Ireland with a flood of "white chokers," in the hope of taking the faith of the people by storm; but the only result of this notable attempt at conversion was, that whenever these apostles of peace approached their presence was invariably followed by riot, tumult, and by that odious feeling of sectarian rancour which every true friend of Ireland ought resolutely to put under foot. These men, who had nothing to recommend them save brazen audacity, white chokers, and well-filled pockets, were a failure; and so would be all such stupid and ridiculous modes of "converting" the Catholics of Ireland. Perhaps one other little fact, which I take from *The Times* of last month, may convince hon. Members that they may most profitably limit their spiritual benevolence, at least for some time to come, to their own country, without troubling themselves about the benighted Irish idolater. The paragraph I allude to stated that 700 Mormon emigrants had left Albany for the Salt Lake, of whom 437 were from Wales, and the remainder from England and Scotland. Was there one man from Ireland amongst that deluded multitude?—was there one Irishwoman? Now, I say, if the description of the Resolution adopted on Monday last could be applied to Ireland, and if it could be stated with truth that these 700 emigrants, or even half of them, had been furnished by Catholic Ireland, I could then understand if hon. Gentlemen were not content with tearing the paltry grant which Maynooth now receives, but would demand that its walls should be razed to the ground, and its professors scattered over the world. But none of these things could be said of Ireland; and therefore I say, let those who delight in attacking Maynooth, and through it the faith of a Catholic people, "take care how you throw stones, for your own houses are more brittle than glass." A word as to the probable result of this Motion, or rather of this crusade: I, for my own part, and I think I might say as much for many Catholic Gentlemen who hear me, look upon its probable triumph with the greatest possible calmness. If the hon. Member and his friends, and those who agree with them, and those who urge them on, persevere in the present course, let them do so; with them will rest the responsibility, and not with those who resist them. Resist them we certainly will, for we have no right or authority to do otherwise. Personally, I must say that my own convictions are not entirely in favour of the grant to Maynooth, for it is more or less a bulwark of the Established Church. I desire, in common with the hon. Member for Rochdale (Mr. Miall), whose Motion I lately supported, to see what he terms the "impartial disendowment" of all creeds, and the universal triumph of religious equality throughout the country. To accomplish this great blessing, the Catholics of Ireland would only too gladly fling up the miserable stipend which is now sought to be torn from them. But, at present, the Catholics of Ireland have to support an alien establishment, in addition to their own Church and their own educational and charitable institutions; and the burdens which thus press upon them are fully as much as it is possible for them to bear. Whether it may be in their power to come to some arrangement in six or ten years hence, I cannot venture to say; but I distinctly assert that they cannot, without the most serious inconvenience, in any way add to the burdens which, whether voluntarily or compulsorily, they now endure. Still, let not the hon. Members who support this Bill suppose that if this Bill be carried, Maynooth would therefore fall. Let this grant be torn from it, and there is not an Irish Catholic with a shilling in his pocket who would not give a portion of that shilling to maintain this College. But in what spirit would he give it? He would not grudge the money which he thus contributed towards the institution, so far as that institution was regarded; but he would curse the bigotry and fanaticism by which the wrong was inflicted and the sacrifice was rendered necessary. Surely enough has been already done to irritate the Catholics of Ireland; let something now be done to conciliate them. They merit some return, other than insult and calumny, for their devotion in the late war. They rushed to your standard in the hour of need, they fought your battles, they bled, and they endured in your cause; why, then, constantly insult and exasperate the people without whom you know you cannot do? I tell you it is idle for you to think of inducing the Irish Catholics to abandon their religion. Such a vain hope may, indeed, be kept alive in the minds of dyspeptic old maids and superannuated dowagers by the base acts of clerical hypocrisy and humbug; but it is a farce and a delusion, and the sleek gentlemen who profit by all this unchristian excitement laugh in their sleeves as they chink in their pockets the gold of their credulous dupes. You were obliged to admit, a few nights since, that even with the children of Catholic parents you did not succeed; for that, in spite of landlord influence, and food influence, and money influence, and all other influences combined, the attendance of Catholic children at the Church schools had fallen off from 46,000 in 1848 to 23,000 in 1854. Still, in spite of these facts, hon. Gentlemen may persevere, if they feel so inclined. You may shake Maynooth, and even raze it to the ground —nay, you may overturn and demolish every altar which Catholic piety has raised up in Ireland; but as long as the people of that country survive, so long will they retain in their hearts the undying spirit of the Catholic faith.

Mr. DRUMMOND said, he entirely agreed with the hon. and learned Member who had last addressed them in connecting Maynooth with the existence of the Irish Established Church—they would stand or fall together. With respect to their standing or falling, however, he wished to make one observation which Gentlemen, particularly those who were opposed to both, had evidently lost sight of. They fancied that the Church was an enormous gainer by the temporal support it received from the State. The fact was, that in the union of Church and State it was the State only that gained, the Church was an incalculable loser. He considered that the hon. Member for North Warwickshire (Mr. Spooner) was entitled to the thanks of the House for bringing this Motion forward. It was well that the question should be considered at least once a year, and he should then hope that, in the course of time, there would be in the minds of Gentlemen on both sides of the House some power of discrimination between a Church and the abuses of a Church. He could not go with the hon. Gentleman in the terms he made use of respecting the Church of Rome; because he believed that, of all the sects we tolerated in this country, it was the only one which contained the whole truth, and because it was his firm conviction that they made use of the abuses in the Church of Rome only to carry on an attack against that Church itself. The party opposite were doing their best to decry the priesthood as idolatrous, and to denounce the sacrifice of the mass. He quoted the words, "sacrifice of the mass;" for they might take any other terms to express the reality of that action, and they might still call it idolatry. He (Mr. Drummond) said that it was the very essence of religion. And he would tell the hon. Gentleman (Mr. Spooner), moreover, that if he looked for religion except from a priesthood and sacraments he would look in vain for God upon earth. He might, indeed, have some vague notion of a "great First Cause, least understood;" but he knew nothing of a tangible religion or of God in the flesh. But when he came to consider what was taught by history, that the priesthood in all ages had been at the foundation of tyranny and oppression, he must say that it was not for Protestants merely to urge the agitation of that question, or rather its discussion in that House. The dominion of the priesthood was a usurpation against the common rights of mankind. It was not a question between Protestants and Roman Catholics in any sense. Wherever a priesthood had dominated, there they had assuredly degraded mankind. It was all very well for hon. Gentlemen to talk of their orderly and peaceable conduct in Ireland. Let them go through the whole history of Europe as it was now, and who were they who, at that very moment, were carrying on the most outrageous instances of cruelty and persecution? The Roman Catholic priests everywhere. Who were the abettors of the present political tyranny in Naples? The Roman Catholic priesthood. ["No, no!"] Let the hon. Member who said "No," go there and see. How came it that it was the Roman Catholic priest who got about the poor-witted Emperor of Austria, as he lay on his sick bed, and made him vow to restore to the Church all the power which his wiser grandfather had taken away? In Bavaria the same thing was going on. How was it that they had succeeded in putting down liberty of all kinds in Baden? How was it that here, in every union, in every gaol, they were insinuating themselves for the sole purpose of creating disorder. He could not go the whole length of either party in this matter; but he said, that if they were determined to legislate for Great Britain and Ireland upon sectarian principles, they were not fit, and never could be fit, for their office. They must rise above sectarian jealousies; they must look at the existing state of things, and remember that they were ruling a mixed people. Honest men were as much bound to respect the prejudices of one sect as of another. But he went further. There was a text of the Bible which taught Christians that he only was a just and honest man who kept his promise to his own injury. Well, the State had pledged its word to the Irish people, before the Union, for the maintenance of this grant; and now they sought to break it. He would go as far as any one in exposing one immorality taught by the Romish priesthood. He did not ask anybody to take his opinion of that immorality. He appealed to every Catholic State whether it was Protestants who had invented the word "jesuitical." Was it among Protestants that the sneer against persons who were accused of being jesuitical had had its origin? No such thing. Every Roman Catholic State in Europe, and every Roman Catholic statesman had declared that it was impossible to keep the people in subjection if the doctrines of the Jesuits were permitted; and the followers of Loyola had been everywhere expelled, as the common nuisances of society. It was not true that they had been the promoters of the Scriptures. They were in one common organised mass of rebellion against the Word of God. They kept everybody from the Scriptures that they could. He wanted the Roman Catholic Gentlemen to tell his priest, that because he was a man he was superior to the priesthood, that God had given to man his Word, and that as man he had a right to have it. It was they alone who attempted to interfere with it. But the promoters of this Motion went upon a wrong ground. They were trying to fight out the battle in the schools, as they had done the other day, and they made these poor, wretched children, the cat's-paw of their antagonism. Of a certainty the Protestant Members were taking up wrong ground. They insisted on the reading of the Bible in the schools—a practice to which it was a point of conscience with the Roman Catholic parent to object. The reading of a chapter of the Bible was not teaching religion, especially as it was admitted that no attempt must be made to explain its contents; and, as a mere reading lesson was all that was intended, it was obvious that the *History of Tom Thumb* or of *Jack the Giant Killer* would do equally as well. But they insisted upon the Bible being read. Why? For no other reason than that they knew that, as a point of conscience, the Catholics objected to it. It was not because they wanted to teach anything from it. For what did they do now? The clergyman went to the school every Sunday morning and heard the children repeat a few verses out of the Greek Testament. There was no attempt to explain it; and they called that teaching religion. Now, in that way they tried to oppose the doctrines of the Roman Catholic priests. The proper way to fight them would be to double the grant to Maynooth, and make it a real and effectual school, and improve the system of education carried on there. It was to the shame of this country that our means of instruction were so poor and feeble. He must confess that he thought it would be better, now that the reason for transferring the priests from Douay to this country had ceased, to revert to the former plan. It would be far better to give a much larger sum to the Roman Catholics, and let them send their priests to Rome, or some place out of Ireland, where they would get a far better and more Christian education than that which they now received. The only useful education consisted in teaching men to think and reason for themselves. That, however, the Roman Catholic priests never inculcated. On the contrary, the thing set before them on Dr. Wiseman's recommendation as the perfection of the human mind was, that they should swear that black was white and white black if their priest ordered it. That was no calumny of his, but the distinct declaration of the recognised leader of the Roman Catholic clergy of this country. The legitimate mode of putting an end to this system was to increase the means of education. He had the pleasure of knowing many Roman Catholic priests, who regarded the doctrines of Liguori very much as he did; but it was perfectly fair to charge those doctrines upon the Church of Rome, because Liguori's work had been sanctioned by that Church, which had declared that the author never wrote a word deserving of censure. As to the opinions of Luther, to which reference had been made by the hon. and learned Member for Dungarvan (Mr. Maguire), they carried no authority over Protestants. The House had been warned that the repeal of this grant would rouse the indignation of 600,000 of Irishmen. It was not to say, because there was danger in any given course, that that danger was under no circumstances to be faced. But it was foolhardiness to shut our eyes and declare that there was no danger. There was danger in the present proposal; and those hon. Gentlemen who were now candidates for the succession to the Treasury benches should remember, that after their vote that day they would stand pledged to the repeal of this grant.

Mr. NEWDEGATE had heard the hon. Gentleman (Mr. Drummond) with the attention which his natural and acquired abilities demanded. The hon. Member warned the House that the Roman Catholic priesthood was extending its tyrannical power over mankind throughout Europe, in all directions, and yet, with respect to Maynooth, where it was not denied that the very Ultramontane doctrines of the Church of Rome, which he denounced, were taught and inculcated, the hon. Gentleman told the House it would be better that Protestant England should continue responsible for this Institution and commit herself still more deeply to the dissemination of these doctrines which he had denounced, as subversive of freedom and of the principles of the constitution of this country. As a practical man, he (Mr. Newdegate) could not understand how it was possible that the hon. Gentleman considered it was his duty, after denouncing the extension of Ultramontane doctrines as a scandal and a danger, to recommend the House, though in other words, to "Double the grant, extend the doctrines of Maynooth, and thus extend the degradation of the human race." Such advice was repugnant to the ordinary sense of mankind. He would not follow the hon. and learned Gentleman (Mr. Maguire) through all the wide and unconnected expanse of his speech; but he must deny that any one had ever heard him (Mr. Newdegate) say a Roman Catholic could not be a true Christian. His first tutor was a Roman Catholic, and, what was more, he was an honourable and excellent man. He had promised his parents not to attempt to convert him, and he kept his word. A more worthy man could not be found. He (Mr. Newdegate) knew that his tutor repudiated the doctrines of Liguori, as calculated to undermine the morals of mankind; but before he died, this old man must have been, owing to the recent Papal edicts respecting Liguori's works, forced to adopt them. Such was the tyranny enforced by spiritual authority on the Roman Catholics. He trusted that the House had not forgotten the remonstrance of the Hexham priests against the domination sought to be established by the Cardinal. How they had protested against having the canon law forced on them. The people could not be expected to forget what had been done by liberal and enlightened Roman Catholics, by Lord Beaumont, and others. How they had warned us, that under the documents and authority which constituted the aggression of 1851, the power of the Roman Catholic Church was applied to an extent inconsistent with the liberty of the subject and the rights of the Sovereign in this country. The hon. and learned Member (Mr. Maguire) admitted that in seeking to repeal the grant Protestants were doing the Catholic laity a service, and then added, "but he had no authority except to oppose the repeal." Did not that mean that the hon. and learned Gentleman, though in that House the mouthpiece of the Roman Catholic priests, entertained the same feelings with respect to Roman Catholic ecclesiastical ambition as had been expressed by Lord Beaumont—felt, in fact, that a tyranny was fastened upon the laity, not so much by domestic efforts as by changes in the system at Rome. It could not be right for this Protestant country to lend its sanction to the inculcation of doctrines subversive of freedom and constitutional order, and felt to be tyrannical even by the Roman Catholics themselves. He was willing to give the Roman Catholic laity ample funds for educational purposes; but he refused to give a single shilling to their priesthood, who would apply any funds they received to the special purposes of their Church without regard to the national, and, he trusted, the loyal feelings of the more enlightened laity. He resisted this grant on the part of the Protestants of England, as it went towards the inculcation of doctrines subversive of civil and religious liberty. The other evening, the Government refused to sanction a Resolution to relieve the Church of Ireland from being practically and conscientiously disqualified from participating in the national grant for educational purposes, and the Government did this on the ground that they would prevent proselytising on the part of Protestants. The House refused in a specific manner to give a shilling of the public money to any school where instruction in the Bible, at school hours, was given, in Ireland, whether there were any Roman Catholic children in the school or not. And now certain hon. Members had the face to turn round and expect his side of the House to agree to a grant of £30,000 for the instruction of the Roman Catholic priesthood whose notorious function and mission is proselytism. The Government with their eyes open, supported the continuance of this £30,000 grant, to forward Roman Catholic proselytising purposes, and yet refused a shilling to schools where the Bible was read and taught in Ireland, lest they should countenance Protestant proselytism! Was not that favouring Roman Catholicism and discouraging Protestantism? If anything could seal the doom of this grant, it was the Vote the House came to the other night in reference to schools where the Bible was taught. The hon. Member for West Surrey (Mr. Drummond) asserted in his history of the grant that it was the result of a compact with Ireland at the time of the Union. Now, that was incorrect, as evidence in the library, accessible to every hon. Member, would prove. There was no compact—the trustees of Maynooth had no title to the grant, save under the Act of 1845. There had been a limited claim or implied right for twenty years after the Union, but that was only to some £7,000 or 8,000 a year, and terminated in the year specified by the Act of Union itself. The right to that grant had ceased in the year 1820. In 1845, Sir Robert Peel, in an unhappy hour, induced the House to increase the grant to Maynooth from the sum of £8,000 to the sum of £30,000. Sir Robert Peel distinctly at that time stated that there was no compact—that it was a free gift—and that therefore it would be gratefully accepted by the people of Ireland. In consequence of the increased grant, and the misappropriation of the building grant, 200 more priests were now educated at Maynooth than the Act allowed, whilst the population of Ireland had decreased to the extent of 1,200,000 since 1845. Those priests were sent to make proselytes in every part of the United Kingdom. He could not ignore the present condition of Maynooth—he remembered the aggression of 1851, and the perseverance in that aggression taught at Maynooth—he could not ignore the conduct of Rome throughout the world; it was because he could not set aside these facts, that with no wish to injure the Irish Catholics, he felt bound to support the Vote of his hon. Friend (Mr. Spooner). He considered the assertion, that if the grant were taken from Maynooth, the Church of Ireland would be destroyed, simply chimerical; for it was not likely, that the Protestant strength which would no longer tolerate the grant to Maynooth, should at once turn round upon its success in abolishing that grant and uproot the Protestant Church of Ireland, which was the faithful opponent of all that made Maynooth odious in the eyes of Protestants.

Mr. BLAND said, that as a Protestant, who had every confidence in his Roman Catholic brethren around him, and representing a Roman Catholic constituency, he would tell the hon. Gentleman (Mr. Newdegate), if he was anxious for the destruction of the Irish Church, he should say that the Motion of the hon. Gentleman (Mr. Spooner) was the first step towards that consummation. Although he did not regard that Church as the *summum bonum*, its destruction through the abolition of this grant would subject the Protestants of Ireland to an ordeal which he should deeply regret to witness. The repeal of this grant would place the Protestants of that country in the position of persecutors, and he should, therefore, vote against the second reading of the Bill. The supporters of this measure were divided into two parties. One party was the hon. Gentleman—the Member for North Warwickshire (Mr. Spooner), and those who sat behind him. Their opposition to this grant, although partly resting on religious grounds, was not entirely free from the influence of a regard for the good things of the world. They were not prepared to give up the Church Establishment, which he warned them they were by this measure doing their best to disturb. Since the year 1829 a spirit of conciliation between the Catholics and Protestants of Ireland had sprung up. That spirit was now every day increasing in strength, and he should be sorry to see its growth rudely disturbed by such a measure as that now before the House. If the Bill was carried, the Catholics would instruct the people of Ireland as to the conveyance of Church property, and would teach them that it had once belonged to themselves. That property stood on a different footing to that belonging to the English Church. In England, priest and population changed their religion together; in Ireland the majority of the people did not change their religion, and the property was rudely and by violence forced from them. The foundation of the Church in Ireland was prescription and the love of peace. Where would be the latter element if this Bill were carried? It would open the floodgates of discord and disunion, and would revive animosities which it had taken fifty years to quell. That brought him to the question of the religious element. Was it a religion of Christ to stand in judgment on others. It was something like Pharisee and Gentile —"Thank God I am not like the Papist." Did the language that was used bear the impress of Him who was the spirit of peace. He replied, no; it was in the contrary spirit. The Roman Catholic priest could not educate the people out of the Church property he possessed, for the Church property had not only been taken from his Church, but laws had been passed to prevent the Church from holding property. Another class of supporters of this measure were those who were supporters of voluntaryism, and who said, "Let the Roman Catholics support their own ministers." He would beg to remind those Gentlemen that their position and that of the Roman Catholics of Ireland were very different. They had come out of the Church with wealth and power, and consequently, were able to, and did, support their own ministers. While by the withdrawal of their Church property, and by the operation of the penal laws, the Roman Catholics of Ireland had been placed in a very different position; and then, in a spirit of Christian charity, these Gentlemen said to the Roman Catholics of Ireland, "We will not give you the £30,000." This paltry sum was for the Roman Catholics of Ireland but 1¼*d.* to 1½*d.* each, while the revenues for religious and educational purposes possessed by the Established Church amounted to £1 15*s.* per head. According to this calculation, two Protestants were equal to 700 Roman Catholics. Was there, then, anything unreasonable in asking the House to continue this grant? Did the hon. Member for North Warwickshire think that by measures such as this he could drive the Roman Catholic priests out of Ireland? When Cromwell failed to do that with the means he applied, such measures as those of the hon. Member would not succeed. He trusted the hon. Gentleman would not persevere in these attacks, but allow the people of England to remain in peace. Did he think that he could convert the people of Ireland to Protestantism by persecution? All history pointed to an opposite conclusion.

SIR JOHN PAKINGTON: Sir, although aware that the House is anxious for a division, I must ask its indulgence while I state the reasons for the course which an imperative sense of duty calls upon me take upon this occasion. I think the time is now come when it is my duty to answer that appeal which was made to me on Monday evening, I think rather inopportunely, by the right hon. Gentleman the Secretary of State for the Colonies (Mr. Labouchere), who on that occasion showed an avidity for Irish discussions which exceeded anything within my recollection. He seemed to me as though his courage rose as the prospect of opposition diminished, and when he found that there was not likely to be a serious debate on the question of Irish education, he said, "Now let us have a turn at Maynooth." He very directly appealed to myself and several other Gentlemen on this side of the House, and asked why, when my hon. Friend the Member for North Warwickshire (Mr. Spooner) brought forward this question, we were not in our places? Sir, so far as I am myself concerned, I have no hesitation in stating frankly that I was intentionally absent upon that occasion. I was intentionally absent, because I think that no reflecting man can shut his eyes to the difficulties by which this question is surrounded, and I felt that whoever recorded his vote upon the Motion of my hon. Friend would, to a certain extent, stand pledged as either a supporter or an opponent of our present system with regard to Maynooth. From what I had heard of the views of my hon. Friend, I was very desirous to know what would be the nature of his proposition, what was the scope of his Bill, before I gave any vote which should pledge me to the pursuit of a particular course. I was also not without hopes that my hon. Friend might have framed his measure in such a spirit of fairness towards the Roman Catholics of Ireland as would have enabled me to give him my support. I find, however, that that has not been the case. My hon. Friend has brought forward a Bill which merely goes to repeal the Act of 1845, and thereby to reverse the policy towards Ireland which has for upwards of half a century been pursued by this country. There is no reservation, no exception, in the Bill of my hon. Friend, but that he will respect the existing interests of Maynooth so long as the education of the pupils now there may require it. Now, Sir, I think there is no denying that by the course proposed to be taken by my hon. Friend, and by the course taken on a former evening with regard to education in Ireland, questions of principle are raised involving conscientious opinions, and the time is now come when Members who are accustomed to take part in the proceedings of this House are bound frankly and honestly to state what their views on the subject are. Acting upon that opinion, I, for one, must declare that I am not prepared to take any step which shall reverse the policy pursued by this country. That feeling I entertain no less with regard to the question raised the other night, than to that now before the House. I can be no party to any step which may injure or impair the system of education in Ireland. If I could improve it—if I could make it more equal—if I could embrace within it persons who do not now benefit by it, I would thankfully do so; but I will not do anything which would tend to contract or to injure it. As my hon. Friend behind me (Mr. Newdegate) has referred to the subject, I hope that the House will allow me to make one brief allusion to it. My hon. Friend referred to a point which I have heard made the subject of speeches in this House and of declamation out of doors, and which I have seen broadly and constantly stated in the newspapers—namely, that the Scriptures are excluded from the system of education in Ireland. Now, Sir, whatever may be my views upon this subject, to the passage quoted from a former speech of mine by the hon. Member for Louth (Mr. Fortescue), I strictly and completely adhere—I am no advocate of any system of education which excludes the use of the Scriptures. I look upon it that the real question which has lately been at issue was, not whether you are to exclude the Scriptures, but whether or not you are to be at liberty to enforce their reading? To those who entertain the opinion that the Scriptures are excluded from the Irish system of education, I beg to refer them to the eleventh rule of the Board of Education in Ireland, in which it is stated as broadly and as distinctly as possible that the schools of Ireland are free to use and read the Scriptures. With regard to supporting the present system at Maynooth, I am bound to ask myself whether there is any consideration, either religious or political, which calls upon me, looking at the divided nature of our population—looking at the general interests of the empire—as a Member of this House and a Protestant Christian, to reverse the policy which has been pursued for half a century? I am debarred from taking the same line as my hon. Friend the Member for North Warwickshire (Mr. Spooner), who makes this a matter of principle, and says that it does violence to his conscience to be a party to this annual grant, because in the year 1845 I both spoke and voted in favour of the conciliatory course which was then taken by the Government of Sir Robert Peel. The reason which I urged for supporting the measure then proposed was, that I thought it most important that we should adopt a conciliatory policy towards the Roman Catholics of Ireland. I am, however, bound to say that circumstances have since occurred which must have caused great disappointment to those who advocated that policy of conciliation. Since that period we have had the Papal Aggression, as it is called, and the Synod of Thurles, and other events have occurred which have shown that the Roman Catholic body have, in some instances, not been so sensible as I anticipated they would have been, of the spirit which animated the Government of 1845. On the other hand, those events occurred many years ago, and I doubt whether there has ever been a period during which peace has more prevailed, and during which there has been a greater absence of all bitterness of feeling between Roman Catholics and Protestants than at the present moment, and for many years past. I, therefore, must say that this would be a most unfortunate moment for the adoption of any hostile policy like that of the proposition of my hon. Friend the Member for North Warwickshire. Let me make this appeal to my Friends on both sides of the House who take strong views upon this subject. I ask them, do they think it desirable that Ireland—of the population of which 5,000,000 or 6,000,000 are Roman Catholics—should be left without a priesthood? Not even the most zealous Protestant, knowing that the Roman Catholics are our fellow-Christians, can wish them to be without a priesthood. Is it better, then, that the Members of that priesthood should be trained in a foreign country, or under our own eyes, and in the land in which their sacred duties are to be performed? I must say that I think a dispassionate man can arrive at but one answer to this question. I am well aware that it has been stated, over and over again, that by making a grant for the training of the priesthood of a faith different from the national religion we are guilty of an anomaly. Why, Sir, the whole state of religious endowment in Ireland is an anomaly. In making that statement, however, let me say that I think the wise policy for this country is, to maintain things as they are. It was only by accident that I was, on a former evening, prevented from recording my vote against the Motion of the hon. Member for Rochdale (Mr. Miall), with regard to the Irish Church. Had it not been for an accident I should decidedly have recorded my vote against that proposition, because I am most decidedly opposed to any invasion of the rights of that Church. In fact, I thought the course taken by that hon. Gentleman was so extreme, that I hardly supposed his Motion could go to a serious division in this House. At the same time, and upon similar principles, I think that it would be most unwise to disturb the grant which was made to the Roman Catholics of Ireland for the purpose of training their priesthood at Maynooth. I hold these opinions distinctly as a Protestant Member of this House. I will not yield to my hon. Friend near me (Mr. Spooner), nor to any other man in this House, in the truth and sincerity of my Protestantism. I am neither a Roman Catholic nor semi-Roman Catholic; but the first and broadest duty which my Protestantism teaches me is that of toleration and charity to all. I therefore think that it would be most undesirable to excite any of those angry feelings which must be the inevitable result, if this Bill is carried into operation. It would be equally unwise to sever that connection of the State with the College of Maynooth which has now been sanctioned by every party in politics for upwards of a half a century. At the same time I must add, that it is impossible to regard the present state of this question without acknowledging that it is surrounded by great difficulty, and is attended by considerable anxiety. It is impossible to deny that the views expressed by my hon. Friend the Member for North Warwickshire (Mr. Spooner), are views entertained by a very large proportion of the people of this country. It is a most unfortunate fact—a fact which is disadvantageous to the Roman Catholics themselves, and to the whole country—that we should be subject to this periodical excitement. One of the motives which led the Government of Sir Robert Peel to propose the measure of 1845 was, that they might put an end to the annual discussions by which Parliament and the whole country were excited. Unfortunately that laudable object has not been attained. My hon. Friend near me (Mr. Spooner), actuated, I am sure, by feelings as honourable and conscientious as ever actuated any public man, still inflicts us upon these periodical excitements. On that ground, therefore, I would throw it out for the consideration of the House, and, above all, for that of Her Majesty's Ministers, whether it might not be possible to devise some mode by which an end may be put to these annual grants upon a footing which shall be consented to by the Roman Catholics, and shall preserve the spirit of what has been done. If we could arrive at such a solution it would be most desirable to do so. If there is no such possibility, I, for one, cannot consent to support the withdrawal of the grant, and must, undoubtedly, vote against the specific proposition now before the House.

MR. BOWYER said, he was anxious to make a few observations before the House came to a decision; and the more so, because on former occasions, when this question was discussed, he had always given a silent vote. His remarks should be directed to two points:—first, the sincerity of the supporters of the Bill; and secondly, the Report of the Maynooth Commission. In speaking of the sincerity of the supporters of the Bill he alluded, not to the hon. Member for North Warwickshire (Mr. Spooner), nor to certain English and Scotch Members whose constituencies, probably, compelled them to vote in the way they did, but to the sincerity of the hon. and learned Member for Enniskillen (Mr. Whiteside), and of the right hon. and learned Member for the University of Dublin (Mr. Napier). Those Gentlemen had spoken always strongly and vehemently in favour of the abolition of the grant to Maynooth; but what did those Gentlemen do when they were law Officers of the Crown? They sat in silence when the subject was discussed, as they would have had to do now if they had still been law Officers of the Crown. These hon. and learned Gentlemen were Members of a Government who supported Maynooth, yet they now opposed the grant. He would now pass to the Report of the Commission. What was the result of that Report? Every one of the charges made against Maynooth was negatived by the Report and evidence. Many Gentlemen said that the teaching at Maynooth encouraged Ultramontanism. He (Mr. Bowyer) thought that very few of those Gentlemen who talked about Ultramontanism knew what it was. But the result of the Commission of 1826 was precisely similar to the present. The college had not altered. His (Mr. Bowyer's) view might seem a peculiar one. He, in many respects, admired the College of Maynooth, and the system pursued there. In no college in the world would they find a finer body of young men than in that college. He saw there many symptoms of poverty; but as to Ultramontanism, he must say this, that much as he admired the College of Maynooth, the fault that he found in it was, that it is not Ultramontane. In Maynooth there was a system of education which certainly was not Ultramontane. He (Mr. Bowyer) said so three years ago, when he enjoyed the hospitality of the President of the College. The system of theology taught there was more likely to be popular in England than in Rome. The books used now in the College of Maynooth were the same precisely as were formerly in use, except one book, which was removed, in consequence, not of Ultramontanism, but because it was considered to teach views of marriage that were not orthodox. The hon. Member for West Surrey (Mr. Drummond) had referred to Liguori. His (Mr. Bowyer's) answer was, that the works of Liguori were not textbooks at Maynooth. The hon. Gentleman (Mr. Drummond) had also referred to the decrees of the Church of Rome on this subject, but that part of the question had been so fully dealt with by the hon. Member for Dungarvan (Mr. Maguire) in his able and eloquent speech that it was unnecessary for him (Mr. Bowyer) to press it further upon the attention of the House. He wished to say one word as to the voluntary principle, as the Catholic Members were urged to give up Maynooth on that principle. The Roman Catholic Church itself, in this country, was the greatest monument of the success of the voluntary system on record. Except in Maynooth, the Roman Catholic system was universally a voluntary one in this country; and at New York, only lately, the sum of £100,000 had been raised for a Roman Catholic cathedral for that city. Then, he said to the advocates of the voluntary system, only let them act fairly —let them give up the Established Church, and they (the Roman Catholics) would give up Maynooth. If they were to have a fair field and no favour, the Roman Catholics would be quite willing to give up Maynooth; but he was afraid that if it were so, the stronger party might be disposed to sacrifice Maynooth, but at the same time to retain the Established Church.

MR. HORSMAN said, that on grounds of justice, policy, and good faith the Government deemed it incumbent upon them to support the Amendment. It had been frequently stated, on the part of Her Majesty's Government, that from the circumstances under which the grant to Maynooth was originally made they felt bound in good faith to continue it. As a measure of policy, also, they deemed it necessary to adhere to the grant, because its continuance involved the peace and tranquillity of Ireland; and he therefore contended that, as an act of justice, the grant must be maintained because, while the Established Church possessed large revenues, and while the Presbyterian Church received Parliamentary grants, he thought it would be most unjust as well as most impolitic to deprive the great body of the Irish people of the scanty means now supplied by the State for the support of their religion. He cordially agreed with the right hon. Member for Droitwich (Sir J. Pakington) in deprecating annual discussions upon a question of which, without meaning any disrespect to the hon. Member for North Warwickshire (Mr. Spooner), he must say both sides of the House had long been weary. They had had discussions of this kind *ad nauseam*, and he saw no chance of avoiding them so long as the hon. Member for North Warwickshire persisted in a course which no doubt conscientious motives induced him to pursue; but if the right hon. Member for Droitwich could suggest any mode which would relieve them from such debates, he (Mr. Horsman) felt assured that both that House and Her Majesty's Government would feel greatly beholden to him. The late Sir Robert Peel had, with great foresight and sagacity, proposed that the grant to Maynooth should be transferred from the annual estimates to the Consolidated Fund. That proposal was agreed to, and he (Mr. Horsman) had hoped that that measure would have prevented contention about this grant, which, although miserable in amount, involved a principle of the utmost importance to the Roman Catholics of Ireland. The hon. Member for North Warwickshire had not shown that the continuance of the grant was attended with any practical evil, nor had he endeavoured to prove that any benefit would result from its discontinuance. The hon. Gentleman simply declared his opinion that the continuance of the grant was a great national sin. It did not appear, however, that many hon. Gentlemen on the opposite benches were disposed to support that view of the case. He would venture to ask the hon. Gentleman what his definition of "national sin" really was. For his part, he (Mr. Horsman) believed that it was a national duty on the part of the Legislature to promote the tranquillity and the morality of the Irish people by providing them with the means of religious instruction; and if the Legislature neglected that duty, in his opinion they would commit a great national sin. He was convinced that the moral, social, intellectual, and religious progress of the Irish people would be retarded if the Bill of the hon. Member for North Warwickshire were adopted, and he therefore felt bound to oppose it. The right hon. and learned Member for the University of Dublin (Mr. Napier) who brought forward the ingenuity of the lawyer to cloak the bitterness of the partisan, had not taken the same ground as the hon. Member for North Warwickshire, but he entered into a minute discussion of controversial points, and having stated that the works of certain authors who did not hold Ultramontane doctrines were formerly used in the College of Maynooth, while the writings of Ultramontanists had subsequently been introduced, he argued that a new state of things had arisen which justified the House in discontinuing the grant. The right hon. and learned Member also told the House that they ought, as a matter of conscience, to connect the Vote of that day with that of the other night. But what they stated the other night was this—that a large body came to ask the House to subsidise a minority, in order to wage war against their rivals. Now, intolerance was a costly luxury, and the spirit of proselytism had cost England millions of treasure and torrents of bloodshed. On that ground Protestant ascendancy was the motto of hon. Gentlemen opposite; religious equality and toleration was theirs. They granted to others liberty of conscience, liberty of faith, liberty of religious belief; but that which they could not give them, which was not theirs to give, was the right to interfere with the religious belief of their fellow-creatures. To that end they would not grant them licence nor pay the costs. Then hon. Gentlemen opposite did not say what would be the evil consequences of the measure. Would it make one Roman Catholic less at Maynooth to-morrow? Or did the hon. Member for North Warwickshire think there would be one Protestant more? Would the abolition of Maynooth strengthen the Established Church? Then, if so, what were the advantages promised? There was a strong antipathy to the religion of the Roman Catholic Church, which had existed since the Reformation in Ireland; but if that were all, that antipathy was not a ground upon which a Christian Legislature could interfere. He considered that the abolition of Maynooth, as a measure of policy, would be dangerous; and, as a measure of justice, a stain on our Church and our Legislature; and he hoped the House would join the Government in opposing the Bill.

CAPTAIN BELLEW said, he hoped that the hon. Baronet (Sir W. Verner) would allow him an opportunity of removing an impression arising out of his speech, which he (Captain Bellew) believed and trusted was a false one. The hon. Baronet had made a statement which led to the conclusion that the Archbishop of Tuam had imported Bibles from Dublin into his diocese, in order that they might be there burnt; he therefore called upon the hon. Baronet to explain.

SIR WILLIAM VERNER said, that he had already stated to the hon. and gallant Member that he had never made such a statement, and he would appeal to the House whether it was necessary he should make a further statement on the subject.

MR. SPOONER, in reply, said, that he founded his opposition to the grant on the ground that the books used at Maynooth inculcated gross immorality, and that the religion taught was contrary to the Word of God. He opposed the grant on principle. No one had been a firmer supporter of Catholic emancipation, so far as giving Roman Catholics civil rights was concerned, than he was. The right hon. Gentleman opposite (Mr. Horsman) had talked of toleration; but it was not toleration to compel him to pay for the teaching of that which he believed to be contrary to the Word of God. [*Cries of* "Divide."] He had been listening patiently for five hours to the speeches of others on this Bill, but they would not give him five minutes. The hon. and learned Member for Dundalk (Mr. Bowyer) seemed to regard the teaching of Ultramontane doctrines in Maynooth as desirable; and in what, he would ask, did those doctrines consist? Why, they went the length of maintaining, not alone the spiritual but the temporal authority of the Pope over these realms; and as such were repugnant to the principles of which the hon. and learned Gentleman, as a loyal subject of Her Majesty, ought to be the advocate. An accusation had been made by the right hon. Gentleman opposite (Mr. Horsman) against his (Mr. Spooner's) right hon. and learned Friend the Member for the University of Dublin (Mr. Napier), to the effect that he had stated that he had no objection to the maintenance of the grant to Maynooth; but that was a complete misrepresentation of the sentiments of his right hon. and learned Friend, who had simply observed that he should not oppose any grant for the purpose of promoting good and true education in Ireland of such a character as he could conscientiously support. Such was not, however, the nature of the instruction which was administered in the College of Maynooth, and it was because it tended to make the priesthood of Ireland mischievous politicians, instead of loyal subjects—to render them the greatest obstacles to, instead of being the earnest upholders of, good government—that he desired to see all State encouragement to such instruction withdrawn. He had from the outset been the determined opponent of that encouragement. When Sir Robert Peel, in 1845, proposed the grant to Maynooth, he—foreseeing that its results would not be what that eminent statesman had predicted—had stood up in his place to gainsay the proposition. He had, therefore, he maintained, always been the consistent supporter of these views with respect to the grant to Maynooth which he sought to embody in the Bill before the House, and his right hon. Friend the Member for Droitwich (Sir J. Pakington), for whose opinion he entertained the highest respect, had done him no more than justice in stating his belief that in taking the course which he had adopted he was influenced by no other than strictly conscientious motives. Sir Robert Peel's conduct upon the question, instead of showing foresight, displayed the greatest want of foresight, for he took away the great check and control over it—namely, that of being an annual Vote. He would ask the Government if Catholic priests had not been the greatest obstacles to good government? and even the noble Viscount (Viscount Palmerston) found himself crippled by the representatives of priests who sat below the gangway. They must arrest the progress of Popery before they could restore that equilibrium in the House which would enable the Government to carry on the affairs of the nation. The time would come when resistance to the grant would become a necessity. An hon. Gentleman, a Catholic, had stated that if the oath he had taken would control his conduct as a Member of that House, he would vacate his seat. If the noble Viscount disregarded the people of England and Scotland, and attempted to govern it through the Irish priests, he would find that, difficult as his position now was, it would become ten times more so. [*Cries of* "Divide, divide!"] He had been desirous of replying *seriatim* to the main objections which had been urged against his Bill in the course of the debate, but as it seemed to be the wish of the House that a division should at once be taken, he should conclude by appealing to the noble Viscount at the head of the Government, by supporting the Bill, to throw himself upon the Protestant feeling of the nation, which would support him against the necessity of yielding to the pressure which was put upon him by the representatives of the priests below the gangway, to the obstruction of many a useful measure, and which would preserve him from the indignity of being obliged to pander to their wishes in order to obtain their votes.

Mr. BOWYER, in explanation, said, that he did not, as the hon. Member for North Warwickshire supposed, confound the temporal with the spiritual power; the two powers were separate and distinct.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 174; Noes 168: Majority 6.

### *List of the* Ayes.

Adderley, C. B.
Agnew, Sir A.
Alcock, T.
Anderson, Sir J.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Bailey, Sir J.
Baird, J.
Baldock, E. H.
Ball, E.
Barrington, Visct.
Barrow, W. H.
Baxter, W. E.
Bennet, P.

Bentinck, G. W. P.
Beresford, rt. hon. W.
Bernard, Visct.
Blackburn, P.
Blandford, Marquess of
Bramley-Moore, J.
Brocklehurst, J.
Buck, Col.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Butler, C. S.
Butt, G. M.
Cabbell, B. B.
Campbell, Sir A. I.
Carnac, Sir J. R.
Challis, Mr. Ald.
Cheetham, J.
Child, S.
Cole, hon. H. A.
Coles, H. B.
Collier, R. P.
Cowan, C.
Craufurd, E. H. J.
Crossley, F.
Cubitt, Mr. Ald.
Davie, Sir H. R. F.
Davies, J. L.
Davison, R.
Dod, J. W.
Duckworth, Sir J. T. B.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. Col.
Duncombe, hon. W. E.
Dundas, G.
Dunlop, A. M.
Du Pre, C. G.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Ellice, E.
Ewart, W.
Farnham, E. B.
Farrer, J.
Fergus, J.
Ferguson, J.
Fergusson, Sir J.
Filmer, Sir E.
Floyer, J.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Gilpin, Col.
Goddard, A. L.
Gooch, Sir E. S.
Graham, Lord M. W.
Greenall, G.
Grogan, E.
Guinness, R. S.
Gurney, J. H.
Gwyn, H.
Hadfield, G.
Hall, Gen.
Hamilton, G. A.
Hamilton, rt. hn. R.C.N.
Hardinge, hon. C. S.
Hastie, A.
Hastie, Archibald
Hildyard, R. C.
Hotham, Lord
Irton, S.
Johnstone, J.
Jolliffe, H. H.
Jones, Adm.
Jones, D.
Kelly, Sir F.
Kendall, N.
Kerrison, Sir E. C.
King, hon. P. J. L.
King, J. K.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Knightley, R.
Knox, hon. W. S.
Langton, H. G.
Lee, W.
Lennox, Lord A. F.
Lindsay, hon. Col.
Lisburne, Earl of
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lowther, Capt.
Macartney, G.
Mackie, J.
MacGregor, James
MacTaggart, Sir J.
Maddock, Sir H.
Matheson, Sir J.
Maunsell, T. P.
Meux, Sir H.
Miall, E.
Miles, W.
Milligan, R.
Mills, T.
Michell, W.
Montgomery, Sir G.
Morris, D.
Mowbray, J. R.
Mundy, W.
Napier, rt. hon. J.
Napier, Sir C.
Neeld, J.
Newark, Visct.
Noel, hon. G. J.
North, Col.
Ossulston, Lord
Pakenham, T. H.
Palmer, R.
Parker, R. T.
Pellatt, A.
Pigott, F.
Pilkington, J.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Rust, J.
Sandars, G.
Sawle, C. B. G.
Seymour, W. D.
Shelley, Sir J. V.
Shirley, E. P.
Sibthorp, Maj.
Smith, W. M.
Smith, A.
Smollett, A.
Stafford, A.
Stanhope, J. B.
Stracey, Sir H. J.
Stewart, Sir M. R. S.
Stuart, Capt.
Sturt, H. G.
Taylor, Col.
Tempest, Lord A. V.
Thompson, G.
Tite, W.
Trollope, rt. hon. Sir J.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Walcott, Adm.
Welby, Sir G. E.
Whitmore, H.
Wickham, H. W.
Woodd, B. T.
Wyndham, Gen.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Spooner, R.
Newdegate, C. N.

## *List of the* NOES.

Acton, J.
Adair, Col.
Antrobus, E.
Atherton, W.
Ball, J.
Baring, rt. hn. Sir F. T
Bass, M. T.
Beamish, F. B.
Bellew, T. A.
Bethell, Sir R.
Biddulph, R. M.
Black, A.
Bland, L. H.
Bond, J. W. M'G.
Bowyer, G.
Brady, J.
Bramston, T. W.
Brockman, E. D.
Brotherton, J.
Bruce, Lord E.
Bruce, H. A.
Buckley, Gen.
Burke, Sir T. J.
Byng, H. G. H. C.
Castlerosse, Visct.
Cavendish, hon. C. C.
Cecil, Lord R.
Clinton, Lord R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coote, Sir C. H.
Corbally, M. E.
Cowper, rt. hon. W. F.
Deasy, R.
Denison, J. E.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Duff, G. S.
Dungarvan, Visct.
Dunne, M.
Esmonde, J.
Ewart, J. C.
Feilden, M. J.
Fenwick, H.
Ferguson, Col.
FitzGerald, Sir J.
FitzGerald, J. D.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Gibson, rt. hon. T. M.
Gifford, Earl of
Glyn, G. C.
Goderich, Visct.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Hall, rt. hon. Sir B.
Handcock, hon. Capt. H.
Hankey, T.
Hayter, rt. hon. W. G.
Heard, J. I.
Heathcote, Sir W.
Heneage, G. H. W.
Heneage, G. F.
Higgins, Col. O.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hughes, H. G.
Hutchins, E. J.
Ingham, H.
Ingram, R.
Jackson, W.
Johnstone, Sir J.
Kennedy, T.
Labouchere, rt. hon. H.
Langston, J. H.
Lemon, Sir C.
Lennox, Lord H. G.
Lewis, rt. hon. Sir G. C.
Littleton, hon. E. R.
Lowe, rt. hon. R.
MacEvoy, E.
Mackinnon, W. A.
M'Cann, J.
M'Mahon, P.
Magan, W. H.
Martin, P. W.
Massey, W. N.
Meagher, T.
Moffatt, G.
Monck, Visct.
Moncreiff, rt. hon. J.
Monsell, rt. hon. W.
Moore, G. H.
Mowatt, F.
Mulgrave, Earl of
North, F.
Northcote, Sir S. H.
O'Brien, P.
O'Brien, Sir T.
O'Brien, J.
O'Connell, Capt.
O'Flaherty, A.
Osborne, R.
Owen, Sir J.
Pakington, rt. hn. Sir J.

Palmer, Roundell
Palmerston, Visct.
Paxton, Sir J.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Perry, Sir T. E.
Philipps, J. H.
Portman, hon. W. H. B.
Pritchard, J.
Raynham, Visct.
Reed, Maj. J. H.
Ricardo, O.
Ricardo, S.
Ridley, G.
Roebuck, J. A.
Russell, F. C. H.
Russell, F. W.
Sandon, Visct.
Scholefield, W.
Scobell, Capt.
Scully, F.
Shee, W.
Shelburne, Earl of
Smith, rt. hon. R. V.
Somerville, rt. hn. Sir W.
Stanley, Lord
Stanley, hon. W. O.
Steel, J.
Strickland, Sir G.
Strutt, rt. hon. E.
Talbot, C. R. M.
Thornely, T.
Thornhill, W. P.
Tottenham, C.
Vane, Lord H.
Vernon, G. E. H.
Vivian, H. H.
Walmsley, Sir J.
Walpole, rt. hon. S. H.
Walter, J.
Watson, W. H.
Wigram, L. T.
Wilkinson, W. A.
Willcox, B. M'G.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wrightson, W. B.
Wyvill, M.

TELLERS.
Maguire, J. F.
Herbert, H. A.

Question again proposed, "That the Bill be now read a second time."

**Mr. BOWYER** said, he should move that the debate be adjourned.

**Mr. SPOONER** said, he hoped the House would come to an immediate decision upon the second reading.

**Mr. H. HERBERT** said, in the early part of the day, when the House was, comparatively speaking, empty, the hon. Member for North Warwickshire appealed to hon. Members not to discuss the question at any great length. Yielding to the wish of the hon. Member, and, as he believed, also to the wish of the House, he (Mr. Herbert) had, without making any remarks, moved that the Bill be read a second time that day three months. Notwithstanding the appeal of the hon. Member for North Warwickshire, however, three of his Friends had spoken at great length in favour of the Bill, and the hon. Member himself made a long reply, in which he said very offensive things in bitterly assailing the faith of Roman Catholics. In these circumstances, he thought it not unreasonable that he should be afforded an opportunity of expressing his sentiments with regard to the Bill, and that the same opportunity should be extended to others. [The hon. Member continued to speak till the hands of the clock pointed at a quarter to Six, when, according to the rules of the House, all proceedings on an opposed Motion are suspended.]

The House adjourned at ten minutes before Six o'clock.

# HOUSE OF LORDS,

## *Thursday, June* 26, 1856.

Minutes.] Public Bills.—$1^{a}$ Burial Acts Amendment.

$2^{a}$ Grand Juries; Sardinian Loan; Seamen's Savings Banks.

$3^{a}$ Transfer of Works (Ireland).

### GRAND JURIES BILL.

Order of the Day for the Second Reading, read.

**Lord CAMPBELL** moved the Second Reading of this Bill, the object of which he stated to be, to change the mode of administering the oath to witnesses who were about to give evidence before grand juries. The mode now in use was, to swear the witnesses in great mobs in open court, in a way which was very irreverent, very inconvenient, and very misbecoming. The Bill provided that the foreman of the grand jury should administer the oath in the grand jury room before he was examined. A noble Friend of his had complained that the Bill did not extend to Ireland; but upon inquiry he (Lord Campbell) found that the system which the Bill proposed to introduce had already prevailed in that country for the last twenty years. He should be glad to see the principle extended in their own direction, and that the chairman of Select Committees of that House should have power to swear witnesses appearing before them, instead of the oaths being administered at the bar in a hasty and somewhat slovenly manner. Whether the House had power to effect such a change by a simple Resolution might be a matter of doubt; but it was quite certain that such a change was most desirable.

*Moved*, That the Bill be now read $2^{a}$.

**Lord PORTMAN** said, he had given notice of a Motion to postpone the second reading for six months, but after what had occurred it would not be necessary for him to press it. Some hon. Members of the other House had represented to him that the Bill, which was one of considerable importance, had passed through that House rather unexpectedly; and, as it was desirable that its provisions should be fully considered, he had given notice of a Motion to postpone the second reading, in order that their Lordships' attention might be called to it. One point which required consideration was whether, as grand juries at quarter sessions comprised no magistrates, it was right to confer upon the foremen of such grand juries the power of magistrates in respect to the administration of oaths. It had also been suggested that, as grand jurors were sworn to "keep the Queen's counsel, their own, and their fellows'," they might be compelled, in the event of the Bill being passed, to give evidence upon what occurred in the grand jury room. That, he was told, was an over-sensitive feeling, as no doubt the noble and learned Lord (Lord Campbell) would at the proper time explain, and he was quite content to leave the matter in his hands. With respect to the extension of the principle represented by this Bill to Committees of that House, he could see no reason why it should not be done.

Lord BERNERS said, he could see no objection to the Bill, except that the mode of swearing the witnesses proposed in it was one that would take away from the solemnity of the administration of justice.

The LORD CHANCELLOR supported the Bill. He spoke after an experience of many years in a criminal court, and he thought nothing could be, more discreditable than the way in which the oath was now administered there. On the first day or two of the assizes in a large county it was almost impossible to pass and repass in the criminal court, owing to the continual pressure from witnesses who were being sworn. The whole exhibition, he repeated, was excessively discreditable, and he thought the main object of the Bill an exceedingly desirable one.

Lord STRADBROKE and the Marquess of SALISBURY, were understood to express their general approval of the Bill.

The Earl of POWIS observed, that he did not see why the foreman of the grand jury should be called upon to do the duty of the crier of the court.

The Earl of HARDWICKE thought a great deal of time would be lost by the grand jury if this measure became law; instead of examining witnesses, they would be employed in swearing them. The question was, how to insure more decency in the swearing of witnesses, and he thought this object might be attained if, instead of being sworn by a crier, the witnesses were sworn either by a magistrate or the Judge himself. He did not look upon the Bill as at all necessary.

Lord CAMPBELL said, the suggestion would involve the suspension of the trials in court; and as it was, the business was seriously interrupted.

Motion *agreed to.*

Bill read $2^a$ accordingly, and *committed* to a Committee of the whole House on *Tuesday* next.

## DIVORCE AND MATRIMONIAL CAUSES BILL.

Order of the Day for the House to be put into a Committee read.

Lord LYNDHURST: My Lords, I think it will be for the convenience of your Lordships that, before going into Committee, I should shortly state the substance of this Bill as it has come to your Lordships, amended by the Select Committee. I believe your Lordships will approve the Amendments suggested by that Committee. The great object which we had in view, and which, in fact, the framers of the original measure had in view, was to establish a separate tribunal for the decision of matrimonial causes. When the composition of that tribunal was considered, we came to the conclusion that it should consist of the Lord Chancellor, the three chief Judges of the Courts of Common Law, and the Dean of Arches. It was resolved that the Dean of Arches should continue to sit alone in cases such as those which at present come under his jurisdiction; while with respect to causes of divorce *à vinculo matrimonii* the tribunal should consist of the whole court, or whatever constituted a quorum of the court. It was further considered that as far as relates to appeals, the appeals from the decision of the single Judge should be to the whole court; and that appeals in cases *à vinculo matrimonii* should be to the House of Lords, not in respect to matters of fact, but with regard to matters of law only—which cases, however, would be of very rare occurrence. Now, I think, my Lords, that after considering the composition of the tribunal thus constituted, you will agree with me and the Committee that it is one likely to fulfil the objects for which it would be created. It is a court dignified in rank, and necessarily full of talent, from the situation held by the Judges; but it is not more competent than a court ought to be which is called upon to try such important questions as would occasionally come before it. So much, then, with respect to the new tribunal, which, I think, will be considered quite satisfactory to your Lordships and the public. Now, as to the alterations in the existing law introduced by the Bill before your Lordships. As the law at present stands, when a wife is divorced from her husband upon her petition complaining of the conduct of the husband either on the ground of cruelty, adultery, or other misconduct of her husband, she is in the situation that whatever property she may acquire either by her own industry and skill, whatever property devolves upon her either by bequest or otherwise, that property belongs to the husband ; and not unfrequently—I may say, generally—is applied by him, not to the support of his wife, but to the support of a mistress. Now, my Lords, the Committee considered it right that such a state of things should be put an end to, and accordingly they decided unanimously that where the wife is separated from her husband by a divorce *à mensâ et thoro*, in consequence of his misconduct, all the property that she may afterwards acquire, either through her own exertions or as devolving on her in any way whatever, she is to hold for her separate use, and may dispose of it as she thinks proper, either by deed, will, or otherwise. I think, my Lords, that you will be of opinion with the Committee, that that is a provision which justice imperatively requires. But another feature in the present state of the law involving a great hardship towards a woman in the situation I have just described is this, that she cannot maintain any action in her own name. She may be subjected to any injury whatever—to personal violence of the grossest description—nevertheless she can maintain no action in her own name unless with the consent of her husband. Again, she can enter into no contract, or if she does, she has not the means of enforcing the obligations contracted towards her. Accordingly the Committee have come to the conclusion that where a woman is separated from her husband under such circumstances, she should be, in respect to suing, entering into contracts, and enforcing contracts, in the position of a *femme sole*. I think your Lordships will be of opinion with the Committee, who were unanimous upon this point, that the alteration here proposed is a very wise and salutary alteration. And I beg leave to say, from a conversation which I have had with my noble and learned Friend on the woolsack, that although this provision was not introduced into the Bill, nevertheless it had passed through his mind, and that he thought it desirable to make such a change in the law. I now come to the third point, which refers to actions for the recovery of damages in cases of adultery—actions which I consider, in common, I am sure, with many of your Lordships, to be of the most scandalous character. I know that my noble and learned Friend the Lord Chief Justice, while engaged in the trial of such a cause a short time ago, felt called upon to express a hope that the law on that subject would shortly undergo a change. My Lords, I proposed in the Committee that those actions should be abolished. The Committee, however, were of opinion, though not unanimously, against me on that point. I afterwards proposed that the action for damages should be abolished, and a prosecution substituted in place of it, feeling quite certain that it would be far more effectual for the purpose of preventing adultery than any action for the recovery of damages. My Lords, this description of action is really a scandal to the country. There is no other country in the world where such actions are brought ; on the Continent they are looked upon with feelings of disgust and horror ; and it is wondered at that a civilised country like this should maintain a law of this description. But not only so, to the woman such an action involves the greatest hardship and injustice. She is no party to it—she cannot appear in the cause—she cannot be heard either by her counsel or in her own person—and hence it may happen that her husband and the other party to the suit colluding together, she may become their victim without redress. Such a state of things is contrary to all principles of justice. Now, my Lords, in the Court of Chancery, when a suit is instituted, if it should be objected that on the face of the proceedings some person, not made a party to the suit, is in the slightest degree interested in it, the suit is suspended until that party shall appear in court. However, my Lords, the decision of the Committee was against me on that point, and, as I think, most unfortunately. But I hope your Lordships will take it into consideration, and be disposed to come to a different conclusion ; and I shall, therefore, in the course of the Committee, make a Motion to that effect for the purpose of taking the opinion of your Lordships upon a question of such interest. I know it is said that these cases are of infrequent occurrence. I believe, however, that they are constantly occurring. I believe that compromises frequently occur—that the defendant allows judgment to go by default, on the understanding that the damages are to be refunded to him. It is said that I shall inflict a hardship upon some persons by carrying out my proposition on this subject; but when hardship is spoken of, I beg to recall to your Lordships' minds the petition presented by my noble Friend, whose absence in the north of England I so much deplore—a petition of the most curious kind; but for the accuracy of the statements contained in which my noble Friend vouched. An action for adultery was brought—a verdict was obtained by the plaintiff, and nominal damages were given. The lady was thus doomed to destruction, and was driven out of society. By, however, a most fortunate combination of circumstances—and I now refer to the statement of the petition—after the lapse of eighteen months or two years, the lady thus injured was able to prove to the satisfaction of the Court that there was not the slightest foundation for the charge brought against her. I say it was proved, by a most singular combination of circumstances, that not only she never had sexual intercourse with the alleged adulterer, but that she never had had sexual intercourse even with her husband, and that she was at the moment of trial as pure a maid as at the very earliest period of her life. The point, therefore, upon which I rely is the hardship of suffering a woman to lose her character, and to be driven out of society, without an opportunity being afforded her of maintaining her innocence, or of producing witnesses in her defence. So much then as to that point. The fourth point to which I have to direct your Lordships' attention is one which, in the opinion of the Committee, involves a great hardship. And though with regard to this point the decision of the Committee does not exactly go to the extent which I should wish, still it is a great advance in the direction of reform, and towards protecting the rights and interests of women. I think it is consistent with Scripture, with law, and with reason, that the wife should be put upon the same footing as the husband in cases of adultery. According to the law of Scotland such is the case, and evidence was produced before us to show that no inconvenience resulted therefrom. The Committee, however, could not be persuaded to go to that length, though they advanced in the direction a considerable way. I cited many authorities in support of that opinion, and ultimately the Committee went so far as to decide that in all cases of adultery accompanied by cruelty, in cases of incestuous adultery, and in cases of bigamy, the wife should be entitled to a divorce from her husband. I very much thank the Committee for having gone so far as they have in this matter, although I would fain have persuaded them to go a little further. I could not, for instance, get the Committee to go along with me in extending the right to cases where adultery has been committed, and the husband has been indicted for felony and sentenced to transportation, and to all such cases where, in fact, the objects of marriage have been defeated. I think in all such instances the marriage bond ought to be dissolved. However, though the Committee would not agree with me, I thank them for having gone so far as they have done. Only to one other point do I wish to allude. By the Bill, as it originally stood, a wife is entitled to alimony after four years' desertion by her husband; but the Committee have decided that she should be entitled to alimony after a desertion of a much shorter period. I have thus, my Lords, brought under your consideration the various points, both in the Bill itself and in the Report of the Select Committee, to which it seemed to me desirable your Lordships' attention should be directed before proceeding to discuss the Bill, with the various Amendments proposed in Committee. I regard this Bill as an important step in the right direction, and I trust it will shortly become the law of the land.

*Moved*—That the House do now resolve itself into a Committee.

THE MARQUESS OF LANDSDOWNE: Having been one of the members of the Select Committee which sat upon this very important subject, I am desirous thus early in the proceedings to state my own opinion of this Bill, as it now appears before your Lordships, and of some of the suggestions which have been made by the noble and learned Lord who has just sat down. I quite agree with the noble and learned Lord in the desire which he expresses that this Bill should become law; and I wish to offer my testimony of gratitude on behalf of this House and on behalf of the public, both to my noble and learned Friend on the woolsack who introduced this measure, and to the noble and learned Lord opposite who has suggested many valuable additions to the Bill which have been approved and adopted by the Select Committee; because by means of the Bill, in its present form, a very great wrong, affecting society and the interests of women at large, has been effectually, I hope, but at all events to a great extent, redressed. I have for years past thought that in this country, which boasts the most advanced state of civilisation in the world, the legal position of woman has partaken of that situation which it would occupy in the least civilised and most barbarous States. Certainly, she occupies a condition which is inferior to that which prevails in any other modern country, and inferior to that which prevailed in Rome—the great origin and fountain of the civil law. Although we should not think of following the example of the Romans in other points, nevertheless, in this particular respect they exercised a more refined, a more liberal, a more just, and a more enlightened policy than that which your Lordships and the other House of Parliament have for years allowed to prevail in this country. On the subject of the cruelty and injustice of the English law towards women, I would not have your Lordships judge by the cases that come before you here. Many as are the cases of great hardship and injustice which must have come to your Lordships' knowledge in those elevated classes of society with which you are naturally more intimately associated, I believe that they are as nothing compared with that great mass of injustice which has for years existed among the lower and inferior classes of the community. What are we perpetually witnessing? According to the old law upon this subject, a woman deserted by her husband—not for one year merely, but for six, seven, or eight years — having in his absence earned her own livelihood and provided for her children—is liable, at the expiration of a long period, to have her earnings taken from her, her children deprived of their provision, and herself left destitute—all to benefit a cruel, debauched, and profligate husband, and after the exercise of every species of industry and virtue upon her part. I could recite numerous instances of this description to your Lordships. One will suffice by way of illustration. It is the case of the wife of a shoemaker, who was abandoned by her husband; he gave up his trade and deserted her for a period of seven years. On his desertion, she set to work and learned his trade, and practised it during his absence. She thus obtained for herself the means of subsistence, she provided for her children, and her industry and honesty prospered her in her undertaking. At the expiration of seven years, however, the man came home, seized all the profits of her laborious industry, waited upon her customers, and collecting the bills which were due to her, appropriated the proceeds to his own benefit. That is only a single instance; but it may exist everywhere, in every town and in every village throughout the country. In answer to cases such as these we are told by some learned writers, "Oh, that is the common law of the country; but there are remedies to be found in a court of equity." A court of equity! Why, my Lords, to send the wife of a humble shoemaker or of a petty shopkeeper to seek her remedy in a court of equity against an injustice of this description appears to me to be neither more nor less than a mockery—a mockery to which I hope in future no one will ever have occasion to refer. I hope that this important subject will not be allowed to drop without some remedy being applied, and I earnestly trust, above all, that means will be found to put an end to actions for criminal conversation. These actions not only tend to corrupt public morals and to affect public decency, but they lead to the greatest injustice as respects the parties concerned. They bear especially hard upon the woman, whose character and interests are at stake, but whose voice is not heard, and cannot be heard, from the very nature of the proceedings. It appears to me, that in such actions, *quoad* the ends of justice, all parties stand in a false position. These proceedings are founded upon the monstrous assumption that the loss of the affections of a wife is to be treated as the loss of an ordinary chattel, and is to be compensated in pounds, shillings, and pence, according to the opinion of a jury impannelled for that purpose, but impannelled without an opportunity of forming a right judgment — on the contrary, with every incentive on the part of the prosecutor and the prosecuted to present a false view of the case. The prosecutor may perhaps wish, from a remnant of those feelings that exist in a humane bosom, to mitigate the guilt of her who has been the partner of his life; but more often he is actuated by motives of the most vindictive kind, and aggravates the facts of the case beyond what the interests of justice and truth require. On the other hand, the party prosecuted, if he looks forward to the formation of an honourable connection with the woman whom he has seduced, has every motive for mitigating her guilt; but, if he is so profligate as to wish to avoid making the only reparation which it is in his power to offer, he will not hesitate to save himself at the expense of truth. I have already said that the disgusting details which are dragged to light in the course of such actions act injuriously upon public morals. Your Lordships know how many of these cases have been tried in our own time, and the deplorable consequences to which they have sometimes led. One of the earliest of such cases occurred in the reign of Charles the Second, and that monarch is stated to have attended every day's proceedings, and to have declared that he found it quite as entertaining as a play. I humbly think that an action for criminal conversation is not an edifying subject of amusement either for Sovereign or for people; that, on the contrary, it is utterly corrupting in its nature, and I cannot see why means should not be found of punishing the parties prosecuted in these cases in some other way—for example, by enabling the court to be established under the present Bill to order proceedings to be taken under its own direction against the parties in question. Undoubtedly the Bill, as it now stands, makes a step in the right direction, because I understand it is not intended that the new court should, as heretofore, require an action for criminal conversation to have been raised previously to a suit for divorce; and I think the Committee have gone as far as they ought in drawing a distinction between adultery on the part of the husband and adultery on the part of the wife. Nevertheless, I thank the noble and learned Lord opposite for bringing that particular point before the House. It is one of great importance, and well deserves the attentive consideration of your Lordships. If any further improvements can be made in the Bill I shall be glad; but as it stands at present, though not perfect, it is a great advance upon the existing state of things, and, I believe, will be productive of great good to the country.

THE LORD CHANCELLOR said, that as the introducer of the Bill to their Lordships, he wished to say a few words relative to the alterations adopted by the Select Committee. He would advert, in the first instance, to the question on which the Committee were not altogether unanimous—namely, the propriety or impropriety of abolishing actions for criminal conversation. He thought that those actions had hitherto been raised mainly, if not entirely, in consequence of the rule laid down by their Lordships that without a verdict in such an action a divorce could not be granted. Inasmuch, therefore, as the Bill did away with that necessity and enabled a divorce to be obtained upon its own merits, without any such previous action, he believed the consequence would be, from the good feeling of the community, although not from positive enactment, to make such actions extremely rare. He did not say that the Bill would entirely abolish them, and he confessed, differing in that respect from his noble Friend who had just addressed their Lordships, that he did not think it would be expedient to declare by positive enactment that in no circumstances could such an action be brought. For he could conceive cases in which it might be perfectly reasonable that there should be pecuniary compensation. Grievous injury might arise to a poor man from the misconduct of a rich one; there might be many cases in which the guilty act of an adulterer might deprive a poor man of a portion of his income, and whenever that occurred moral justice would seem to require that pecuniary compensation should be given. A majority of the Committee were therefore of opinion that actions for criminal conversation should not be abolished altogether. With regard to the constitution of the tribunal to be established under the Bill, the alteration adopted by the Committee was not a very material one. As the Bill originally stood, it was proposed that the court should consist of the Lord Chancellor, the Lord Chief Justice of the Court of Queen's Bench, and one of the ecclesiastical Judges—the Chief Justice, when he could not attend, to delegate another judge; but the Committee suggested that, instead of this delegation, all the three Chief Justices should have a seat, any one of them being sufficient. As to the rights of a woman divorced *à mensâ et thoro* with regard to property, he had from the first stated that he had no objection to such a woman being regarded as a *femme sole*; but he did not think it was a matter which should be introduced into the present Bill. He was still of the same opinion, but nevertheless would not object to the recommendation made by the Committee. Then, with reference to the relief which ought to be given to the wife, the Bill originally provided that she should be entitled to a divorce only in case of incest. The Committee thought, however, that the right should be extended to such cases as bigamy, or adultery with cruelty and desertion. To these alterations he was prepared to accede; but he thought it would not be safe or prudent to go further. Any one who proposed that the relief given to husband and wife should be reciprocal could not expect to have the concurrence of public opinion, for, unquestionably, the public entertained the belief that there was a criminality on the part of the wife in cases of adultery which did not attach to the husband. It was not unreasonable to expect that criminality on the part of the husband might be pardoned by the wife, but it was not at all likely that pardon would be extended from the husband to the wife. The cases could not be regarded as equal, and accordingly he was not disposed to go further in the direction of granting relief to the woman than had been proposed by the Committee.

LORD CAMPBELL most earnestly implored their Lordships to take the Bill as it now stood. It was an immense improvement on the law of marriage and divorce in this country, and he thought they could not safely attempt more at the present moment. It was a most anomalous state of things that a marriage could not be dissolved in any particular case in this country without an Act of Parliament, and he rejoiced that, on all hands, the practice of requiring a separate legislative measure in each case had been condemned. It would hardly be credited in future times that such a disgraceful system could have existed, as that before an Act of Parliament could be obtained there must first have been an action brought for criminal conversation. He cautioned their Lordships, however, against giving too great facilities for divorce. Such a course would be attended with the most unhappy consequences. It was only in cases of adultery that divorce could be safely given, and this was the line pointed out by the Divine Founder of our religion. He approved of the alterations introduced into the Bill by the Committee. It was just that the earnings of a wife deserted by her husband should be preserved sacred for her own use; that she should in such cases be treated as a *femme sole*, and have a right to institute actions even against her husband. In abolishing the necessity of actions for criminal conversation more difficulty arose. Of these actions he had always been ashamed, and on his tribunal he had often expressed his abhorrence of them. In conversation with foreign jurists he had been reproached with the existence of such actions, and had nothing to say in reply; for, though he was able to deny that men sold their wives with ropes about their necks, he could not deny that actions for *crim. con.* were permitted, nay, made necessary in certain cases, by the law. By rendering that action no longer necessary, he thought a great deal was done, and he hoped the effect would be to bring it altogether into desuetude. The difficulty the Committee felt was, that they could not altogether abolish the action without substituting some mode of criminal proceeding. The question viewed in this light was beset with difficulties, and therefore the Committee, not wishing to abrogate the civil prosecution without substituting a criminal procedure, resolved simply to render the action no longer necessary for the purpose of procuring a divorce. Then the question arose, should the same right of divorce be given to the wife as to the husband? No doubt the crime in both cases was essentially the same; but the consequences were not the same. When adultery was committed by the woman, all the purposes of the marriage were for ever annulled, and there could be no condonation on the part of the husband. He would not, therefore, go the length of giving the woman the same rights in this case as the husband. He would give her the right to a divorce in the case of incestuous adultery, as at present, and to that he was willing to add cruelty, bigamy, and desertion, for a certain number of years; but, further than that, he was not prepared at present to go.

THE EARL OF ST. GERMANS believed there were many cases in the lower class of life in which substantial injury was caused to the injured husband, and, that therefore, actions for criminal conversation ought not to be altogether abolished. At the same time it was desirable that these actions should be rendered as rare as possible, and he believed that after the passing of this Bill they would become exceedingly rare. He suggested that words should be introduced into the clause relating to this point, to the effect that no action for damages should be brought unless the court constituted by the Bill had pronounced a divorce *à vinculo matrimonii*.

LORD LYNDHURST said, he had better at once inform their Lordships, that it was not his intention now to press the Amendments, of which he had given notice; but that early next Session he would bring forward a distinct measure on the subject, containing the qualifications and distinctions it had been his intention now to insert in the Bill. He therefore begged to withdraw his notice of Amendment.

THE BISHOP OF OXFORD said, that as the only member of the episcopal bench who had sat upon the Committee on this subject, he wished to say a few words. He gave his hearty assent to those improvements of the law which this Bill was intended to carry into effect with regard to the gross injustice now perpetrated upon married women by their husbands in the cases to which the noble Marquess (the Marquess of Lansdowne) had referred. There were other parts of the Bill to which he gave a modified assent. He agreed in the observations that had been made with reference to actions for criminal conversation, and their mischievous effect upon society at large, and he believed that the provisions of the Bill would remedy one of the most disgraceful proceedings that infected our social life. There was, however, one part of the Bill—and that, perhaps, the most important part of it—to which, after mature and deliberate consideration, upon moral and social grounds, he, for one, could not consent. He alluded to the fundamental part of the measure, the object of which was to facilitate, as far as possible, in all cases of adultery upon the part of the wife, and in cases of adultery with certain aggravations on the part of the husband, divorces *à vinculo*. It had for ages been a moot point among those who had devoted their whole lives to the study of the subject, whether, according to that law of God, to which reference had been made, marriage could be dissolved even for the act of adultery itself. Indeed, throughout a very large part of Christendom that was altogether denied. This question had long been mooted, and the great Christian writer St. Augustine weighed the evidence on both sides with a very nice hand, and at last declined to decide absolutely whether the much-disputed words of our blessed Lord did or did not allow of the dissolution of marriage even for the act of adultery. After giving the best consideration in his power to this subject, he (the Bishop of Oxford) could not doubt that, according to the words of our Lord, marriage might be dissolved for the act of adultery; but, although he was bound to say his honest opinion was that marriage might lawfully be dissolved for the act of adultery, it was a matter for further consideration whether it was expedient that Parliament should afford facilities for the dissolution of marriage even for adultery itself. It appeared to him that the question assumed this form—whether, upon the whole, there was reason to believe that the morality of the nation would be promoted should the Legislature afford such facilities as would be given by this measure for the dissolution of marriage *à vinculo* even for the act of adultery? The question was not whether, abstractedly, as a point of divinity, it would be lawful to afford such facilities, but whether, as Christian statesmen, they were persuaded that an advance in that direction would or would not promote the moral interests of the community. In his opinion, they ought most seriously to consider whether the cause of morality would be promoted by affording facilities for the dissolution of marriage. If such facilities were to be given with so free a hand that they were to be brought within the reach of the poorer classes, the Courts by which the law was administered must be able to afford what was called a cheap redress to the applicants who came before them. If, however, the poor were referred in cases of this kind to Courts affording cheap redress, such Courts could not be presided over by Judges so capable of discriminating the niceties of law as those who sat in the higher Courts, which were constituted without regard to expense. The consequence, he feared, would be the wide spread of that master evil, collusion, which would by degrees sap the sanctity of married life among the lower classes. But, if the facilities to be afforded were not brought down to the lowest class of society, where were they to stop? Were they to reduce the expense of judicial proceedings to such a point that tradesmen might be enabled to obtain divorces, while the opportunity of doing so would be denied to the lower class of the community? Or, were the expenses to be only so far reduced that divorces would be attainable by the richer portion of that middle classes, while they would be beyond the reach of the less wealthy tradespeople? He believed, that if facilities for divorce were once afforded the gravest dissatisfaction would be produced, unless those facilities were extended to the very lowest classes of society; and he contended that such facilities could not be given to the lowest classes without endangering the moral purity of married life. At present there were no complaints on this subject from the lower classes. They did not demand that the *privilegia* which, in a few cases, were afforded to the higher and wealthier classes of society should be extended to them. There was no outcry—there were no petitions from the poor on this subject. Why, then, should any one among their Lordships step forward to invite dissatisfaction with a state of the law which, although, doubtless, many cases of individual hardship might have arisen under it, had yet, he believed, preserved the sanctity of married life among the poorer and less instructed part of the community of this country to an extent unequalled in any other nation? He thought that, in spite of all that had been said against it, the present state of things, administered with due caution, was far safer than that which it was proposed to introduce. [A Noble Lord: What! by Acts of Parliament?] Yes; divorce by Acts of Parliament. Holding, as he did, that there was nothing contrary to God's law in dissolving marriage on account of adultery, but that facility of dissolution *à vinculo matrimonii* for that crime produced the worst moral influence upon society, he said that the mode which the English Legislature had hit upon—a general prohibition, with the privilege of dissolution in cases which could not be resisted—although a clumsy, and sometimes a very bad mode, was still a much safer and better mode than the introduction of universal laxity, which would follow from the plan now proposed. There was a consideration which alone ought to induce their Lordships to pause. In all other countries into which relaxation of the marriage tie had been introduced, it commenced, as this Bill proposed to introduce it, by giving facility for dissolution only on the ground of adultery; but never had relaxation stopped there. Other cases of hardship had soon been suggested, until, as their Lordships knew, for incompatibility of temper, and at last for mutual dislike, divorce had in some countries been allowed. The experience of other nations should, therefore, make them cautious before entering upon a track which would inevitably lead to that further step which, he presumed, none of their Lordships were now prepared to take. While, therefore, he approved that portion of the Bill which did away with some of the injustices done to married women, he saw in the proposed facility for divorce *à vinculo matrimonii* that which he feared would be the opening of the floodgates of licence upon the hitherto blessed purity of English life. Frequent allusions had been made to the law of Scotland; but in one most important point that law differed from what they now proposed to make the law of England, inasmuch as in Scotland there existed this safeguard, that no person who was divorced for adultery could marry the party with whom the adultery had been committed. It was impossible to overrate the influence which such a state of the law exercised in guarding the beginnings of married life. How constantly it had happened that the evil which had resulted in a direful tragedy had its commencement in the lightest cause — some difference of temper, some little alienation of affection, exposing the wife to the arts and approaches of another. But if the woman were guarded by the sure conviction that no more happiness in married life was possible, the temptation might altogether fail. Among the lower classes, who gave no indication of any wish for relaxation of the law, it was perfectly well known that a legal divorce was an impossibility, and to that circumstance might be traced the sacredness of the marriage tie among the lower orders of the English people which was so remarkable—because, even women who had fallen before marriage, and not attributed to that fall any great degree of moral criminality, considered themselves utterly abandoned if after marriage they could be justly charged with any infidelity whatever. That remarkable fact had grown up very much under the influence of the feeling that marriage with any other person was impossible, and the removal of that check would have the effect of unsettling altogether the present estimate which the masses formed of the sacredness of holy matrimony. He believed that by facilitating divorce they would not be imparting to the lower orders advantages hitherto possessed by the higher, but that they would be giving to the lower classes disastrous disadvantages to which the higher classes only had been hitherto exposed. He believed that many unhappy terminations of marriages in high life might have been avoided if it had been as impossible in that class to obtain dissolution of the tie, as it was at present among the poorer people of this land. With that feeling, however few of their Lordships might agree with him, he would move, on bringing up the Report, amendments on the clauses facilitating divorce *à vinculo matrimonii.*

He feared that this measure would affect the whole family and social life of the community, and he therefore trusted it would not be pressed through with haste. He besought their Lordships not to let any considerations of convenience induce them to hurry through a measure compared with which Bills dealing with merchandise and finance were of trifling import, and which, in the estimation of many wise and good men, would inflict a blow upon the sanctity of married life in this country. The Bill, as reported by the Committee, had only that day been laid upon the table. He wished to have his Amendments printed and circulated as well among their Lordships who, at this period of the year, were in the country as amongst those who were in town, and he wished his right rev. Brethren to have an opportunity of considering the whole subject before coming to a deliberate judgment on this great question. He therefore trusted the Report would not be brought up for at least a week.

THE DUKE OF ARGYLL said, that, notwithstanding the force and extreme ingenuity of the right rev. Prelate's arguments, he was somewhat surprised at their inconsistency. He was glad to hear the right rev. Prelate make the distinct admission that by the Divine law divorce for a given cause was permitted; but the right rev. Prelate went on to argue that it was the duty of their Lordships to render that permission nugatory. The right rev. Prelate had stated that under the existing law, which he wished to see perpetuated, divorce was impossible to the lower classes. He (the Duke of Argyll) maintained, therefore, that by his own confession, the right rev. Prelate wished to neutralise the Divine permission which he admitted had been given to divorces in certain cases. That difficulty had no doubt occurred to the right rev. Prelate, for he sought to meet it by the extraordinary conclusion that the present anomalous state of the law should be continued; that the rich should be allowed to obtain divorces, but that, as to the poor, they should be prohibited. The right rev. Prelate had said that if the privilege of divorce now possessed alone by the rich were extended to the poorer classes, it would be only conferring upon those classes a grievous disadvantage; that notwithstanding divorce was sanctioned by Divine permission, yet the application of that permission would be fraught with dangerous consequences.

*The Bishop of Oxford*

THE BISHOP OF OXFORD explained that he had said, in his judgment, the words of our Lord would bear the interpretation that had been put upon them; but that it was a matter so doubtful that a greater part of the western and the whole of the eastern Church differed upon it, and that St. Augustine had weighed the whole subject most carefully without being able to arrive at a decision.

LORD REDESDALE said that, having been a member of the Committee appointed to inquire into this subject, and having differed from the conclusions at which the majority of that Committee had arrived, he begged to express his concurrence in the observations of the right rev. Prelate. He believed it would be injurious and unwise to grant such divorces as were suggested—indeed, upon a most careful study of the religious aspect of the question, he could not but declare his belief that marriage was indissoluble, and that divorce was not permitted. Even socially, divorce was a subject to be treated with great caution, for he believed that in the great majority of the cases in which Parliament had granted divorce, if the real facts had been known, Parliament would have refused to grant them. With respect to the consequences of divorces, he doubted whether they ever produced happy results, and questioned still more the social benefits which would flow from an extension of the law. Where there were children, the consequences of divorce were most disastrous; and it resulted therefore that it was best, for the happiness of all parties, that divorces should not be allowed. He had been surprised at the noble Duke alluding to the Bill before the House as doing equal justice to the poor as to the rich. The mere expense of a proceeding before a tribunal comprising the three Chief Justices and the Lord Chancellor would prevent a poor man from having recourse to it. If, then, the law of divorce was to be made more accessible to the poor, its administration must be intrusted to inferior courts, which, being burdened with numerous cases, could not be expected to exercise that caution, or to examine so minutely as was desirable and proper. He had expressed his views in a separate report, and further consideration had confirmed him in the conclusion which he had therein stated. He quite agreed with the right rev. Prelate that further time should be given to consider the Bill, and hoped the noble and learned Lord on the woolsack would agree to that proposal.

LORD CAMPBELL said, that, as a matter of fact, he could assure the right rev. Prelate that he had heard many persons in the humbler orders of life complain bitterly of the injustice of the present law of divorce as regarded them. It was quite true there had not been a public meeting of men whose wives had been unfaithful to them, and therefore no petition had been presented from that unfortunate class. He had tried many men for bigamy who complained that they had not been able to get rid of a bad wife, and had married again as the only course that was open to them. In a case tried before Mr. Justice Maule, the prisoner, being convicted of bigamy, was called upon to say why sentence should not be passed upon him. He then said, "My wife was unfaithful; she robbed me and ran away with another man, and I thought I might take another wife." The reply of the learned Judge was—"You are quite wrong in supposing that. You ought to have brought an action for criminal conversation; that action would have been tried before one of Her Majesty's Judges at the assizes; you would probably have recovered damages; and then you should have instituted a suit in the Ecclesiastical Court for a divorce *à mensâ et thoro*. Having got that divorce, you should have petitioned the House of Lords for a divorce *à vinculo*, and should have appeared by counsel at the bar of their Lordships' House. Then, if the Bill passed it would have gone down to the House of Commons; the same evidence would possibly be repeated there; and if the Royal assent had been given after that, you might have married again. The whole proceeding would not have cost you more than £1,000." "Ah, my Lord," replied the man, "I never was worth a 1,000 pence in all my life." The Judge's answer was, "That is the law, and you must submit to it." Who could wonder that the man should return, "That is hard measure to us who are poor people, and cannot resort to the remedy which the law has afforded to the rich."

THE BISHOP OF ST. DAVID'S thanked his right rev. Friend for having brought before their Lordships certain aspects of this question which otherwise would not, he believed, have been presented to their consideration on this occasion. He had failed to perceive in the speech of his right rev. Friend any of that inconsistency which the noble Duke (the Duke of Argyll) had endeavoured to point out, and he had heard nothing which met the substance of his right rev. Friend's arguments. The anecdote just related by the noble and learned Lord, entertaining as it was, was perfectly inapplicable by way of argument. Precisely the same objection would always be raised on the part of those classes whose case it was perfectly evident would not be touched by the present Bill. Whether the Bill was right or wrong, he thought it absolutely impossible, if it were carried, that legislation could stop there. When this relief was carried (if relief it were), a very active spirit of dissatisfaction would be sure to be engendered among those classes within whose reach were not brought those facilities which the Legislature would then have distinctly pronounced to be a benefit and a right as regarded the higher classes of society. Their Lordships would then be compelled to adopt some further measure to accomplish the same ends and to increase these facilities, and he really saw no limit to their legislation upon this subject until they brought the law of divorce within the jurisdiction of the County Courts, or of some other court in which justice (if justice it were) should be made still cheaper and easy of access to the very lowest classes of society. That was a prospect which he, for one, could certainly not regard with satisfaction, comfort, or confidence, and he should therefore be very glad to have an opportunity of maturely considering the provisions and effect of the measure now proposed.

VISCOUNT DUNGANNON thought it a very plausible argument to say that the Legislature gave to the rich facilities in obtaining divorce which they did not afford to the poor; but he agreed with the right rev. Prelate (the Bishop of Oxford) in thinking that if the means of dissolving the marriage tie were made more generally accessible, an extent of immorality and collusion, which it was fearful to contemplate, would be developed among the lower classes of society. He hoped the most ample time would be given for further deliberation on this fearfully awful question. The question was one of a most serious and awful character, affecting most deeply the moral condition and social happiness of the community. He believed that its effect would be to increase fearfully the amount of immorality in the country.

LORD DENMAN alluded to a recent instance of misfortune arising from the present state of the law, and believed that if time were given many petitions would be presented in favour of the Bill.

Motion *agreed to;* House in Committee accordingly; and Amendments made.

On Question that the Amendments be now reported,

THE BISHOP OF OXFORD moved that the Report of the said Amendments be received on Thursday next.

LORD REDESDALE thought this request not unreasonable.

LORD CAMPBELL observed, that the opposition of the right rev. Prelate was to the principle, and ought to be taken on the third reading.

LORD STANLEY OF ALDERLEY said, it was irregular to postpone the Report on a Bill the principle of which was adopted, and moved an Amendment to leave out ("Thursday") and insert ("Tuesday.")

THE BISHOP OF OXFORD said, he and his right rev. Friends were obliged by their duty to their dioceses to make engagements a long time beforehand—engagements they could not break—and many of his right rev. Friends were unable to be present.

LORD DUNGANNON supported the postponement.

On Question that the word proposed to be left out stand part of the Motion, their Lordships *divided:*—Content 9; Not Content 7: Majority 2.

*Resolved* in the *Affirmative;* and the Report of the said Amendments to be received on *Thursday* next.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Thursday, June* 26, 1856.

MINUTES.] PUBLIC BILLS.—1° Magdalen Hospital Bath; Endowed School at Moulton.

2° Wills and Administrations; Exchequer Bills (£4,000,000); Public Health; Mercantile Law (Scotland) Amendment; Deeds (Scotland); Church Building Commission.

3° Registration of Voters (Scotland); Cambridge University.

### POSTAL COMMUNICATION WITH AUSTRALIA—QUESTION.

SIR JOHN PAKINGTON said, he wished to inquire of the hon. Gentleman the Secretary to the Treasury whether Her Majesty's Government have completed arrangements for postal communication between England and Australia; and, if so, what is the nature of those arrangements?

MR. WILSON said, it must be obvious to the right hon. Baronet and to the House that it was a matter of no small difficulty to arrange a service of such importance in a manner in which it should be carried out perfectly satisfactory to the Government of this country, and to those colonies that were so much interested in it. There had been so many trials and so many failures of former experiments that it was obviously necessary that the matter should be arranged not only in a manner that would give satisfaction at present, but that would insure permanence. The House was aware that after a great deal of consideration advertisements were issued for tenders, the object of which was to test all the different routes by which Australia could be reached in the shortest possible time. After putting out those advertisements offers were received by the Government of such a nature as to show both the Government at home, and the representatives of the colonists interested in the subject, that the only sure way of reaching Australia in a short time would be by the overland route to Suez down the Red Sea, to point de Galle, round Cape Leenwin to Melbourne. Well, after very considerable attention to the subject, the Admiralty came to the conclusion that this was the best route, and they authorised the Treasury to advertise for tenders, and the Government had received four tenders for that service. He would shortly state the nature of them; of course with mentioning the names of parties tendering. One of the parties proposed to carry the mails for a comparatively small sum of money; but there was, as regarded that tender, this disadvantage—that no vessels were ready, that at least twelve months would elapse before the vessels could be ready, and three months more before they could be placed on the station. It, therefore, appeared to the Government that that tender could not be accepted. On the ground of delay alone they would not be justified in accepting it, as it involved a delay of at least fifteen months. The next tender was of a similar nature. The amount asked was not very large, but then again the vessels were not ready, and a very long time must elapse before the service could be commenced. Under those circumstances the Government also felt justified in rejecting that offer. The third tender was put in by a very powerful company, competent to carry out the service, and having in their possession vessels sufficient in power and sufficient in number; but the company proposed this condition, that the Government should wait for an uncertain period before the commencement of the service and until those vessels were disengaged from the transport service in which they were at present employed. That was a conclusive reason against accepting that tender. But there was another reason—namely, that the company refused to be bound by the penalties, which were strict, and which, on all occasions where there was a non-fulfilment of a Government contract, it was necessary should be imposed. Besides, it was obvious that in a contract of this kind, affecting both this country and the colonies, whatever conditions were imposed must be imperatively adhered to by the home Government, who could not relax any condition in which the colonies were equally concerned. Therefore, on two grounds the Government were obliged to reject this tender—first, because the company were not in a position at once to commence the service; and, secondly, because they would not bind themselves by those penalties which were considered absolutely necessary to insure that the service should be performed in a regular and satisfactory manner. The fourth tender was the largest in amount by a considerable sum, but it contemplated the immediate commencement of the service by vessels recently built. The company also took upon themselves the performance of the contract under the penalties in full; they likewise proposed to commence the service at Southampton, though the conditions of the tender only required it to commence from Suez. They would in fact take the mails and passengers direct from Southampton to Australia. Now, that appeared to the Government to be a very important object; because, although there was now a perfect postal establishment at Suez, yet a late Indian mail might delay the Australian mail for a fortnight, and in that way many of the advantages which the Government were anxious to secure would be lost. Therefore, though the amount of this tender was much larger than the other offers, yet, after a communication which his right hon. Friend the Secretary for the Colonies, whom he on this occasion looked upon as representing those colonies, which had a joint interest with this country in the arrangement, and would bear a considerable portion towards the expense of the service, he (Mr. Wilson) could not hesitate in consenting to pay a larger sum of money in order to secure what he believed to be great advantages to the Australian colonies. He had made strict inquiry as to the responsibility of the parties, and nothing could be more satisfactory than the account he had received, not only as to their ability in point of capital, but also as to their knowledge, energy, and business-like habits. The arrangement would be this:—The first vessel would be ready for survey in the month of August, and would depart on a voyage between Southampton and Melbourne direct round the Cape with passengers in October. That vessel would be ready in January to take up the service from Melbourne to Suez and back; another vessel would be despatched for Melbourne in November; a third in December, and a fourth in January. From January the service would be performed between Suez and Melbourne monthly without interruption, backwards and forwards each month. The vessels would be of 2,200 tons burden, and not less than of 500-horse power. He, therefore, thought that everything had been done which money and invention could achieve in order to accomplish the most rapid and regular communication between this country and the Australian colonies.

SIR JOHN PAKINGTON said, he considered the answer of the hon. Gentleman, as far as it went, very satisfactory; but he wished to ask whether the contract stipulated, with respect to the size of the vessels, that none of them should be less than 2,000 tons burden? He was also anxious to know whether the contract contained any stipulation either with regard to the speed of the vessels per hour through the water, or with regard to the maximum of time to elapse in the voyage between Southampton and Melbourne?

MR. WILSON said, that none of the vessels to be permanently employed would be less than 2,200 tons burden. There were two of 1,800 to be employed temporarily. He did not exactly remember the time stipulated for the passage, but he thought that the number of days was about fifty from London to Australia. The penalty to be incurred for the non-performance of the contract was, for the first day of its infringement, £50, and so increasing by £50 every day afterwards.

SIR JOHN PAKINGTON: For what time is the contract entered into?

MR. WILSON: Five years.

## PAROCHIAL SCHOOLS (SCOTLAND) BILL.

Order for Committee read.

House in Committee; Mr. FitzRoy in the chair.

Clauses 1 to 8 *agreed to.*

Clause 9, (Schoolmaster must obtain certificate of fitness from an Inspector).

Sir GRAHAM MONTGOMERY said, he must insist upon the right of the Presbytery to test the religious opinions of the parochial schoolmaster in order to insure that the religious instruction of the children educated in those schools should remain intact. He should, therefore, move that, after the word "thereof" in page 4, line 30, the rest of the clause be left out, and the following words inserted—

> "Who shall declare when elected that he is not of the Established Church of Scotland, shall not be required, as a condition of his admission to or enjoyment of the said office, to sign before the Presbytery of the Bounds the formula of the Church of Scotland required by the 16th section of the 43 *Geo.* III., c. 54, but shall in lieu thereof make the following declaration:—'I, A. B., do hereby declare, that I do sincerely own and believe the whole doctrine contained in the Confession of Faith approven by the General Assemblies of the National Church, and ratified by law in the year 1690, and frequently confirmed by divers Acts of Parliament since that time, to be the truths of God, and I do solemnly and sincerely, in the presence of God, profess, testify, and declare, that as schoolmaster of ——, in the discharge of the said office, I will not exercise the functions thereof to the prejudice or subversion of the Church of Scotland as by law established, or the doctrines and privileges thereof.'"

Mr. HAMILTON-NISBET said, he thought it absolutely necessary that some test for securing religious instruction should be established.

The LORD ADVOCATE said, he quite agreed that there ought to be some security that religious instruction would be imparted by the schoolmaster, and, if a test were the best way of insuring it, he would agree to the Amendment proposed by his hon. Friend; but his opinion was that a test was of no use whatever. Tests such as that proposed were a stumbling-block to honest and conscientious men, while they were readily taken by the unconscientious. It was perfectly well known that nothing was more common than for a person to sign the Confession of Faith though at the very time he never meant to adhere to it. If that were the case with existing tests, how could they at this time of day set to work to devise other tests? It was with much pain, therefore, that he declined to accede to the proposal of his hon. Friend. His opinion was that no security was required for the religious instruction of the people in Scotland. The religious character of the people themselves gave them all the security they could require.

Question put "That the words 'shall not be required' stand part of the clause."

The Committee *divided*:—Ayes 107: Noes 51; Majority 56.

House resumed, Committee report progress.

## NATIONAL EDUCATION—THE QUEEN'S REPLY TO THE ADDRESS.

Viscount DRUMLANRIG appeared at the bar with Her Majesty's gracious answer to the Address of the House on the subject of National Education in Ireland:—

"I fully recognise the duty of extending as widely as possible the blessings of Education in Ireland, and your wishes and recommendations will always receive the consideration justly due to them.

"It affords Me great satisfaction to know that experience has proved the existing system of National Education in Ireland to have greatly promoted this important object.

"It is My earnest desire to see that system upheld and strengthened by a strict adherence to those rules which, by excluding all compulsory religious teaching, have hitherto secured parental authority, the rights of conscience, and the religious liberty of all denominations of Christians."

## STAFF PAY AND ALLOWANCES—QUESTION.

Colonel LINDSAY said, he would beg to ask the hon. Under Secretary for War if it was the intention of the Government to order the staff pay and allowances to be deducted from officers on the staff who are not upon full pay during the time they may be temporarily absent from their staff duties?

Mr. FREDERICK PEEL said the general rule was, that staff officers were not entitled to receive staff pay unless they were on the spot, in the actual performance of their duties; but there would be no objection to grant staff pay in the case put by the hon. and gallant Gentleman of an officer on unattached pay serving in this country and receiving leave of absence, provided the leave of absence were very limited, and the duty performed without additional expense to the public.

## INTERMENTS OF DISSENTERS (IRELAND) —QUESTION.

MR. POLLARD-URQUHART said, he would beg to ask the right hon. Gentleman the Chief Secretary for Ireland whether the Government were aware that certain of the clergy of the Established Church in the diocese of Dublin had prohibited Presbyterian and Dissenting clergymen from holding any funeral service at the interment of their people in the consecrated burial-ground, thereby compelling them, in some instances, to hold the funeral service on the highway, or wherever they best could?

MR. HORSMAN said, he was only aware of one case of the kind referred to by the hon. Gentleman. A few months ago Archdeacon Fitzgerald did refuse to a Dissenting clergyman the right of reading the funeral service in a churchyard in Munster. The clergyman memorialised the Lord Lieutenant to exercise the power vested in him by the Act of Parliament, the 5th *Geo.* IV. c. 25, to call upon the archbishop for his interference. The Lord Lieutenant did so, and the archbishop accordingly requested an explanation, and Archdeacon Fitzgerald furnished him with a report upon the subject, and that report was forwarded to the Lord Lieutenant. Having, therefore, called for and obtained an explanation, the Lord Lieutenant had exhausted the power vested in him by the Act, and he had no power to proceed further, and the matter therefore dropped.

## LONDON CORPORATION BILL— QUESTION.

MR. HANKEY: I wish, Sir, to ask the Secretary of State for the Home Department whether he is now prepared to state to the House what course he intends to adopt respecting the London Corporation Bill?

SIR GEORGE GREY: Sir, when a similar question was asked me a few nights ago, I said that I would state during the week the course I intended to adopt with regard to the London Corporation Bill, which stands for a second reading to-night. I am prepared to do so now, or when the Order of the Day is read. I am very unwilling to give up the hope of passing the Bill during the present Session; but I have not been able, owing to the pressure of other business, to fix an earlier day for the second reading. I had hoped to have done so last week, but in consequence of an alteration in the business of the House other matters of importance had to be postponed, and I was unable to bring the Bill on, and I am in the same condition this week. My hon. and learned Friend the Solicitor General long since promised to proceed, on the earliest open day, with the Wills and Administrations Bill, the second reading of which he intends to move this evening; and to-morrow evening is, I believe, fixed for the Committee of Supply. I do not apprehend there will be any difficulty in inducing the House to agree to the second reading of the London Corporation Bill; but what I have now to consider is, whether, if it be read a second time, there is any probability, during the remaining portion of the Session, of securing sufficient time for the consideration in this and the other House of Parliament of the important details of the measure, upon which a difference of opinion must necessarily exist even among those who would agree to the second reading; and I am afraid I cannot hope for that result. I therefore, Sir, think it would be better not to occupy the time of the House by proposing the second reading when there is no reasonable prospect of our being able to pass the Bill during the present Session. I have received various suggestions of importance since the Bill was printed from persons who are friendly to it, and these suggestions are entitled to much consideration. My belief is that the best course will be to ask leave to withdraw the Bill with the intention of introducing it at the earliest period next Session. Though the suggestions which have been made are entitled to consideration, so far as the details are concerned, I cannot hold out any hope that the Bill will be altered in its material features, founded as it is on the reports of two Commissions of Inquiry. I hope when it is introduced next Session that the House will give it their immediate attention, more especially as there will be no pretence for asking for that delay which has been strongly urged upon me during the present Session, because the Bill had not been seen by the authorities of the City, or those interested in its provisions. When the Order of the Day for the second reading of this Bill is read, I shall then move that it be discharged.

## WILLS AND ADMINISTRATIONS BILL.

Mr. MALINS said, he wished to put a question to the hon. and learned Gentleman the Solicitor General with regard to the Bill, which stood as the first Order of the Day. It was generally understood that since the Bill was introduced, and read a first time, material alterations had taken place in the views of the Government, and that the Bill had been compounded with the Bill of the hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly). If that were true, it followed that the House that evening was not in possession of the Bill which it had read a first time. He, therefore, wished to know, as the subject was of great importance — affecting great interests in the country—whether the Bill, which the hon. and learned Gentleman proposed to read a second time that evening, was the same which he had introduced, or whether it was some other Bill?

The SOLICITOR GENERAL: Sir, in reply to the hon. and learned Gentleman, I beg to say that I will give him a categorical answer when I move the second reading of the Bill.

Order for Second Reading read.

The SOLICITOR GENERAL said, in moving the second reading of the Bill he wished to state that he was greatly indebted to the hon. and learned Members for East Suffolk (Sir F. Kelly) and Plymouth (Mr. Collier) who, in the interval of time afforded by the attention of the House of Commons being directed to other business of a more pressing nature, had contributed many valuable suggestions, with the view of improving the measure which he had the honour of laying on the table of the House. It would be easy for him in the course of his speech to explain the principles which he desired to enforce, more particularly by the aid of the provisions taken from the Bill of his hon. and learned Friend opposite. He did not think it would be necessary, nor was it his intention, to state at any great length the reasons why he conceived that the Ecclesiastical Courts, as far as concerned their jurisdiction in matters of testacy and intestacy, should be abolished altogether. During the last thirty years the House of Commons had had occasion to consider that question on numerous occasions. Several Commissions had also been issued for the purpose of inquiring into the matter. In the year 1832 a Report was made by the first Ecclesiastical Commission, which recommended the establishment of one tribunal for the purpose of the administration of the property of deceased persons. In 1833 a similar recommendation was made in the third Report of the Commissioners appointed to inquire into the law upon the subject. A Committee was appointed by the House of Commons in 1833, which made recommendations in August of that year, all of which were carried into effect by the Bill which he now asked the House to read a second time. In 1834 a Committee of the House of Lords concurred in the same recommendations, which were also contained in a Report of a Committee of the House of Commons in 1850. Finally, the Report of the Chancery Commissioners in December of 1853 contained suggestions to the same effect. It would, therefore, be unnecessary for him to adduce arguments why those concurrent recommendations should now be taken into consideration. It might, however, be desirable to inquire a little into the chief causes of complaint with respect to the present law, not so much for the purpose of arriving at a conviction as to the necessity of a change as for the purpose of drawing a conclusion as to the character, constitution, and power of the tribunal, which should be substituted for the existing courts. The authority of the Ecclesiastical Courts, in matters of this description, was originally a usurped authority. Hon. Members were no doubt aware that the authority of the Ecclesiastical Courts, in matters of this description, was not originally given to them by the common law of the country. The common law had disregarded the rule applicable to the ownership, distribution, and enjoyment of personal property. In former times, when a man died, the bishop of the diocese in which his property was situated and in which he died, interfered for the payment of his debts, on the ground that, so long as they were unpaid, his soul would not have repose. Hence the first interference of bishops in matters relating to the personal property of deceased persons. According to the principles of the law the power of granting administration belonged to the Consistory Court within the jurisdiction of which the deceased person resided at the time of his or her death. If a man died leaving £5 worth of property in the diocese of Canterbury, for instance, and £5 worth more in another diocese, it would be necessary, by the existing law, to take out administration in each. But these difficulties and absurdities were augmented by exempt and peculiar jurisdictions. If a man unfortunately happened to have personal property in any peculiar jurisdictions, it would be necessary to take out probate in each, and it was proved in evidence before the Committee that it was not unusual to have six probates of the same will in different parts of the kingdom. Now he asserted that there was nothing whatever in the nature of wills that should of necessity bring them within ecclesiastical jurisdiction. They were, in point of fact, all matters of a civil nature, and had no connection whatever with bishops or archbishops, deacons or archdeacons; and, in truth, the very state of circumstances out of which the courts had arisen had long since ceased to exist, and those courts could not in reality administer the whole of the estate of a deceased person. When a man died in England having *bonâ notabilia*, the will must be proved in the province in which he resided; and supposing it to be proved in the Court of the Archbishop of Canterbury, and a dispute arose, one decision might be given in the Court of Canterbury, another quite opposite perhaps in the Court at York; and if the deceased had property in Ireland also, the question might be decided in another way in the Prerogative Court of the sister kingdom. Then it might turn out that a common law tribunal would have to decide the sanity of a testator, and the propriety of his will with reference to real estate, while the Ecclesiastical Court, whose decisions were of no value in courts of common law, might arrive at a wholly different decision with reference to his sanity and the propriety of his will as far as it affected his personal estate. In fine, a man might be pronounced insane in the Ecclesiastical Courts and sane in the civil courts, or *vice versâ*. These were not imaginary circumstances, for it was well known among the profession that they were of constant occurrence. There was a case at the present time being argued before the House of Lords, in which a testator who died in Ireland had been found to be incompetent, and his will had been set aside in an Ecclesiastical Court in that country, while the same testator had been pronounced competent and his will had been established as a valid document in an Ecclesiastical Court and in a court of common law in this country. All these inconsistencies and absurdities arose from the existence of a number of independent, coordinate, and, therefore, frequently conflicting jurisdictions not responsible to a common Court of Appeal. The evils of this anomalous and unsatisfactory state of things had been very prominently set forth in the various Reports to which he had referred, and there was no question that it was highly desirable to put an end to them. Presuming that the existence of the evil was admitted, and that a remedy was desirable, he would proceed at once to explain what would be the constitutional character of the new court which he wished to see substituted for the present varied, complicated, and conflicting description of authority. He would, therefore, propose to state what was the description of tribunal which he desired to see substituted for the Ecclesiastical Courts; and he begged the House to observe that in doing so he did not wish to limit the remedy to those courts, but that his earnest desire was to improve the judicial institutions of the country. There was no reason why everything connected with the proof of a man's will should not be decided by one tribunal, and why that tribunal should not have all the powers necessary for a proper administration of justice, which were now divided between three different or co-ordinate tribunals. He proposed, therefore, to abolish all necessity for resorting to the Ecclesiastical Courts in testamentary matters, and to substitute a tribunal which should have in itself all the powers of a court of law, which should be bound by the common law rules of evidence and trial, and which should determine once and for all the questions brought before it. He was under considerable obligation to the hon. and learned Members for East Suffolk and Plymouth for the manner in which they had brought to his attention the necessity of these courts being governed by rules securing the most simple, expeditious, and economical mode of administering justice, and more especially that they should not be allowed to fall into that unfortunate state in which the Court of Chancery was at the present moment with regard to the taking of evidence. He proposed, therefore, that this new tribunal should take evidence exactly as it was taken in the common law courts, and he had accordingly borrowed a few provisions from the Bills of the hon. and learned Members for the purpose of securing that object. Those provisions were matters of detail, and he thought the

House would have no difficulty in considering the Bill when it was agreed that the new tribunal which it sought to establish was to be governed by those rules of procedure to which he had referred. By the principle of the present law, great delay took place in commencing proceedings in cases where there was a dispute between the parties, or where a question arose between two claimants as to which should administer to the estate of the deceased person. Of course, during the pendency of the dispute there was no representative—no means of collecting the estate, nor was it by any means possible to provide for the management of the real estate. In some degree the evil was sought to be remedied by instituting a suit in Chancery for the appointment of a receiver—an officer in the nature of an administrator, *pendente lite*, of the real estate. Of course there could be no reason whatever, whilst the dispute was pending, whether the will should be proved or not, or whether the deceased person had died testate or intestate, why the Court should not be armed, having all the necessary parties before it, with jurisdiction to proceed as far as it could, by the medium of its own officers, or by the medium of persons appointed by it, to collect, get in, and administrate the personal estate—to place it in a state of security—to invest it, and even, perhaps, to carry on the trade of the deceased man during the pendency of the litigation; and also, generally to superintend the real estate of which he might have died seised. That was one of the objects which he wished to secure by the Bill now before the House; and the House would see that, whilst in the trial of all issues and matter of fact it was desirable that the new Court should be armed with all the powers of the courts of common law, so far as those cognate and co-ordinate purposes of general benefit were concerned, it was desirable that it should also be armed with all the powers of administration which were now possessed by the courts of equity. But he wished it to be clearly understood that those latter powers were not to be mixed up with the Court of Chancery at all. He mentioned this in order to remove an apprehension which had been entertained that the peculiar business of the new Court would be drawn into the vortex of the general business of the Court of Chancery. That was the object which he had had in view on former occasions—it had been the object of the measure which he had before had the honour of introducing on this subject, though that object had been very much misapprehended and misunderstood. But, being warned by experience, he had taken care to introduce such declarations, and such unmistakeable enactments, that it would be impossible, he believed, for any man to state that the business or procedure of the new Court would be mixed up in any manner with the business and procedure of the Court of Chancery. He must now mention that there was one particular in which he had adopted the suggestions of his hon. and learned Friend the Member for East Suffolk (Sir F. Kelly); and, taking it from him, he (the Solicitor General) did not apprehend that the slightest inconvenience or opposition would arise from its adoption. He had originally proposed simply an appeal to the highest Court in the land—namely, the House of Lords; but in deference to the suggestion of his hon. and learned Friend he had introduced a clause giving an intermediate appeal to the Court of the Lords Justices of Appeal in Chancery, and he thought that the House would accept that proposition, recommended as it was by his hon. and learned Friend, as a security that no harm could result from its adoption. Another function which he desired the new Court to discharge he wished to explain to the House, for he thought that it would effect a great improvement in the state of the law of real property, and that it would be introductory to further improvements in the transfer of real estate; improvements which he hoped, at no distant period, to have an opportunity of submitting to Parliament. In the case of personal property the Ecclesiastical Court constituted a personal representative, and they all knew that the personal representative was, in point of fact, and in the theory of the law, the absolute owner of the estate. He had the unquestionable power of applying the personal estate to meet all the exigencies of administration; but, with regard to the real estate, there was no correspondent principle—no constituted legal representative; and the result was, that in numerous cases of wills imperfectly framed, with respect to the exigencies of the estate, and also in numerous cases of intestacy, where the heir was under disability, those things which were required for the personal estate could be done, but they could not be done for the real estate, because the law had not provided a representative of the real estate, armed with the same powers as the representative of the personal estate, for the benefit of creditors and devisees. He proposed, therefore, that the new Court should by the Bill have the power, under certain restrictions, of constituting a representative of the real estate in like manner as the Ecclesiastical Court now possessed the power of appointing a representative of the personal estate. He thought that many of the questions—that many of the difficulties which now arose in cases of administration, and which required a resort to the Court of Chancery—would be prevented by the introduction of this provision. But, independently of this consideration, it would be requisite to point out to the House that it constantly occurred in cases of wills and administrations of personal estate that difficulties arose with regard to the conduct of trustees, executors, or administrators; and what was wanted by the parties beneficially interested, as well as by legatees and creditors, was, that the whole conduct of the estate should be committed to some other party for the purpose of winding it up, so as to give them the same security as creditors would have under a bankruptcy. Now, what he therefore wished to propose was, that on the application of a certain number of the parties beneficially interested, the Court should be empowered to appoint an official administrator who, under the authority of the Court, would supersede the executors and administrators against whom complaints of inefficiency or misconduct had been properly brought forward and sustained. By such a provision as that there would be vested in the Court the amplest powers which could be required by any tribunal for undertaking a task which necessitated, on the part of that tribunal, that it should be invested not only with complete administrative authority, but with all the powers which belonged to a court of equity. Those were some of the functions with which the new Court was by the Bill distinctly invested; but there was another which hon. Members had no doubt noticed—namely, that the Court was to be allowed to grant certificates of intestacy. He must for a moment dwell on this point, for it afforded him an opportunity of calling the attention of the House to the very inconvenient, and he might say wretched, condition of the law on the subject. At present, if a man devised an estate by will, and he created under that will a number of successive estates—for instance he devised the estate to one for life, with remainder to another for life, with remainder to first sons, and so on. At the time of his death there might be no son of the second devisee in existence, and a question might, perhaps, arise whether the testator was sane or not. Proceedings might be taken, and the decision might be in favour of an intestacy. But that decision—that conclusion, was not binding on the son of the second devisee, who, twenty years after, might come into existence and reopen the question. That was certainly a condition of the law which rendered the title to real property, when it was affected by will, so manifestly insecure, that it was marvellous that it should have been permitted so long to continue. In his own experience many such cases had arisen, and the difficulty was whether they would now permit property to remain exposed to contingencies of such a description or whether they would, for the advantage of the public at large, introduce a provision which would enable the proposed Court finally to determine for the benefit of all the parties interested in the question of testacy or intestacy. To meet that evil he had introduced into the Bill, a provision that the new court should have that power, and that when the certificate of testacy or intestacy had been granted all questions should be finally and conclusively determined as between the heir at law and all persons interested under the will which was the subject of litigation. He had now mentioned some of the functions of the court, and he would now state what its procedure would be. That procedure would be of the simplest kind. Hon. Members would find that in the Bill of his hon. and learned Friend (Sir F. Kelly) a form of procedure was suggested, so simple, as altogether to supersede anything like formal and technical pleadings. That provision he (the Solicitor General) proposed to incorporate in the present Bill, his great object being to regulate the proceedings of the Court in the simplest manner, introducing the practice which had been established in the courts of common law by the Common Law Procedure Act, and thus to prevent the possibility of expense, delay, or uncertainty, either in consequence of the pleadings or the mode of taking evidence. He would now pass from the constitution of the Court, its powers, and functions, to call the attention of the House to the manner in which wills would henceforth be proved if the provisions of the Bill should be sanctioned by Parliament. At present the House was aware that the greater portion of wills were proved in the Prerogative Court of the Archbishop of Canterbury. The constitution of that Court, and of the other Ecclesiastical Courts, had limited the power of practising in them to a select body of men—namely, the proctors. An analogous limitation had formerly existed in the Court of Chancery, where there had been the clerks in Court and the six clerks, whose offices, after having endured for a long time, to the great obstruction and inconvenience of the suitors, had been ultimately abolished by the authority of Parliament. In the Court contemplated by the present Bill the monopoly of the proctors would not be perpetrated. The difficulty with regard to the proctors arose not so much from the manner in which their duties had been performed—for he was happy to say that there was no body of legal practitioners more eminent for the care, anxiety, and skill with which they conscientiously discharged their duties than this body of men—he had no complaint to make of the manner in which their functions were discharged—but it was a great injustice to the people of this country that they should only be permitted to approach the Courts for testamentary purposes through the agency of a particular and privileged class of professional men. It was a manifest injustice when a party was desirous of proving a will that whilst in nineteen cases out of twenty it was necessary to employ a solicitor, that he should also be under the necessity—one which rendered the expense doubly onerous —of employing a proctor also to prove the will. It was, therefore, desirable that provision should be made to relieve the people of this country from a system which undoubtedly greatly added to the expense and onerous character of the professional employment required in cases in which it was only just that every possible relief should be afforded. He proposed that the mode of proving wills should hereafter be in the most simple, expeditious, and economical form. For that purpose the existing state of the law required that considerable caution and care should be exercised, in order that wills, which were defective in point of legal solemnity, should not be admitted to probate except under the superintendence of skilful and experienced persons. The House was, no doubt, aware that before the 1 *Vict.*, commonly called the Statute of Wills, there was a great difference in the law with respect to wills of real and personal estate. Wills of personal estate previously to that time required, generally, no attestation—no particular solemnity attached either to their execution or form. Perhaps it was to be regretted that a Statute had been passed which had loaded the people of this country — unquestionably with great liability to danger—with respect to their testamentary dispositions. But that law had been passed, and it had been acted upon so long that it was now idle to allude to any complaints which might be made on that subject. But the solemnities required by the existing law demanded that great care and caution should be applied to the examination of wills before they were admitted to proof. He, therefore, proposed to establish in London a Testamentary Office consisting of a number of most able and experienced men, placed in such grades in that office as to secure to every will the supervision of one or more skilful and experienced persons, so that no danger could possibly exist of wills being proved deficient in the requirements of the law. He proposed that it should be competent for any man to bring a will, of which he was the executor, to the Testamentary Office, and leave it there for the purpose of being admitted to proof. He proposed that when the executor came to the Office he should see an officer, who would be able and ready to give him the required assistance to examine the document, and in a simple and intelligible manner to grant proof of the instrument presented, on his showing that the required solemnities had been complied with, and on his making the necessary affidavit. Those proceedings were proposed to be still further facilitated by a simple innovation, to which he attached the greatest weight—one which he hoped to see the herald of other essential and important improvements in the law. Every gentleman conversant with matters of this description had seen the exemplification or probate of a will issued by the Court of Probate. He saw that it was written on parchment—written in court hand—engrossed in a clerky manner. The document came forth with considerable pretensions in parchment, but it was altogether of the most unreadable and useless character for all purposes of practical utility. It was monstrous that the introduction of printring, which had done so much for all purposes of literature, science, and general civilisation, should have done so little for the improvement of the law. He believed that no greater improvement could be suggested than that which he proposed—namely, to deliver the people of this country from what he would venture to call "the tyranny of parchment." There was no earthly reason why every deed, every settlement, every will, should not be printed, whatever might be its length, on two or three sheets of paper, and made as plain and simple, and as readable, as any other document which was committed to print. What would be the benefit if this proposal were adopted? In the first place, if this plan were adopted there would be much greater plainness, and all men would be able to read these legal documents, which hitherto, by their character and very appearance, had repelled all but the skilful and initiated lawyer. He hoped that this system of printing would come into vogue, not only with regard to wills, but with regard to deeds and settlements. Surely there was no reason, at least he could never understand, why a gentleman's title deeds, instead of being a musty bundle of discoloured sheepskins, odious to look at, nasty to smell, and disgusting to handle, should not be bound up in a pleasing folio volume, containing also the family history—agreeable to read, and which everybody could understand without being forced to have recourse to the family solicitor. The more the parties understood them the less would they be the slaves of their legal advisers. The plan had been tried in the Court of Chancery with the happiest results. It had lessened the length of the pleas in that Court by at least one-half, and it had swept away the odious jargon, the vile verbiage, and the incessant tautology which used to disgrace those documents, and which still incumbered conveyances. All such absurdities had disappeared when the light of day was let in on those documents, and men became ashamed of writing in a style which abounded in useless repetitions. Benefiting by this experience he proposed that the copies of the wills admitted to probate at the Testamentary Office, instead of being engrossed on parchment, should be printed on paper; that the executor should receive any number of copies he pleased; that to each copy should be affixed a stamp to authenticate it; and that any copy so authenticated should be admitted as evidence in Courts of Justice. By such an arrangement considerable saving would be effected. At present in the Ecclesiastical Courts the cost per folio of ninety words of a will was 3*s.* 4*d.*; whereas, as he was informed, the cost of printing forty or fifty copies for distribution among the persons interested would not exceed 9*d.* per folio. He had formerly intended that one central Testamentary Office in London should serve for all the purposes of probate throughout the kingdom; but it had since been represented to him by his hon. and learned Friend the Member for Plymouth (Mr. Collier) that inconvenience might result if persons were deprived of the opportunity they had hitherto enjoyed of resorting to the various district offices to prove wills and obtain advice regarding them; and he had accordingly consented to modify his original plan. He therefore proposed to establish a distinct office in each County Court circuit. In England and Wales those circuits were sixty in number, eight of which were metropolitan and the remainder rural districts; and in each of the latter an Office would be provided for receiving all papers connected with the proof of wills and for granting letters of administration where the personal estate did not exceed £1,500. At the same time, it was deemed desirable that, before the probate was finally completed, the wills received in the local offices should be sent up to the Testamentary Office in London, there to undergo the supervision of a succession of officers of superior knowledge and experience to those likely to be possessed by the single officer of any particular country district. That safeguard, while it would cause no delay or additional expense, would be an effectual security to the public against the evils that would otherwise ensue if a will which did not comply with the regulations of the Statute were proved *per incuriam* by a district officer. For each of the district offices there would be an officer and a clerk appointed. That arrangement would of course lead to a diminution in the staff of the proposed Testamentary Office. That staff, when the Office was intended to be the sole place of probate, was to have consisted of a chief registrar, four other registrars, sixteen official proctors, and two Commissioners for the administration of oaths; but, inasmuch as there were to be fifty-two district officers, it was now proposed that the staff of the Testamentary Office should be reduced to a principal registrar, three sub-registrars, ten official proctors, and one Commissioner for the administration of oaths. The next point, the importance of which could scarcely be exaggerated, was the constitution of one place of deposit for all wills and of one general registry in the metropolis, together with subordinate registries in different parts of the kingdom. Many of the local registries were notoriously in a disgraceful state, valuable documents and papers being in some cases inaccessible, and in others mutilated and even destroyed from the want of due care in collecting them together and in providing for their preservation. He was indebted to Major Graham, the Registrar General, for several important communications relating to this subject. That gentleman stated that if the Testamentary Office was established, as proposed, at Somerset House, where the Stamp and Legacy Duty Offices already existed, accommodation could be afforded of the most convenient description for the reception of about 6,000,000 of wills in fire-proof rooms. It appeared that the number of wills annually made throughout the country was about 20,000. Not only might the originals of all wills be deposited in that secure receptacle, but by the system of printing there would be an opportunity of establishing local registries in different parts of the country in which printed copies might be preserved. The 45th section of the Bill also provided that copies should be sent not only to the chief registry in London, but to the Prerogative Office in Dublin, to the office of the Commissary of the County of Mid Lothian in Edinburgh, and by an alteration which he wonld suggest in Committee, also to the office of the clerk of the County Court district in which the testator died. Thus, a metropolitan deposit of all extant and future wills would be combined with local registries, in which printed copies of wills hereafter to be proved would be placed in safe custody. The whole of the wills proved in the Prerogative Court of Canterbury were now deposited in buildings the security of which had at different times been seriously questioned; and those buildings were held by Mr. Moore, the present Registrar, upon a lease which would expire at Lady-day of 1857. It would therefore be necessary, before that period, to provide for the custody of the whole body of wills of the Prerogative Court of Canterbury, for he had been told by Mr. Moore it would be impossible to renew the lease, and the state of those important documents was most perilous. In addition to the provisions he had detailed, he proposed to introduce a provision for the purpose not only of giving County Courts authority to entertain contentious suits when the property did not exceed £300, but also to entertain suits for the administration of estates which did not exceed a similar amount. He was indebted for this suggestion to his hon. and learned Friend (Mr. Collier), and the House would agree with him that this would be an improvement in the law with regard to the proof of wills, and that the great considerations of convenience, accessibility, and cheapness would be very much promoted by having a tribunal in which small estates not exceeding £300, might be readily administered and divided among the parties entitled, whether as creditors or legatees. He now came to a most important feature of the Bill—the manner in which it was proposed that justice should be done to parties at present interested by being holders of offices or monopolists of the practice at present existing in the Ecclesiastical Courts. He begged the particular attention of hon. Members who had interested themselves in this question upon public grounds to this part of the Bill. Before he approached the question of compensation it would be necessary to put the House in possession of what Parliament had thought proper to do on the subject. The necessity of abolishing the Ecclesiastical Courts and making a complete change in the law had been admitted by Parliament for a very considerable period of time. The Statute 6 & 7 *Wm.* IV., c. 77, declared that when offices in the Ecclesiastical Courts became vacant the persons appointed should be subject to all the regulations and alterations affecting the same which Parliament might afterwards provide, and should not acquire a vested interest in their offices or a claim to compensation. That Act was followed by the 10 & 11 *Vict.* c. 98, which enacted that all persons who had been appointed to offices in the Ecclesiastical Courts since the passing of the 6 & 7 *Will.* IV., or who might thereafter be appointed, should not acquire any clain to compensation. The House would agree with him that those enactments had been passed under the conviction that Parliament would at once proceed to discharge its duty of abolishing the Ecclesiastical Courts and constituting a new tribunal. Notwithstanding, however, the efforts made for discharging that duty, successive Bills, introduced by different Members of that House, had all failed from one cause or another. So numerous were those failures, that the stoutest hearts and the most able Parliamentary tacticians had given up the attempt to abolish those Courts and to carry into effect that which Parliament had contemplated. He could not think that Parliament would now be anxious to put those enactments in force against those gentlemen, while Parliament had abstained from carrying into effect that legislation which had been alleged as the reason for introducing the various measures he had alluded to. He could not, therefore, desire that the measure which he had the honour to introduce should be purchased at the price of enforcing those enactments that the parties might consider to have been abandoned or superseded by the neglect of Parliament itself. He did not, therefore, propose to purchase these reforms at the expense of gentlemen who had accepted their appointments with the conviction that Parliament was not prepared to act on those enactments. He was sure, therefore, that the House would agree with him, that liberality in a matter of this kind was the wisest policy, and that a great benefit would be ensured if they could accomplish the object contemplated by these minacious enactments, and thereby purchase the acquiescence of the parties who hold the different offices by giving them compensation. He thought he could show that it would be desirable to give compensation of the most liberal kind without any material prejudices to the interests of the community at large. The whole of the compensation that he proposed to give would be entirely paid out of the fee fund that would be created in the Court itself, and that not only without the smallest addition to the fees at present paid, but with great relief to the suitors in respect to fees. He had already pointed out that a great saving would be made by his proposal for printing wills; and a still greater saving by reason of persons proving wills not finding it necessary to employ a proctor as well as a solicitor, which at present nineteen out of twenty did. According to Returns made to Parliament, the office fees would amount to about £92,496, and the first entry, therefore, which he made upon the side of the fee fund was £92,500. In addition to other emoluments the proctors took a definite fee, which was regulated by themselves, called the "probate and administration under seal fee." It amounted to 3*s.* 4*d.* in the pound upon every stamp up to £60 inclusive, and 6*d.* in the pound upon all stamps exceeding that amount. The whole amount of probate and administration duty for the year 1853 was £996,950, and the amount of proctors' fees upon that sum would be as nearly as possible £89,000. He proposed that that proctorial fee should be added to the office fees, and together they made a sum of £181,500, which would be the annual amount of the fee fund from the whole of the testamentary and intestate business in England and Wales. He would now come to consider the amount of compensation to be paid. In the constitution of the Testamentary Office he proposed that there should be one chief registrar, with a salary of £2,500; three deputy registrars, with £1,500 a year each; two secretaries, at £300 a year each; ten official proctors, with salaries of £800 a year each; a record keeper, with a salary of £500; an assistant record keeper, at £200; two clerks of papers, at £300 each; a superintendent of printing, at £500; two assistants, at £200 each; a sealer, at £300; and twenty copying clerks, at £100 each. For printing, binding, and messengers, he added £12,000. Thus, the estimated total expense of the Testamentary Office would be £32,100 a year. The district registrars were fifty-two in number, and he proposed, in conformity with various reports, that they should have a salary of £500 a year each, and their clerks £100 each, with some trifling fees in addition. That would amount to £32,000, so that the first two items on the *per contra* side would be, say £33,000 for the Testamentary Office, and £32,000 for the district registrars and their clerks, making together £65,000. Then came the compensation to Mr. Moore, the Chief Registrar of the Prerogative Court, who was now an old man. He proposed that he should retire on the full amount of his income, which was £8,000 a year. To the Judge of the Court he proposed compensation also at the full rate—£4,000 a year. He next came to the Registrars and Deputy Registrars for the diocesan and provincial tribunals, and in considering the compensation to be given to them, he begged the particular attention of the House. With regard to many of those persons, there had been, he believed, some misgivings as to the kind of compensation to be awarded to them; and he thought that it was not, perhaps, undesirable, in discussing the subject, to point to the manner in which some of those offices had been filled up. In a pamphlet which had been lately published, and the statements contained in which he had verified, he found the following facts related with reference to the manner in which Registrars had been appointed:—

> "One of the Joint registrars of the Episcopal Consistorial Court of Norwich is the Rev. E. Bathurst; he was appointed by the Bishop of Norwich, on the 24th of June, 1825, at the age of ten years. In the Consistorial Court of London the registrar is the Rev. R. Watson; he was appointed by the Bishop of London to that office on the 20th of July, 1796, at the age of eight years. The principal registrar and keeper of registers and scribes throughout the whole diocese of Winchester, and in the Commissary Court of Surrey, is Mr. Brownlow North; he was appointed to those offices by Brownlow North, then Bishop of Winchester, and confirmed by the Dean and Chapter of Winchester, on the 6th of December, 1817, at the age of 'seven (years) in reversion, and fifteen when in possession.' The register of the Consistory Court of Norwich is Mr. H. A. Bathurst; he was appointed by the Bishop of Norwich on the 24th of June, 1825, at the age of six years. The registrar of the Consistory Court of Llandaff is the Rev. R. Watson; he was appointed by the Bishop of Llandaff on the 1st of July, 1793, at the age of five years."

The next was a tender suckling of three years; and, to crown the whole, in the Decanal Court of Wells the principal registrar was a lady, who had been appointed to the office when she was five years old. Those were the persons with whom they had to deal, and he proposed to give them their full emolument for the term of their natural lives. It appeared from the Returns that, deducting the salary of the Judge and Registrar, and Deputy Registrar, of the Provincial Court of Canterbury, who were otherwise provided for, the aggregate amount of the whole of the salaries of the provincial Judges, Registrars, and Deputy Registrars throughout England and Wales would be exactly £40,682 1*s.* 9*d.* But as the principle of the Bill before the House was to fill up all new offices as much as possible out of the holders of existing offices, the fifty-two Deputy Registrars would be employed, and, therefore, from that £40,682 there would have to be deducted fifty-two times £500, which would be appropriated to that purpose. Suppose, however, that they took from the existing Deputy Registrars only as much as £10,000—that would reduce the sum for compensation to Judges, Registrars, and Deputy Registrars to about £30,000. He came next to the proctors, of whom the total number in England and Wales was 149, and he was sure that he overrated the emoluments which each of those gentlemen derived from his testamentary business when he estimated them at a clear £700 a year. Erring, however, on the right side, he proposed to give as compensation to these 149 proctors an annuity for life equal to one half of that income. That, he thought, was a very liberal proposition; to the old man who wished to retire, what could be more desirable than to do so on an annuity equal to one-half his emolument? to the young man, what could be more encouraging than to receive a life annuity of one-half the profits he expected to derive from his profession? He was certain that those parties from whom the greatest opposition to Bills of this kind had proceeded could not have calculated the benefit they would derive from a provision such as the one he had described. £350 a year for 149 proctors would be £52,150, but from that sum must be deducted the annuities of the ten proctors who would be draughted into the Testamentary Office. There remained another class on whose behalf a strong appeal had been made to him—he meant the class of aged clerks—men who had grown old in service, and whose offices would now be extinguished. He considered that he should be beyond the mark if he estimated their salaries at £100, and, taking the number who would be entitled to compensation at sixty—and their title to compensation would, of course, depend upon the number of years they had been in service—that item, allowing one-half the amount of salary as compensation, would be £3,000. The sum total of the outlay of which he had now stated the different items was £160,000, and the sum total of the estimated receipts was £181,000, leaving a surplus of income over expenditure of at least £21,000—a margin quite sufficient to cover any error in calculation. The House must remember that the number of persons entitled to compensation would be gradually diminished, the surplus would gradually increase, and he calculated that in twenty years the payment of compensation would come to an end, and enable a reduction of one-half the fees to be made in favour of the persons who resorted to these Testamentary Courts. He had further to state that he proposed to make probate granted in England available in Ireland, and his right hon. and learned Friend the Attorney General for

Ireland intended to introduce a Bill similar to this for Ireland, in which a provision would be inserted, making probate granted in Ireland available in England. The same provision was extended to Scotland, although the testamentary law of Scotland differed from that of England and Ireland. What he had stated to the House were the principal provisions of the measure which would be found to carry into effect the chief recommendations of the Chancery Commission, a few of which he would cite from their last Report:—

"That the testamentary jurisdiction of the Prerogative Courts of the Archbishops of Canterbury and York, and of all other courts ecclesiastical and manorial, or otherwise, exercising testamentary jurisdiction in England or Wales, should be abolished. That all questions of the validity of wills of real and personal estate should fall under the same jurisdiction. That such jurisdiction should be exercised by a single court. That a court should be established for the purpose of exercising jurisdiction in matters testamentary. That the Court should be a superior court of record, and that the proceedings therein should be in the name of Her Majesty. That persons interested under wills of real estate should be under the same obligation of proving such wills as now exist with respect to wills of personal estate. That the benefit which attaches to probate in the case of personal estate should be extended to devises of real estate. That after a will has been proved, the title of a devisee under it should not be open to question in other courts. That it is expedient that proceedings should be taken before the Testamentary Court for the purpose of establishing intestacy as to real estate. That such court should have power to grant certificates of intestacy, which should be conclusive in all other Courts.

"That the Court should have full and exclusive jurisdiction to determine all questions as to the validity of any instrument purporting to be testamentary, whether relating to real or personal estate, and whether or not made in execution of any power. That the Court should have authority, as to personal estate, to grant probates of wills and letters of administration as heretofore used in the Prerogative Court of Canterbury, but not confined as heretofore to the province of Canterbury. That the Court should have power, as to real estate, to grant probates of wills and certificates of intestacy. That probates, letters of administration, and certificates of intestacy should not be subject to be questioned or disputed in other courts. That the Court should have the power to determine any question of law, equity, or fact which may be necessary to be determined for the purpose of deciding any question of testacy or intestacy, or the right to any grant of administration, but not further or otherwise."

He hoped the House would feel that the time had at last arrived for the settlement of the important question of testamentary jurisdiction. If they were of opinion that the Courts now in existence onght to be abolished, now undoubtedly was the time for their abolition. If their institutions were to be consolidated, he did not see how that object was to be attained except by the creation of a new tribunal, armed with all the powers of a Court of Law and Equity. If they desired to afford relief to the people of this country, and save them from the perplexities and uncertainty in which they now were, unquestionably the time was now arrived for establishing one Court to which all suitors might resort to ascertain and determine their rights. He had the authority of his hon. and learned Friends the Members for East Suffolk and Plymouth (Sir F. Kelly and Mr. Collier), to whom he was greatly indebted for the assistance they had afforded him in preparing this measure, for stating that, in consequence of an agreement which had been come to, they would abandon their Bills. He should propose, if the Bill were read a second time, that it should then be committed *pro formâ*, and then recommitted, in order to give hon. Members an opportunity of considering and expressing an opinion upon its details.

Sir FITZROY KELLY said, he rose, if not to second, at least to support the Motion of his hon. and learned Friend the Solicitor General, that the Bill be read a second time. He had to express his earnest hope that this great measure of reform—so long demanded, so much required, and so often attempted, but attempted in vain—might at length be carried into effect for the benefit of the people. He deeeply regretted that owing to the circumstances under which the measure had been brought before them, his hon. and learned Friend had been precluded by the forms of the House from engrafting in his Bill the principal clauses of the Bill which he (Sir F. Kelly) had submitted to the House, so that the entire measure might have been submitted to them before the second reading. Those clauses, however, would be introduced in Committee when the united Bill, as he might term it, would be placed under their view in its entirety. He need not, he trusted, remind the House that the principal points of the Bill had been the subject of consideration by some of the ablest men; and that hitherto, though the question had been taken up by Committees and Commissions, every attempt to carry a Bill embodying their recommendations had failed. Adverting to former debates on the subject—more especially to the debates of last Session—he should endeavour to give the House a short, clear, and succinct statement of the real questions for consideration, in the hope that he should be successful in securing the consent to the second reading of the Bill of at least a large majority of those who had given their attention to the subject. They had, first, to look at the description of cases that were brought before the Ecclesiastical Courts, and to the mode of procedure therein. The first and greatest questions related to the cases in which wills were disputed. To suppose the case of a person who died, and whose will was contested either by his heir-at-law or others having interest, what means, what Court, by what form of pleading, evidence, and judicial determination, was the question to be settled to the satisfaction of the parties and the public? To illustrate the defects of the existing system, he might, perhaps, be permitted to allude to the well known case of the will of Mr. Dyce Sombre, which had been argued for ten days before the Prerogative Court. He would contrast the procedure that had taken place in that case with the course of proceeding which would take place under the Bill of his hon. and learned Friend if it became law. In the case referred to the testator died some five or six years ago, leaving a will which the executors, the East India Company, and others, claimed to prove. Its validity was denied by the next of kin of the deceased. The proceedings in the case had lasted for more than five years, and he undertook to assure the House that, if his hon. and learned Friend's Bill had been law in 1850, the case would have been determined within six months. [The Attorney General: There was a Commission sent to India.] He was aware that a Commission was sent to India, but it turned out quite infructuous. [The Attorney General: No, no!] Well, at all events, allowing a year for that Commission, the case had been going on for six years, and was still undecided. The cost to the different parties had not been less than £28,000, and for a tenth of that amount he believed the case might have been decided by a tribunal and form of procedure such as is now proposed to be established. Descending to details, he might state that the proceedings in the Ecclesiastical Courts were of a multiplied kind. The written matter in the case referred to occupied not less than 312 large folio pages of print, and as the evidence was given in writing, the whole proceedings, including the evidence, occupied two large folio volumes of more than 1,500 pages. Under this Bill the 312 pages would be reduced to the short and comprehensive form referred to by his hon. and learned Friend the Solicitor General, or to about half a page of writing, and the rest would never have been printed. In that item alone upwards of £2,000 expenses would have been saved if this Bill had been law at the time. They were all agreed as to the necessity of making justice cheap, speedy, and effectual. If this Bill were once the law, the proceedings in such a case as he had referred to would consist, not of 312 pages, but of a short statement to this effect:—"A. B. demand a probate as executors of X. Y. deceased, who died leaving a will appointing claimants his executors." The answer to that would be in three lines:—"C. D., next of kin to deceased, oppose the granting probate to claimants, because the deceased was of unsound mind." Now, those statements would constitute the entire pleadings. If a question of law was involved it would be decided by a court of law, but if a matter of fact was in issue, a jury would deliver their verdict. At the outside the trial would not last more than two or three days, and the matter would be decided. The great question which had been raised before the Commission was, whether in establishing a Court to decide cases of disputed wills, the pleadings and procedure of the Ecclesiastical Courts should be adopted, or the procedure of the Courts of Equity or of common law? It was upon that particular point that the merit of the Bill depended. He thought he might appeal to those hon. Members who had practised in the Ecclesiastical Courts to say whether they really thought that the system of administering justice in those Courts ought to be continued. The evidence being given in writing great expense and delay were the consequent result; but the manner of giving the evidence was even more objectionable than its expense or extent. Certain articles were put forth in which something like the case under consideration was stated on the one side and on the other, and from these articles the counsel for the parties had to form their interrogatories in writing. Supposing a will to be disputed, thirty, fifty, or perhaps 100, articles were put forth in support of the will, and forty or fifty witnesses were examined in writing on the interrogatories addressed to them. More than that, the cross-examination of the witnesses, also in writing, took place often in utter ignorance of what the evidence in chief had been. He believed that if any scheme could have been devised by the wit of man less adapted than another to the bringing forth of the whole truth of a case, it was this mode of written examination and written cross-examination. He wished, while dealing with the subject before them, to call the attention of the House to the mode of examining witnesses which existed in the Court of Chancery, as compared with that which prevailed in the Courts of Common Law. It was not his intention to deny that in the system of procedure in the Court of Chancery great improvements had of late years been effected, but those improvements did not extend to the manner in which the testimony of witnesses was procured. That testimony was generally obtained by means of affidavits, depositions, or in accordance with the system of interrogating witnesses *vivâ voce* before the examiner appointed for that purpose. In grave cases, however, sufficient confidence was sometimes not reposed in those officers, and in corroboration of that statement he might mention that an hon. and learned Friend of his had in one case been appointed specially to officiate as examiner, to the great expense of the parties connected with the suit. He might also observe that the examiners of the Court of Chancery had no power of deciding upon the admissibility or inadmissibility of any evidence which might be be laid before them. They simply had authority to take the evidence conditionally, the effect of which evidence was to be determined by a totally different tribunal. Well, what, he would ask, was the result which such a system produced? Why, that that test of the truth of a witness's testimony—namely, his appearance in open Court where the Judge and the jury would be enabled to form a just opinion as to his veracity—was altogether absent. He might be told, however, that the Court of Chancery—as well as the Ecclesiastical Courts—were empowered to examine witnesses *vivâ voce* if they deemed it proper; but what, he would ask, was the advantage of their possessing that authority if it were so rarely exercised as to have become almost a dead letter? There was, indeed, a very good reason why their power in that respect should rarely be exercised, inasmuch as the Judges who presided in those Courts were not, from their peculiar legal habits and training, generally speaking, competent to conduct the *vivâ voce* examination of witnesses. There were, of course, some exceptions to that rule. The present Lord Chancellor had enjoyed the advantage of presiding in a Common Law Court for a considerable period, with great success. Lord Brougham and Lord Lyndhurst were also conversant with the forms of procedure at Common Law; and before those learned Lords, while they sat upon the woolsack, *vivâ voce* evidence might, no doubt, most satisfactorily be dealt with. The same statement could not, however, be made with regard to those learned Judges whose experience of legal procedure had been derived exclusively from their practice in the Courts of Equity, or with respect to the counsel in those Courts, whose legal education did not fit them for the entering satisfactorily upon the conduct of a *vivâ voce* examination. While upon that point, he might perhaps be permitted to say that it was most desirable that those young men who were preparing themselves for the Equity Bar should attend sessions and go circuit for some time with a view of rendering them fit to deal with the examination of witnesses according to the Common Law procedure, whenever in the course of their practice the necessity for doing so might arise. It was true, the power of adducing *vivâ voce* evidence was one which was but seldom exercised in the Courts of Equity, but upon those rare occasions upon which it was resorted to considerable advantages had resulted. Lord Justice Knight Bruce, who was familiar with the mode of procedure at Common Law, seemed to be fully alive to that advantage, and whenever an opportunity presented itself not only permitted, but called for, the *vivâ voce* testimony of the witnesses in a suit. In one case which had been the subject of litigation for four or five years, and in which a mass of documents had been accumulated sufficient to load a cart, the question at issue had been satisfactorily disposed of in a few hours, before the Lords Justices, in consequence of their having given their assent to the production of *vivâ voce* evidence. It was therefore clear, that if the House were desirous of passing a Bill for the speedy and efficient despatch of public business, they must resort to the principles of Common Law procedure, with respect to the subject with which the measure before them proposed to deal. The system of procedure, as adopted in the superior Courts of Westminster, was now all but perfect; and in addition to that fact, he might urge, in favour of the view which he had just put forward, that the Commission of 1854, which had consisted of the present Master of the Rolls, Lord Justice Turner, Sir John Dodson, Dr. Lushington, the right hon. Baronet the Member for Carlisle (Sir J. Graham), and several other able and distinguished men, had unanimously given it as their opinion that the Common Law mode of procedure with respect to evidence was that which ought to be adopted in the Court of Probate. Authority and experience were therefore in favour of the principle of which he was the advocate, and if the House were to give its assent to that principle, as embodied in the Bill under discussion, it was to be hoped that the despatch of business in the new Court would be of a character at once cheap, speedy, and satisfactory to the public at large. There was another point connected with the subject before them to which he would next proceed to advert, and which related to the appointment of local Registrars, who would be empowered to administer justice upon the spot where the necessity for the exercise of their functions happened to arise. In dealing with that point, he would not attempt to deny that great advantages might very fairly be supposed to result from having one settled central Court of Probate, which would not only possess jurisdiction over the wills made in the metropolis in which it happened to be situate, but should have a general control over those which might be made throughout the entire kingdom. But while he was ready to admit that considerable advantages might accrue from the adoption of such a system, he must contend that they would be more than compensated for by the convenience, upon the score both of economy and expedition, which would be the consequence of having an experienced officer in various parts of the country, to whom application might be made for probate of a will, and to whom all the necessary information for obtaining that probate might be given *vivâ voce* upon the spot, thus enabling him to deal with the matter without that delay which otherwise must take place. In order to illustrate the inconvenience of the contrary system, he would put the case of a man who happened to die in Cornwall or in Durham, leaving by his will property to the amount of £1,000 or £1,500, to an executor, to be disposed of among the various members of his family. The executor must proceed to obtain probate of the will. In order to do that, he must either travel up to London at considerable expense, or entrust the matter to a solicitor, who would have to send up his instructions to his agent in the metropolis, to be submitted to the registrar of the Metropolitan Court. Then the agent would have to transmit a reply to those instructions; objections, possibly, would be taken by the registrar to several points, which it would be necessary to have cleared up; and the result would be an accumulation of correspondence, tending to no small outlay of money and to great delay, before probate could be granted. Now, every inconvenience of that kind might be obviated, if, as the Bill provided, proper registrars were appointed throughout the various districts of the country, subject to the control and supervision of the central Court of Probate in London. Great facilities of obtaining probate would thus be afforded to the inhabitants of those districts—particularly those which were very remote—and from the benefit of such facilities, he must contend it was not just or right that they should any longer be debarred. He had received communications from proctors, solicitors, and men of business in all parts of the kingdom, requesting him to urge upon the House the appointment of local officers with power to grant probate. Next arose the question, whether the original wills were to be deposited in the registrars' offices in the various districts throughout the kingdom; or, whether they were to be placed in one central office in London? That was a question to which he was then unprepared to give any decided answer; but he might add, that the point to which it relates might be very properly dealt with in Committee, as might also the point, whether the seal by which the authenticity was to be given to the documents with which the Bill proposed to deal should be that of a district registrar, or that of the Central Metropolitan Court? An important matter, also, in connection with the subject before them, was the expediency of enabling the new Court of Probate to exercise a jurisdiction in the case of wills, disposing of real as well as of personal estate. For his own part, he had little to add to the observations of his hon. and learned Friend the Solicitor General; but he thought, the power of dealing with both descriptions of wills ought to be conferred upon that tribunal, and that under its operation the anomalies which now existed in reference to testamentary matters, and in consequence of which, a will declared in Doctors' Commons to be valid might by the verdict of a jury be pronounced invalid, should, as far as possible, be removed. He was also of opinion with his hon. and learned Friend, that it was desirable to give the new Court authority to construe wills, as well as to administer the estates, which by such instruments were created. There might, no doubt, be some objection to leave to the discretion of a single Judge the decision of the various points which might arise upon the construction of a will; but when the Bill came before the House in its amended form, it would be found that that single Judge would be enabled under its provisions to call to his assistance, in cases where any doubt presented itself to his mind as to the proper construction of the will, two Common Law or Equity Judges, by whose aid he would be enabled to arrive at a satisfactory conclusion. It should also be borne in mind, that from any decision to which the Judge of the new tribunal might come, an appeal would lie to the Lords Justices, and from them to the House of Lords, in the last resort. Now, the only important questions which remained to be considered were, whether the present body of practitioners—called proctors—were to be maintained in London under the operation of the Bill; and whether, in the event of their not being so maintained, they were to be allowed any compensation for the injury which, in point of emolument, they might be supposed to sustain? In answer to the first question, he should simply observe that, although considerable advantage might be expected to be derived from the services of men of experience and ability, such as he admitted the proctors to be, he was of opinion that a staff of officers selected from the solicitors to whom the practice of the Court would be thrown open, and placed under the immediate direction of the Court, would be found a very excellent substitute for the present practitioners. With reference to the question of compensation, which was a delicate one, he could only say that he trusted Parliament would never fail to deal in a spirit of justice and liberality with any class of Her Majesty's subjects, to whose interests its legislation might be directly prejudicial, and he felt confident that that spirit would, in regard to that class whose case was now more particularly under their notice, as far as possible obtain. Whatever amount of compensation, indeed, Parliament might bestow upon the present practitioners in the Ecclesiastical Courts, would be given without adding one shilling to the burdens of the community at large, inasmuch as day by day the taxes now imposed upon them in testamentary matters, in the shape of costs, pleas, &c., would undergo diminution, until at length, under the operation of the new tribunal, justice would be administered to them at a very moderate expense, and with the utmost despatch. In conclusion, he should merely express a hope that hon. Members generally would use their best efforts, so to improve the Bill in those particulars in which they deemed improvement might be made, as would enable them to send it up to the House of Lords in a satisfactory shape. His hon. and learned Friend, as well as himself, would be prepared to receive with all the attention which they deserved, any suggestions which might be made to them with that view.

SIR JAMES GRAHAM: Sir, the hon. and learned Gentleman who has just sat down has expressed an earnest wish that we should send up to the House of Lords a Bill upon this important subject which may be satisfactory to the community. If I were to judge from the state of the House at the present moment — [there were only about thirty Members present]—I should not believe that the subject is regarded by hon. Members generally as being so important as it has, by the two hon. and learned gentlemen who have preceded me, been represented to be. Yet I am satisfied that the importance of this subject can hardly be exaggerated, and that out of doors our proceedings with respect to this measure are regarded with great anxiety. The hon. and learned Gentleman (the Solicitor General) has asked for the criticism of his learned brethren in this House upon the measure which has now been submitted to it, and I am afraid that any intrusion of mine upon the line of argument of the hon. and learned Gentleman in anticipation of the opinions to be pronounced by Gentlemen of the long robe may be considered impertinent. ["No, no!"] But having taken great interest in this subject, and having, as a Member of this House, tried my hand in vain at the improvement of this system, and having, as a member of the Chancery Commission, given to it my best attention, I may, perhaps, before other hon. and learned Gentlemen address themselves to the subject, be permitted to state the impressions which the Bill, as introduced by the hon. and learned Gentleman the Solicitor General, has left upon my mind. The subject would be a very difficult one even if it were clearly and substantially before us. Until the last eight-and-forty hours I was hardly aware that it would be pressed upon our consideration at this period of the Session. Within that time I have addressed myself to the consideration of the Bill as presented by the hon. and learned Gentleman the Solicitor General, and even upon that Bill, as it stands, it would be very difficult to form an accurate opinion. But, Sir, I have further to observe that the Bill originally presented is not the Bill we are now discussing. The measure has assumed an entirely different shape, as represented in the speech of the hon. and learned Solicitor General, and as confirmed in that of the hon. and learned Member for East Suffolk (Sir F. Kelly). The Bill, as printed, is not that the second reading of which we are called upon to support, much less is it that which we shall have to consider in Committee. On the whole, I am by no means disposed to resist the second reading of this Bill, but I must submit to my hon. and learned Friend the Solicitor General the expediency, if the House should to-night assent to the second reading of this measure, of going into Committee, *pro formâ*, with the least possible delay and reprinting the Bill, in order that we may see exactly the shape in which it is intended that we shall consider it in Committee. [The SOLICITOR GENERAL: Tomorrow.] I may, however, perhaps, be permitted to express my opinion on certain points which arise on the consideration of the Bill as it is presented to us. Here I am met by a very great difficulty. The hon. and learned Member for East Suffolk (Sir F. Kelly) says that it is intended to give to this central Court of Probate the course of procedure of a court of common law. The Chancery Commission, of which, together with the hon. and learned Solicitor General, I was a member, made an exactly opposite recommendation. With my hon. and learned Friend and the Master of the Rolls, I differed from the Report of that Commission on the single point that it recommended that the Court of Probate should not form a portion of the Court of Chancery. The Solicitor General, the Master of the Rolls, and myself were of opinion that, to give this Court complete jurisdiction, it was absolutely necessary that it should form a part of the Court of Chancery, because, in our opinion, the same Court ought not only to give probate and administration, but also to construe wills, to divide the proceeds, and to administer justice with reference to the rights of parties. [The SOLICITOR GENERAL: That it should have power to do so.] The Master of the Rolls, the hon. and learned Solicitor General, and I were dissentients "as to so much of the Report as recommends that the testamentary jurisdiction should not be vested in the Court of Chancery, with all the powers and authorities of that tribunal, including the powers of construction and administration." As I read this Bill, it will erect by the side of the Court of Chancery a second Court of Chancery. The hon. and learned Gentleman the Solicitor General talks of the folly of coordinate tribunals exercising concurrent jurisdiction. That, as the Bill stands, is precisely the objection which I take to it. This Court of Probate, with power of construction and of administering estates, will perform all the most important functions of the Court of Chancery, and, at the same time, I do not see any power of ousting the jurisdiction of that Court with reference to these matters. We therefore have in this very case an instance of the folly pointed out by the hon. and learned Gentleman. If you deprive the Court of Chancery of these powers, and transfer them to this new tribunal, you take from that Court a large portion of its most important jurisdiction and its highest functions; and then the present judicial strength of the Court of Chancery will be infinitely greater than it need be. These are objections which lie upon the surface. Next I would call the attention of the House to another point, which appears to be one of very doubtful policy. At this time, when the whole question of the appellate jurisdiction of the House of Lords is about to be discussed in this House, there never was a moment less opportune for deciding what shall be the appellate jurisdiction in matters testamentary. Until we have decided the question what shall henceforth be the appellate jurisdiction of the House of Lords—and a more important constitutional and judicial question was never brought before this House, for you have that House, *confitentes reos*, saying that they are incompetent to exercise that jurisdiction satisfactorily to themselves—it is premature to decide that the sole appeal from the New Court of Probate shall, as the hon. and learned Solicitor General proposes, be to the House of Lords. But what is it that the hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly) proposes, and which, as I understood from the speech of the hon. and learned Solicitor General, is adopted by him? That, with a view to expedition and the saving of expense, there is to be introduced a double appeal, which I thought was, in these days, universally admitted to be a great evil. If you have a single well-constituted appellate tribunal, its great excellence will be that it is the sole tribunal of appeal. The multiplication of appeals is a source of great expense and great uncertainty. Now, Sir, I do not wish to carp at a tribunal so admirably constituted as that of the Lords Justices; but there is a vice in that tribunal. It is not a tribunal of appeal, but only a tribunal of re-hearing. Unless you change the constitution of that Court, you will, by the adoption of this proposition of the hon. and learned Member for East Suffolk, subject the decisions of this Court of Probate, which you intend to have, with the exception of an appeal to the House of Lords' final power and jurisdiction, to a re-hearing before the Lords Justices. That point, however, may be remedied in Committee, but to an unlearned person it appears to be an objection to the measure well worthy of consideration. The Bill, as it stands, provides for the transmission of all applications for probate from every part of the country to the central office in London, and for the transmission also of original documents to be sent up by the post. I should say that by that proposition the greatest possible facility was afforded to fraud. The hon. and learned Solicitor General no longer adheres to it, and I understand that district probate and district registration are to be allowed. It is very difficult to follow such important changes, resting only upon an oral statement, and at variance with the printed document; but I hope that there is to be district registration. My opinion is, that the antipathy to the local tribunals is to be traced to their ecclesiastical character, and to the fact that they are connected with church-rates, with Easter dues, and with various other subjects of controversy which vex the Churchman and infuriate the Dissenter. And I believe that the jealousy of the people of this country with reference to the transmission of all business of this description to a central office in London is so great that if you removed the evils to which I have adverted, their desire would be, that the facilities for local probate and local registration should not be destroyed. I am, therefore, glad to hear that it is intended to modify the measure in regard to this particular. Before expressing a definite opinion upon the measure, I must have an opportunity of considering it as printed with the Amendments. The hon. and learned Solicitor General has a horror of what he calls "the tyranny of parchment." I would remind him that there is another tyranny with which we are perfectly conversant—the tyranny of the press. This printing operation of his is, I must say, a most doubtful one. He is afraid of parchment—

> "Deferar in vicum vendentem Thus et Odores
> Et piper, et quidquid chartis amicitur ineptis."

The objection there is taken to parchment documents, but I am very much afraid that the hon. and learned Gentleman's paper-printed wills will find their way to the village shop if transmitted to the Registrar as proposed, and that anything but safe custody will be the consequence. I know that the law is that the will is to be published; but what a publication will this be! Printed copies of the wills that have been admitted to probate are to be lodged in the Metropolitan Register Office of Births and Deaths in London, where they will be open to the inspection of any one who chooses to purchase the privilege, at the low charge of 6*d.* It will be like the *Morning Star*, which you may have on your breakfast table for 1d. I cannot but think that this Bill proposes to carry the publication of wills to an extent never before thought of, and I very much doubt whether such a proceeding be at all congenial to the feelings of the English people. Let the theory of the law be what it may, it is very certain that in practice inspection is not the rule, but the exception. The majority of men would probably object to the idea of their wills being posted up at Charing Cross, but the present Bill proposes a far more extensive publication than that. I am unwilling to dwell at too great length on the technical parts of this subject, which very possibly are beyond my sphere; but I may be permitted to remind the House, that when Chancery reform was under consideration a relaxation in the ancient system was proposed, to which I gave my assent, not without considerable mistrust and hesitation. The old rule in equity was, that you could do justice to no party unless you did justice to all parties; and that maxim gave rise to a nice question with regard to the presence of "parties." At length the relaxation to which I have adverted was introduced, and it was arranged that after a certain notice all parties interested should be held in law to be present, and that the business should be proceeded with even in the absence of some of them. I find that this principle has been imported into the present Bill by a clause, the 59th, which provides that there shall be no demurrer for want of parties, but that the suit shall proceed if the Judge think fit. I cannot help thinking that this principle requires in its application some other safeguards besides those which the clause provides, and that to adopt it without such guarantees would be very doubtful policy. Then, again, there is the question of the privileges of real representatives. The 62nd Clause enables the Court to appoint a real representative, and gives to the person so appointed the power to sell and mortgage under certain circumstances. I am distinctly of opinion that this is a provision which ought to be most strictly guarded, and that there should be a limitation as to the description of estate liable to such treatment. But I cannot find in this measure any conditions or restrictions whatsoever bearing on this important point. Nor does the Bill, as proposed by the hon. and learned Solicitor General, provide that there shall be a certificate of intestacy. [The SOLICITOR GENERAL: The Bill does contemplate such a provision.] There is, however, certainly nothing of the kind in the Bill as at present worded. There was such a provision in the Bill of the hon. and learned Member for East Suffolk, but in vain do I seek it in the measure now under consideration. Yet it is a matter of no small significance, and I allude to it the more emphatically on this occasion that the House may understand that we are not as yet in possession of all the information that we have a right to expect in discussing a measure of such great importance. Another branch of the question that deserves serious consideration is the proposal of my hon. and learned Friend the Member for Plymouth (Mr. Collier) to give a jurisdiction to the County Court Judges in cases of disputed wills. Now, that is a question of the gravest doubt. Those functionaries have undoubtedly worked a very great improvement in the administration of justice in the rural districts. They are doing more and more good every day, and they discharge their duties in a most satisfactory manner. Nevertheless, I am disposed to question the policy of allowing them to decide in the last resort contentious matters of probate and administration. [The SOLICITOR GENERAL: It is only proposed to give them jurisdiction up to a certain amount.] Well, but that does not affect the question of principle. If they be competent to decide cases of £300, I cannot see why they should not go further, and be allowed to decide on questions involving larger interests. The amount is of little consequence. The question for us to consider is, whether it be fitting that they should have any jurisdiction whatever in cases of wills. It is a matter of grave importance. It strikes me that there is not machinery in the County Courts for the exercise of any such jurisdiction. The issue *Devisavit vel non* may under this Bill be decided by the Judge alone, and without the intervention of a jury; yet of all issues that have ever been submitted to a Court of Justice there is none which may, with greater propriety and advantage, be left to the verdict of a jury than that which involves an inquiry into the state of a man's mind when he made his will. Yet, I repeat, I do not find in this Bill any clause to compel the Judge of the County Court to avail himself of the services of a jury in such cases. With respect to the provision which requires that all existing wills shall be transmitted to London, I think I am justified in asserting that there is the strongest local feeling against it. Access in their respective neighbourhoods to the original wills, at a moderate cost, is what the people of this country are accustomed to and what they desire, and it is a right which, unless some great counteracting advantage can be established, they will not be induced to abandon. What you want is copious facilities for the interchange of indices and copies. By that means you would attain all that you hope to effect by the proposed transmission of the wills to London. I will now take one glance at the question of compensation. It is the rock on which all reformers of the Ecclesiastical Courts have hitherto split. The hon. and learned Solicitor General admits the difficulty, but seems to imply that, at whatever cost, we must purchase success. There I differ from him. The hon. and learned Gentleman has stated that the steps taken in that matter in the years 1836 and 1847 ought to have served as a warning to all persons who had since obtained appointments in those Courts, that they were not to be entitled to compensation for their abolition. I do not contend that that rule ought to be rigorously enforced; and I agree with the hon. and learned Member for East Suffolk, that there is no greater obstruction to law reform than to let all the weight of a change fall with crushing effect on a few individuals. I have in my own person greatly sinned in the opposite direction, when, acting under the advice of my great and distinguished Friend Lord Lyndhurst, I thought it expedient to get rid of the six clerks in the Court of Chancery, by paying them what I have since felt to be an extravagant compensation. The hon. and learned Gentleman the Solicitor General says that we should purchase success at whatever cost; but he adds that there should be limits as to the classes, from which success by purchase is to be obtained. If we were to give compensation to the proctors, where are we to stop? The monopoly of the advocates is quite as close as that of the proctors; and if compensation is to be given to proctors and to advocates, as well as to the Judges and to Mr. Moore, with his £8,000 a year, I do not know what is to be the limit to the exorbitant outlay. The hon. and learned Gentleman the Solicitor General says that the cost will not fall on the public Exchequer. But I believe that fees levied from the suitors under the name of proctors' fees at a time when the proctors will no longer have any duties to discharge will form a burden all the more onerous, because it will fall on only one portion of the community. For my own part, I consider that it will be better to place that outlay on the Estimates, where it will undergo annual revision, rather than perpetuate it under the name of proctors' fees. I believe in law there can be no claim for compensation in the case. But I admit that in equity demands may there be put forward which the House should acknowledge, while at the same time moderation in those demands is indispensable. I am prepared to assent at once to the Motion for the second reading of the Bill; but hope that the House will have an opportunity of maturely considering it, and of ascertaining the opinion of their constituents with respect to its provisions, before they are asked to discuss its details, and I should recommend that for that purpose an interval of a week, at least, should be allowed to elapse between the printing of the measure and the consideration of the clauses in Committee.

MR. COLLIER said, he could assure the right hon. Baronet who had just sat down that he need not have feared that his intervention in the midst of a series of legal arguments would be deemed presumptuous. Answering for himself—and, he believed he might add, for his hon. and learned Friends—he could say that nothing gave them greater satisfaction than to have the co-operation in the work of law reform of a statesman of such eminence, experience, and ability as the right hon. Baronet. It must likewise be matter of gratification to every Member of the House that they had at last approached the settlement of this long-vexed question; his learned Friends and himself whose painful duty it had hitherto been annually to declaim against the Ecclesiastical Courts might now hope that invective was about to be succeeded by action — that the Augean stable, a term for which they had been infinitely indebted to the noble Lord at the head of the Government, was at length to be cleared out, and these old, obsolete, and cumbrous Courts to be superseded by a tribunal more in harmony with the civilisation of the age. After the very able speeches which had been delivered that evening by the hon. and learned Solicitor General and the hon. and learned Member for East Suffolk (Sir F. Kelly), he would not detain the House by any lengthened observations. Being, however, called upon to relinquish a Bill of his own upon the subject, and to support one that was not properly before the House—for the hon. and learned Solicitor General had expressed his intention to make extensive changes in the measure under discussion—he wished to state explicitly, but briefly, the grounds and conditions on which he should give his adhesion to the Bill, the second reading of which they were then considering. As that measure at present stood, it would establish a Court which had been truly described by the right hon. Baronet (Sir J. Graham) as of somewhat dubious character and position. The right hon. Gentleman said, the new tribunal would stand by the side of the Court of Chancery, and certainly it would not be either exactly inside of that Court or outside of it, but rather in its vestibule—

"Vestibulum ante ipsum primisque in faucibus—"

His respect for the Court forbade his concluding the line. Without going the length of the hon. and learned Gentleman the Member for Wallingford (Mr. Malins), who believed Equity Procedure to be the perfection of human wisdom, and that if you ransacked the whole range of literature for models of conciseness, purity, and epigrammatic point, you would find nothing comparable to a bill and answer in Chancery, he freely admitted the important nature of the jurisdiction of Chancery, and the great improvements which had been recently made in its administration. He was not indisposed to admit the public advantages derived from the Courts of Equity; but still he distinctly objected to the transference of the jurisdiction of the Ecclesiastical Courts to the Court of Chancery, or to any other Court resembling in its proceedings the Court of Chancery, an objection he believed to be entertained by a great majority of that House. The main conditions on which he would support the present Bill were—first, that the new Court to be established should be essentially a Court of common law, that when any questions of fact came before it, such as the competency of the testator to make a will, alleged forgery or fraud, they should be investigated by a jury, unless trial by jury were waived by the express consent of both parties; and, next, that all those matters should be tried by *vivâ voce* examination, in open court, and with the ordinary procedure of *nisi prius*. For example, it was intolerable that a case like the celebrated one of "Hopwood *v.* Hopwood"—lately heard at Liverpool—should be decided on affidavits by a Vice Chancellor sitting in Equity. In his opinion there was no absolute necessity for creating a new Court to transact the description of business under consideration. He believed that the County Courts and the Courts of Common Law, with the assistance of the metropolitan and provincial registrars, could transact all the testamentary business of the country; but, not desiring to stand in the way of an undoubted improvement, he would refrain from pressing that particular portion of his opinions, and accede to the measure of his hon. and learned Friend the Solicitor General. The right hon. Baronet the Member for Carlisle questioned the expediency of conferring this jurisdiction on the County Courts; but he should have remembered that that jurisdiction was to be limited to cases in which the value of the property was under £300. Where the estate was so extremely small it could not be worth while to contest the will in a higher tribunal; and, therefore, to preclude the parties from taking the case into a County Court would be tantamount to a total denial of justice. The practical effect of the working of the present system was this, that where an estate was small the will was not disputed, or, if disputed, the lawyer swallowed up the whole property. He preferred what might be called a rough and ready kind of justice, administered by the County Courts, to no justice at all. With respect to the local jurisdiction, it stood thus: According to the Bill, every probate was to be granted by the Central Court; but there was provision that where the property was small, and the will disputed, the dispute should be sent to be tried in the County Court. In the Bill of the hon. and learned Member for East Suffolk it was proposed to provide for the local administration of the law in undisputed as well as disputed cases (a most desirable provision), accordingly district courts were established for the transaction of common form business; but the districts were not the County Court, but the Diocesan districts. The County Courts, however, were to try the disputed cases. If that provision were incorporated in the Bill, there would be a County Court jurisdiction for contested cases, and another distinct jurisdiction for uncontested cases of small amount. It would be manifestly inconvenient to have two sets of districts, and his proposition was to adopt the County Court districts for administering the law in uncontested as well as in contested cases where the amount was small. He was rather surprised to hear the hon. and learned Member for East Suffolk treat the monopoly of the proctors as an open question, because it had been decided by the House and by the country to be utterly unendurable. Such an exclusive body as that of proctors was an invention of this country. It did not exist in Scotland, in America, in India, or in any other country, and he felt assured that no difficulty would be found in proving wills by ordinary practitioners without the assistance of proctors. No doubt the compensation to the proctors would be liberal, but he must respectfully dissent from an assertion of his hon. and learned Friend (the Solicitor General) with regard to certain Bills passed in the reign of William IV., declaring that the holders of certain offices, when those offices were abolished, would not be entitled to compensation. The hon. and learned Solicitor General said, that because Parliament had not acted upon those statutes the statutes must be considered obsolete.

THE SOLICITOR GENERAL said, it was a recommendation of the Chancery Commissioners, of which the right hon. Baronet the Member for Carlisle was a Member, that the proctors should be compensated.

SIR JAMES GRAHAM said, that he did not concur in that recommendation.

MR. COLLIER said, as far as he understood his hon. and learned Friend (the Solicitor General) he acquiesced in the compensation provisions with considerable reluctance, and he quite sympathised in the absence of cordiality which he had observed in his hon. and learned Friend. But the Solicitor General urged that, as the statutes of William IV. had not been acted upon, it would be dealing harshly with the proctors now to enforce them. But why had the statutes not been acted upon? Mainly because of the pertinacious opposition which those very persons had, for twenty years, offered to every attempt at reform. He objected to their availing themselves of their own wrong, and he maintained that Parliament had the right to refuse compensation without being guilty of any breach of faith. Compensation was not a question of justice, but of expediency. The true ground upon which it rested was, how much was it necessary to give to buy off opposition to the Bill. He concurred with the right hon. Baronet (Sir J. Graham) that the Bill would be much better without the clause giving appeal to the Lords Justices. If the Bill were amended as he had suggested, he should give it not only his assent, but his cordial support. He trusted Her Majesty's Government would make up for long delay by energetic action, and he was sure that if the noble Lord at the head of the Government succeeded in removing the foulest blot upon the administration of justice in this country, a task which had baffled a whole generation of law reformers, he would attain a triumph inferior to none which he had yet achieved.

MR. MALINS said, he fully believed that it was impossible to exaggerate the importance of the subject under discussion. They had a system which had existed in this country for six centuries—perfectly established, perfectly well-known, in which, undoubtedly, some abuses prevailed which it was desirable to correct. [*Laughter.*] He for one had never denied the existence of abuses; but the question was, whether, to correct those abuses, they ought totally to abolish the system? The hon. and learned Member for East Suffolk (Sir F. Kelly) and the hon. and learned Solicitor General regarded the question as turning very much upon the contentious jurisdiction of the Ecclesiastical Courts. In the course of a year there were not less, upon an average, than 25,000 probates of wills and grants of administration in this country, and out of those 25,000 the number of contested cases did not amount to 100. If, therefore, the necessity of abolishing the Ecclesiastical Courts depended on the want of proper jurisdiction in contested cases it would be a matter rather for amending than for abolishing, and he considered that the evil might be cured by a simple enactment. The case of "Dyce Sombre" had been alluded to as one which exemplified the evils of the present system; but the House would remember that if a question arose respecting real estate, the Court of Chancery sent the issue raised of testacy or intestacy to a jury. In the case of "Hopwood *v.* Hopwood," the question was one of mental capacity. In the one case they went to a jury, and in the other to the Ecclesiastical Court, and, by appeal, to the Privy Council. It was very true that the case had been litigated for five years; but could anything be more simple than to follow the recommendation of the Ecclesiastical Commissioners, that questions as to the validity of a will with regard to personal estate should be referred to a jury, as was done with respect to real property? And if questions of the validity of a will on account of alleged incapacity were also referred to a Court of Law, in his opinion an entire remedy would be afforded. The hon. and learned Gentleman the Solicitor General said the present state of things could go on no longer, and there must be a new jurisdiction; but if written evidence were got rid of, there would be an end of the evil complained of. That disposed of the whole contentious jurisdiction. It was in consequence of the odium which had been cast upon the Ecclesiastical Courts in respect of other matters that the present question had arisen. The Bill of the hon. and learned Gentleman was greatly moderated from its predecessors; but, nevertheless, the House and the country had a right to complain of the conduct of Her Majesty's Government with respect to this subject. The Bill was a measure which required the most careful consideration, affecting, as it did, a great body of persons and so many interests.

Yet it had been before the House since March, and the second reading was only sought on the 26th of June; and even then the Bill itself was not before the House, which was invited, upon a verbal statement of the hon. and learned Gentleman, to decide upon the measure which was proposed to be passed hereafter. The right hon. Baronet the Member for Carlisle (Sir J. Graham) had very properly said, that the hon. and learned Gentleman, the Solicitor General, was bound to have the Bill printed at the earliest possible moment, in order that the country might have time to consider it; but the period suggested by the right hon. Baronet—a week—was far too short. Here was a Bill affecting local districts, local Judges and very great interests, and after no less than four propositions to meet the case, upon the 26th of June a fifth system was started, but not placed actually before the House, to which Parliament, whose sittings were not expected to be prolonged much more than a month longer, was called upon to decide. The hon. and learned Gentleman, perhaps, was not to blame for the delay which arose from the force of circumstances, but the lateness of the Session constituted a good ground why the Government should pause before pressing the present measure. It would, in his opinion, have been far better to have postponed the Bills till next Session and then to have referred them to a Select Committee in order that a fully-considered decision might be arrived at. There were some portions also of the Bill of the hon. and learned Solicitor General to which he must dissent. The right hon. Member for Carlisle (Sir J. Graham) had pointed out, with great force, the objections to making the Court of Probate a minor Court of Chancery. The hon. and learned Gentleman the Solicitor General had dwelt with great earnestness, and he thought some exaggeration, upon the circumstance that the Ecclesiastical Court of York might decide that a man died intestate, and a Court of Law might decide quite diffecrently. Such a thing might occasionally occur, but it would not happen, he thought, more than once in the experience of any lawyer. It certainly had not in his own. But were not such cases anomalies which it would be easy to remedy? There had been great abuses in the Court of Chancery, and there had been no difficulty in applying a remedy. The same thing had occurred in the Common Law Courts, which the hon. and learned Member for East Suffolk (Sir F. Kelly) thought were now near perfection. If there were those imperfections which the hon. and learned Gentleman the Solicitor General imputed to the Ecclesiastical Courts, would not the remedy suggested by the Chancery Commissioners for obtaining an uniform mode of deciding upon intestacy prove a sufficient remedy? The hon. and learned Members for East Suffolk and Plymouth believed they had made a convert of the hon. and learned Solicitor General to the system of Common Law; and he now proposed to have a Judge of a Court of Probate to decide upon the validity of wills, with power to summon a jury and direct them as a Judge sitting at *Nisi Prius*. But what difficulty was there in deciding upon questions of real estate at present? Instead of setting up a new Court, it was done by referring a simple issue to be tried before a competent and experienced Judge. But it was proposed by the hon. and learned Solicitor General to establish a new Court, and to give the Judge of that Court, inexperienced in such matters, the power of summoning a jury to try the question, instead of submitting it to a Judge who was in the daily habit of dealing with such matters. The hon. and learned Gentleman seemed to think that a Court having the power of administration should have the fullest powers of administering justice, but he (Mr. Malins) thought that part of the case had been strangely exaggerated. The hon. and learned Gentleman said that the Court which decided upon the *factum* of the will should also construe it. The right hon. Baronet (Sir J. Graham) had shown that if that plan were carried out it would take away the most important jurisdiction from the Court of Chancery, and transfer it to what might be called a small Court of Chancery. There was no necessity, in his opinion, for such a change, for there were no arrears of business in the Court of Chancery; there were now no complaints of want of despatch. The hon. and learned Solicitor General had said the *factum* and the construction of wills were mixed up together, but he (Mr. Malins) said there was no necessary connection between them. The question of construction and administration did not occur at the same time once in 500 times, and why should it be necessary to apply some thirty years afterwards to the Court which had sanctioned the will to give a construction of its intentions? He protested against the principle that while there was a Court of Chancery presided over by gentlemen perfectly competent to discharge this business, there being in it, as he had just stated, no arrears, or prospect of arrears, a second minor Court of Chancery should be set up to do that which could be done equally well by the existing tribunal. When the House went into Committee he should therefore feel it his duty to object to that part of the proposal made by his hon. and learned Friend. He would now come to the subject of local jurisdiction. He was glad to hear the right hon. Baronet (Sir J. Graham) express himself so strongly upon that point, and he very much rejoiced that the hon. and learned Solicitor General had given way. While, however, he thought it of the highest importance that justice should be brought home to every man's door in regard to wills, he could not agree with his hon. and learned Friend that the County Courts would be the proper places in which to decide those questions. The Judges of those Courts were generally gentlemen who had practised at the common law bar, and were hardly qualified by their previous experience to deal with cases of this kind, which often involved questions of very great delicacy and difficulty. Even if the Judges were qualified, however, the rules and regulations of the Courts themselves rendered them unfit places in which to deal with such business. The Judge of a County Court scarcely ever gave more than one sitting at a time to one town, and as the business was generally of a very easy character—such as the ordinary one of debtor and creditor—he was enabled to get through it at this one sitting without much difficulty; but if you threw upon these Courts intricate questions, like those relating to testacy or intestacy, he believed they would entirely break down. He therefore hoped his hon. and learned Friend would not persevere with that part of his project. All these points, however, must be carefully discussed in Committee; indeed, they would require so much attention that he felt satisfied justice could not be done to the subject in the course of the present Session; and, if he thought it would be of any use, he would appeal to the hon. and learned Solicitor General, and to the noble Lord at the head of the Government, whether, considering the period of the Session and the imperfect state of the measure now before the House, it was right to persevere in the attempts to carry the Bill into law during the present Session. He was satisfied the attempt would not be successful unless there were the greatest forbearance on the part of hon. Members generally; and, though he was prepared to exercise forbearance, he could not carry it to such an extent as to forego his right of discussing in detail every part of the Bill. He therefore warned his hon. and learned Friend of the great danger which existed that the measure would not be carried through in the present Session. He was exceedingly sorry to hear the tone in which the right hon. Baronet (Sir J. Graham) and his hon. and learned Friend the Member for Plymouth (Mr. Collier) had spoken of the rights of those to whom the hon. and learned Gentleman the Solicitor General conceded compensation. From the information which the hon. and learned Solicitor General had collected, it seemed that the average incomes of the proctors of Doctors' Commons were £700 a year, and the compensation proposed was to the extent of one-half their incomes. He should certainly support that proposition, and his only regret was that the hon. and learned Gentleman did not go further. Many of the proctors were gentlemen advanced in life; they had entered the profession under the idea, in which they were certainly warranted, that a system which had existed for six centuries would last beyond their time; some had articled their sons to the same profession; they had families to support; and on a sudden they found themselves, by a Legislative enactment, totally deprived of their occupations and of half their incomes, though all the claims upon them remained as before. The right hon. Baronet (Sir J. Graham) thought the proposed compensation was too much, and the hon. and learned Gentleman (Mr. Collier) almost ridiculed the idea of proctors being entitled to any compensation whatever. He (Mr. Malins) trusted, however, that the good feeling of the House would lead them to decide, that where it was necessary to pass a measure which deprived individuals of the means of livelihood, the public, who were to derive all the advantages from the proposed change, should make such compensation as the justice of the case required. The Commission which had been appointed to inquire into the subject had reported that it was expedient that the exclusive privileges enjoyed by proctors should be continued as regarded "common form" business. Now, "common form" business formed about ninety-eight per cent of the whole of the business conducted in those Courts. The hon. and learned Member for Plymouth ridiculed the existence of peculiar privileges, but the very profession to which he belonged was a privileged class, and, for his own part, he (Mr. Malins) had no hesitation in saying that the existence of the Bar of England as a privileged class was one of its greatest distinctions. The principle of privileged classes, too, was carried out in every branch of life, and it would be a most serious question to consider in Committee whether it would be advisable to put an end to a privilege which the Commissioners had reported to be advantageous to the public. It would then be for the House to decide whether it would agree to the payment of £50,000 a year for the abolition of what had been reported by the Commission to be for the public good, and upon that point he should certainly take the sense of the Committee. He would not oppose the second reading of the Bill; but at the same time he reserved to himself full liberty to object in Committee to the details of the measure.

Mr. J. G. PHILLIMORE said, that the hon. and learned Gentleman who had last addressed them, and the right hon. Baronet the Member for Carlisle, appeared to forget the persons by whom the jurisdiction of those Courts was exercised. It was exercised not unfrequently by clergymen appointed by the bishop of the diocese—such had lately been the case in the diocese of Chester—and there could be no doubt that a County Court Judge, who was either a Common Law lawyer, or a barrister at the Equity bar, would be much better fitted to exercise the jurisdiction of those Courts than a clergyman, who ought to be supposed not to have given much attention to the study of the law. He did not, he confessed, consider the Bill perfect, but still it went some way towards remedying a great grievance. According to the present Bill, a cause could not be tried in two different Courts, whereas in a cause which he recollected, the Judge of the Ecclesiastical Court was bound to suspend his judgment till the Court of Chancery had given its opinion, and it was quite open to the Ecclesiastical Court to give a judgment quite opposed to that of the Court of Chancery. His hon. and learned Friend (Mr. Malins) had stated that these Courts had existed for 600 years; but how did the jurisdiction of these Courts spring up? Why, they arose in the dark ages, out of the superstition of the laity, and the insolence of the ecclesiastics.

Mr. MALINS said, that he had never argued in favour of the Ecclesiastical Courts at all.

Mr. J. G. PHILLIMORE: Godolphin, in the time of Charles II., had said that no one was so well qualified to dispose of men's property after their death as those who had had the cure of their souls during their lives. The advantage of the Bill, however, was, that it was neither a jest nor a mockery, but a fair and satisfactory method of settling a long agitated question.

Sir ERSKINE PERRY said, he thought that if the County Courts were not fit to exercise this jurisdiction, it would be difficult to know to what tribunal reference could be had in country districts. He wished to bear his testimony to the facility with which this jurisdiction was exercised. The number of intestate cases was extremely small, and returns proved that out of 25,000 cases of wills not more than 100 had been contested. The Court over which he presided in India had this sort of jurisdiction; they took *vivâ voce* testimony, and it was found that in ordinary cases the Court could dispose of the cases with the greatest facility in a few minutes. The hon. and learned Solicitor General would find, however, that unless he attached his Registrars to the County Courts, the public would grievously complain of his Bill. The business of the Registrar was to be non-contentious, but questions would arise, and if references had to be made to the Registrar in London, great delay and expense would necessarily and as a matter of course accrue. The Bill gave an appeal to the House of Lords from the Court about to be formed, but the Judicial Committee of the Privy Council exercised the duty of deciding upon appeals of this kind with so much satisfaction to the public that it would be a deleterious change to transfer the appeal to a tribunal which, as the right hon. Gentleman (Sir J. Graham) had pointed out, had condemned itself.

Mr. ROBERT PHILLIMORE said, he, for one, had never defended the ecclesiastical jurisdiction over the temporal matters decided in the Ecclesiastical Courts, and he believed it to be most expedient for the country and for the Church that those jurisdictions should be severed. He contended, however, that the County Courts were a bad jurisdiction to which to transfer testamentary matters. He believed that it would be perfectly possible to make use of the existing machinery of the existing Courts, and to secularise that machinery. He could confirm the satisfaction given to the Bar and to suitors by the decisions of the Judicial Committee of the Privy Council, and he trusted that the appeal would not be removed to a Court of Appellate Jurisdiction which was now in a state of transition, and must be reformed before it could obtain the confidence of the country. He should not object to the second reading of the Bill, but he should reserve his opinion of the details of the measure until the House should have an opportunity of seeing it in its amended form.

MR. BOWYER said, he was not prepared to vote against the second reading, but before the Bill became law, it would be absolutely necessary for the House to consider two fundamental principles. Why should there be a peculiar court having to deal with one class of instruments, and why should they not deal with wills as with other instruments? He saw no reason why the same law should not prevail in England as in other countries. If a man left him £100,000 in land he required no probate, and could take possession of the estate; but if that same man left him £5 he was obliged to get a probate, and he could not get it without employing a proctor and an attorney, with all the attendant expenses. Let there be a registry of wills; but was a probate necessary at all? The hon. and learned Member for Wallingford (Mr. Malins) said, that in the greater number of cases—98 per cent—the probate was uncontested. Why, then, should those wills be brought before any court at all, any more than an uncontested deed? He knew a case where a testator made a will appointing one executor, but in the body of the will he spoke of "executors." The will was not contested, and yet the will had to be sent to London; the proctor and registrar had doubts in consequence of the use of the word "executors," and the family were put to an expense of £40 or £50, and a delay of two or three months, although there was no doubt whatever that the will was perfectly valid.

MR. WATSON said, it was not his intention to say that the Bill before the House was perfect; still, he regarded it as a step in the right direction, and he should, therefore, support it. He hoped that the Government were determined to abolish for ever the Ecclesiastical Courts, and thus to get rid of all that trumpery and rubbish of probates here and judicial Committees there, Peculiars here, and Peculiars there, which were a disgrace to the country. He was persuaded that by so doing they would confer a public boon which would elicit the gratitude of all classes.

THE SOLICITOR GENERAL said, the Bill would be committed *pro formâ* tomorrow, for the purpose not of introducing new matter, but of incorporating certain clauses which he had already referred to as proposed by the hon. and learned Member for East Suffolk. He proposed to go into Committee on the Bill for discussion on Thursday.

Bill read 2°.

## POOR LAW AMENDMENT (No. 2) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR GEORGE PECHELL said, he objected to the Bill being read a second time at that late hour. He should move as an Amendment that the debate be adjourned.

Question put.

The House *divided*:—Ayes 53; Noes 75: Majority 22.

Question again proposed, "That the Bill be now read a second time."

SIR GEORGE PECHELL said, he should now move, "That this House do now adjourn."

VISCOUNT PALMERSTON said, he hoped the hon. and gallant Gentleman would not persist in his Motion. Hon. Members were perpetually asking when the Session was to close, and yet every evening, when twelve o'clock arrived, some one, upon some pretext or another, endeavoured to put a stop to the business of the House. If the House wished to sit till the end of September, they would find Her Majesty's Government perfectly ready to remain until that time; but if they wished the Session to end before that period, and if Parliament was to get through the business before it, he hoped hon. Members would not interrupt their proceedings by Motions of this kind. It often happened, that at the end of a Session, the Government were reproached with not having passed many of the measures they had proposed; but if these obstructions were to be continually opposed to those measures, the responsibility of their not passing must rest with the House.

MR. H. BERKELEY said, he must complain that many most important measures were never brought on until twelve o'clock and later, and were then frequently gone through without opposition. He was remaining to watch one of the Bills upon the paper, the Corrupt Practices Prevention Bill, as, in his opinion, it was an exceedingly bad Bill, and ought not to be allowed to pass.

MR. WILKINSON said, the reason why many important measures could not be brought on before twelve o'clock was, that hon. Members discussed at such great length those Bills which were brought under their consideration in the early part of the evening.

MR. P. O'BRIEN said, he wished to call attention to the inconsistency of the hon. Member for Lambeth (Mr. Wilkinson), whom he had frequently found dividing with the Government, to force on important Irish questions as late as one and two o'clock in the morning.

MR. VANSITTART said, he thought the noble Lord at the head of the Government ought to take care that the measures on the subject of the poor law were drawn up with proper care, in order that the House might not be troubled with so many Amendment Bills. He believed this was the thirty-fifth Bill which had been introduced since the passing of the original measure upon that subject.

SIR JOHN TROLLOPE said, he thought that a measure of such importance as the present ought to have been brought on at a period of the Session when it could have been properly discussed and considered.

VISCOUNT GALWAY said, he had great objections to the Bill, and should take every means in his power to oppose it.

MR. M'CANN said, as an Irish Member, he thought that, in order to remedy the grievance complained of by so many hon. Gentlemen, they must either shorten the speeches or lengthen the hours.

MR. BOUVERIE said, that, in his opinion, the real business of the Session was done after midnight, the early part of every evening being spent in useless talk. Seeing that the feeling of the House was against proceeding with the Bill, he would postpone it till 12 o'clock on Thursday next.

Motion and Original Question, by leave, *withdrawn.*

Second Reading *deferred* till *Thursday.*

## CAMBRIDGE UNIVERSITY BILL.

Order for Third Reading read.

Bill read 3°.

MR. BOUVERIE said, he wished to insert a new clause, to the effect that it should be lawful for any college to sell or exchange any estate in lands or hereditaments, except estates in reversion, for the benefit of such college.

Clause *agreed to.*

MR. WIGRAM said, he objected to the measure because the effect of the Bill would be that the colleges, in order to put it into execution, must have a majority of the fellows. That would lead to great inconvenience in the larger colleges, where the fellows were scattered all over the country or even over the world. It should be the majority of the fellows present at any meeting duly convened. The object, in his opinion, should be to vest the power in the resident members of the University. The aim of the measure ought to be, not to promote prizes for strangers, but to develop and encourage the cultivation of the higher branches of education in the University.

Bill *passed.*

## COUNTY COURTS' JUDGES SALARIES.

Order for Committee read; House in Committee.

Resolution proposed, *pro formâ,* preliminary to the introduction of the Bill.

MR. NEWDEGATE said, he was in favour of increased salaries for the clerks, because, if the augmentation of business was an argument for increasing the salaries of the Judges, it was an argument for augmenting those of the clerks.

THE CHANCELLOR OF THE EXCHEQUER said, the Resolution did not pledge the Committee to increase the salaries, but only to deal with them in some more efficient way. The clerks, moreover, were not paid out of the Consolidated Fund, but by fees.

*Resolved*—"That provision be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for payment of the Salaries of the Judges of County Courts, and of the remuneration of any Deputy Judge, during the period he may act after the death of a Judge."

The House resumed.

## MERCANTILE LAW AMENDMENT BILL.

Order for Second Reading read.

MR. LOWE, in moving the second reading of the Bill, said, that it was founded on the recommendation of Justice Cresswell, Baron Bramwell, and the Master of the Rolls in Ireland. The Bill comprised seventeen distinct provisions, one of which was the repeal of the 17th section of the Statute of Frauds as to the sale of goods. He understood that was objected to; but he considered that it would be best to discuss the measure in Committee.

Mr. WATSON said, he was strongly opposed to the Bill. It was a most important question—the alteration of the Statute of Frauds—one, he asserted, of the most valuable ever passed. He should earnestly oppose it. He knew the value of the Statute of Frauds from his professional experience, and was supported by a large body of merchants in his opposition to the repeal. The whole principle and only important portion of the Bill was the repeal of that Statute. He should propose the adjournment of the debate until Monday.

Second Reading *deferred* till *Monday.*

## JUDGE AND CHANCELLORS BILL.

Order for Committee read; House in Committee.

Mr. MALINS said, he objected at that hour to proceed with the Bill.

Mr. J. G. PHILLIMORE said, the only object was to take the appointments of Judges in the Ecclesiastical Courts from Bishops. He would ask what was there to object to in that?

Mr. MALINS said, he did not feel bound to say at that hour whether he would object to it or not; but he did object to going into the question at half-past one in the morning. He should move, "That the Chairman report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 25; Noes 31: Majority 6.

Mr. MOWBRAY said, he should now move, "That the Chairman do now leave the chair." He did not even know if the Bill had the support of the Government.

Viscount PALMERSTON said that it had.

The Committee *divided*:—Ayes 22; Noes 31: Majority 9.

Mr. NEWDEGATE said, he would appeal to the noble Lord at the head of the Government whether it was proper to press a Bill on at that time in the morning. The noble Lord ought to recognise the existence of an Opposition, especially considering the forbearance with which they usually acted, and as the Bill was objected to, it should not be pressed on at a quarter to two in the morning.

Viscount PALMERSTON said, objections to the principle of the Bill should be taken on the second reading.

Mr. MOWBRAY said, the second reading had passed unobserved.

Mr. VANCE said, the second reading had been taken at a late hour in the morning, and without any discussion.

Mr. J. G. PHILLIMORE said, he would yield to the feeling of the Committee, and postpone the Bill till Monday.

The House resumed; Committee report progress.

## MAYNOOTH COLLEGE BILL—ADJOURNED DEBATE.

Order for resuming adjourned Debate on Second Reading read.

Mr. SPOONER: Sir, I rise to move that the Order be discharged; and, of course, that involves the dropping of the Bill this Session. In moving this, I desire to say a word or two as to my reason for so doing. Sir, I have been met with a most extraordinary, and very nearly an unparliamentary opposition—an opposition which deprives me of hope of being able to carry the measure further this Session, and determines me not to waste the time of the House in vainly attempting so to do. It will be in the recollection of the House that, after leave had been given to bring in the Bill, I was met by two miserable technical objections, by which it was endeavoured to defeat the measure after the main question had been carried. Sir, I succeeded in counteracting that most extraordinary series of tactics, but the movement of yesterday was more extraordinary. I have seen on the third reading of a Bill, when there has been no opportunity of expressing any further opposition to it, some such course taken; but when in such a full House a vote has been taken that the Bill shall be read a second time—and it was virtually read a second time, for the Amendment that it should not be read was negatived—that then an hon. Member should get up, and finding he could not defeat the measure by argument or any fair means, he should attempt to defeat it by a trick—which, whether strictly parliamentary or not, I cannot trust myself to characterise, for if I ventured to say what I thought of it I should incur the risk of being called to order for using language which was unparliamentary—that did, indeed, surprise me. Sir, whether it was fair or unfair, courteous, or uncourteous, usual or unusual, I leave the hon. Gentleman the Member for Kerry to settle. One thing I will say, that I am satisfied with the position in which the question stands. With the Ministry against it, with the ex-Ministry against it, I have carried four divisions in favour of the Bill during this Session; and that must be sufficient to show hon. Gentlemen opposite that, if so humble an individual as myself can carry the measure so far against one existing Ministry and one dead Ministry, and carry the Bill so far by majorities—that must show that the question has merits, which, if they do not succeed now, will on a future occasion; and I hope that those who are interested in the question will devise some way by which we may be relieved from that annual agitation of the subject of which they so complain; for in withdrawing the Bill for the present, I beg to assure them that, if it please God to preserve my life, and I have a seat in this House next Session, it is my intention, on the first notice day, to propose the reintroduction of this measure.

Mr. H. HERBERT: Sir, if the hon. Gentleman is satisfied with the result, so am I; and I beg to say, that so long as I have the honour of a seat in this House, I will use every opportunity which the forms of the House will afford to defeat any similar measure.

Mr. Serjeant O'BRIEN said, he thought from the step taken by the hon. Member for North Warwickshire (Mr. Spooner) that he had been converted by the arguments of the hon. Member for Dungarvan (Mr. Maguire).

Mr. NEWDEGATE: Sir, I happened to follow the speech of the hon. Member for Dungarvan, and I declare I could not make out what connection his arguments had with the question. I did not understand that Maynooth was a place for the education of Sisters of Mercy; and therefore, when the hon. Member descanted upon their duties, I could not see the relevancy of his observations to the question under discussion. But I beg to state, on my own behalf, and on behalf, as I believe, of the large body of the people of this country, who have held for many years a deep and conscientious objection to the Vote for Maynooth College, not only on the score of constitutional principle, but also on account of the position in which it maintains the priesthood of Ireland in relation to the Roman Catholic population—that their opposition is undiminished, and that next Session, when there is less chance of the measure being defeated by such means as those employed by the hon. Member (Mr. H. Herbert) on a late occasion, it will be persevered in in accordance with the expressed opinion of the majority

of this House, and, as I believe, also the opinion of the majority in the country. Sir, having seen much of the practice of this House, especially with regard to divisions, I can truly say, that I do not remember any occasion when a Member who has been appointed the organ of the House as "teller," on the occasion of a large division, such as that which took place in a full House yesterday, should have risen as the hon. Member (Mr. H. Herbert) did, with a foolish plea that he had withheld a speech with which he had intended to favour the House, and then, by way of illustrating the value of the arguments we had been fated to lose, talking a quantity of unconnected nonsense, which was, I think, disgraceful to himself ["Order, order!"] and to the House. Sir, I repeat that I have seen many large divisions—I have often been "teller"—but I have never before witnessed such conduct. I do not know whether it comes within the orders of the House, but I recall no occasion on which the "teller" upon a large division has attempted by such an artifice to defeat the intention of the House, as manifested by the numbers of the division. The hon. Member for Kerry may be assured that this kind of proceeding will merely increase the irritation of the feeling with which he has to contend; and, instead of hindering, will excite and stimulate the opposition to the Vote.

Order *discharged.*

The House *adjourned* at Two o'clock.

# HOUSE OF LORDS,

## *Friday, June* 27, 1856.

Minutes.] *Took the Oaths.*—Rear Admiral Lyons, G.C.B. (having been created Baron Lyons).

Public Bills.—1ª Cambridge University; Registration of Voters (Scotland).

2ª Dulwich College; Aldershot Camp.

3ª Factories; Police (Counties and Boroughs); Sardinian Loan.

## POLICE COUNTIES AND BOROUGHS BILL.

Order of the Day for the Third Reading read.

*Moved*, That the Bill be now read 3ª.

The Earl of ELLENBOROUGH said, no one was more anxious than he was for the success of this measure, which he had continued to press upon the attention of successive Governments for the last ten years; but, nevertheless, he entertained great doubt whether the measure would be efficient for the purpose contemplated, and he thought that next year a supplemental Bill would be necessary. But even this year they might, in his opinion, introduce Amendments which would contribute to its success. For instance, the Bill directed the magistrates assembled on the January quarter sessions to proceed with the creation of a constabulary in counties where none already existed. But what were they to do in the intervening five months? There was no direction to the justices in the meantime to make inquiry and obtain that necessary knowledge which would assist the working of the new police; and he therefore thought it desirable to direct the magistrates at the quarter sessions in October to appoint a chief constable, who might in the time that preceded January make himself thoroughly acquainted with the county, and with the circumstances of his district. A map, too, he thought, would be desirable, and it were well if the magistrates provided the county with one before January. Some steps, too, ought to be taken at once to frame some estimate of the cost, without which the magistrates would scarcely be able to carry out the Act when they assembled in January. It was quite true that the magistrates had power to do these things now if they chose; but he must remind their Lordships that they were dealing with reluctant counties, who had resisted the desire of Parliament to establish a general police. There were twenty counties without any police, and some with only a few. Some directions upon these points it would be well to prepare at once.

LORD PANMURE said, their Lordships must all agree with the observations just made by the noble Earl. He was not sorry the noble Earl had made those remarks, because the very fact of his calling the attention of the House to the subject would be nearly as effectual for the purpose he had in view as any compulsory provision in the Bill. He believed that at the ensuing Sessions—seeing that the Bill was about to become law—the magistrates would set about making preparations without further intimation. He did not mean to say that this was a perfect measure, but he thought it was a great step towards the object they had in view, and it was as much as the Government could, in the unfavourable circumstances which existed, carry through Parliament.

LORD WROTTESLEY said, it was in the power of the magistrates to appoint a Committee to inquire into the matter, and to arrange much that might be afterwards carried out under the management of the chief constable.

THE EARL OF ELLENBOROUGH said, there was a point which he wished to state to their Lordships. When they were introducing the rural police into Gloucestershire they found their greatest difficulty in the appointment of the chief constable, in consequence of the disposition to carry everything by canvass and favour—a disposition which pervaded all bodies of every description whatever. He, however, suggested to the Lord Lieutenant of the county that an application should be made to the Inspector General of Constabulary in Ireland to recommend a chief constable for Gloucester. That course was taken, and during the seventeen years that elapsed they had never any reason to repent of that proceeding, for they had at once obtained a most efficient officer. They were not, however, equally fortunate in the importation of sixteen or eighteen of the Irish constabulary, who proved rather rough for the habits of English people, and who were reshipped to Ireland in about eighteen months.

Motion *agreed to;* Bill read 3$^a$ accordingly, with the Amendments; further Amendments made; Bill *passed*, and sent to the Commons.

## OATH OF ABJURATION BILL.

Order of the Day for the House to be put into Committee read.

*Moved*, That the House do now resolve itself into Committee.

LORD LYNDHURST: I wish, my Lords, to say a few words with respect to this measure. I object to it altogether. I object to it both in form and in substance. I cannot find in the Statute-book any Act of Parliament which resembles it. I will first point out my objection to the form of the oath. My noble Friend, in his Bill, refers to the oath of abjuration, and then proceeds to enact that a large passage of that oath shall be excepted. He then goes on to say, after a few lines, that a line and a half in addition shall be excepted. Again, going on further, he says that another line and a half shall be excepted; and I believe he repeats this a third time, that a line and a half shall be excepted. Then he says, a fourth time, that a passage shall be excepted, and that something shall be substituted in lieu of it. Then that a word shall be excepted in a subsequent part of the oath, and that afterwards another word shall be excepted. My Lords, I cannot understand how the oath can be administered at all. What is the form in which the oath shall be taken? Is the clerk at the table to take the oath of abjuration in his hand and strike out certain passages with a pencil, or with a pen, and then the noble Lord at the table shall read the oath, skipping over particular parts? Why, if so, the inconvenience might be obviated at once, by the clerk drawing out a form of oath, leaving out those excepted passages. But how will that apply? Will not the noble Lord at the table be desirous of knowing whether the oath tendered to him is according to the oath prescribed by Act of Parliament? Will he not desire to look first at the oath of abjuration, and then at the exceptions, and then compare these with the oath to be administered to him? Indeed, my Lords, my objection in point of form is in reality an objection in point of substance. Why either my noble Friend, or the noble Lord who drew the Bill, did not add these words, "namely, as follows," and then set out the oath, I find it difficult to conjecture. But, my Lords, I am quite sure that it was not my noble Friend who drew the Bill. I knew the handwriting at once—I knew the style and pencil of the artist—a shrewd and subtle practitioner, and one who loves to challenge difficulties that he may encounter and overcome them. But what is the object of the Bill? The object is this—that my noble Friend might not appear to be presenting a new oath to be imposed on Her Majesty's Protestant subjects. But, my Lords, take the existing oath, leave out certain parts of that oath, and add other parts, and whatever the ingenuity may be of my noble Friend, depend upon it that that is in substance a new oath on the Protestant subjects of this empire. So much for my objection as to the form of this measure. I will now say a word as to the substance. I will again call your attention, my Lords, to the reign of William III. In the first year of the reign of that monarch his title was established by Act of Parliament, his supremacy was established by Act of Parliament, and the succession to the Crown was established by Act of Parliament; and after all these provisions had been made, then the oaths came to be considered. They were considered, and what were they?—the oath of allegiance and the oath of supremacy, and nothing more. That was all that was required in the first year of the reign of William III. for the security of the throne and the security of the succession. Two years afterwards it was proposed to add something to the oath, but that was opposed by the Monarch and opposed by Parliament. Subsequently, certain events occurred which led to the passing of the oath of abjuration. The oath of abjuration applied to events of that time only—events which cannot again occur—of which there is no trace. Why should not that oath be entirely abrogated? Why not put ourselves in the position in which Parliament stood at the time of William III., when only two oaths were required—namely, the oath of allegiance and the oath of supremacy? After all, my Lords, what are oaths worth? Who ever supposes that they have any effect in times of difficulty? Did any oath ever prevent a revolution? I admire the eloquence of my noble Friend sitting at the table (Earl Stanhope), who spoke the other night upon this question; but I must appeal from my noble Friend speaking in the excitement of debate to my noble Friend, calmly deliberating in the closet and viewing this subject in the light of history. Let me quote a passage from the writings of my noble Friend, in the propriety and truth of which I entirely concur. It relates to the security afforded by these oaths, and I think your Lordships will, with me, entirely concur in the propriety of the observations made by my noble Friend. They are to this effect. Speaking of the Jacobites he says:—

> "Yet they still retained all their first principles, and the oath, however it might torture their consciences, did not influence their conduct. Such is, I fear, the inevitable result of any oath imposed by any Government for its security. Examples of that kind are too common in all countries. Swearing allegiance to King George did not shut out all the Jacobites from Parliament; swearing allegiance to King Louis Philippe does not shut out all the Carlists from the Chambers."

I quite agree, therefore, with my noble Friend as to the uselessness of these oaths. Hear what is said by another eloquent writer, Mr. Macaulay. He is describing the debate which took place early in the last century upon the subject of oaths:—

> "Do not flatter yourselves that the ingenuity of lawgivers will ever devise an oath which the ingenuity of casuists will not evade. What, indeed, is the value of any oath in such a matter? Among the many lessons which the troubles of the last generation have left us none is more plain than this, that no form of words, however precise, no imprecation, however awful, ever

saved or ever will save a Government from destruction. Was not the solemn league and covenant burnt by the common hangman amid the huzzas of tens of thousands who had themselves subscribed it? Among the statesmen and warriors who bore the chief part in restoring Charles II. how many were there who had not repeatedly abjured him? Nay, is it not well known that some of those persons boastfully affirmed that if they had not abjured him they never could have restored him?"

And I recollect, my Lords, in one of the debates which took place in this House upon the subject of oaths, it was made a subject of merriment as to the number of violations of oath with which their Lordships themselves were chargeable. Another objection I have to this Bill is, that it is an insult to the Protestants of this country. My noble Friend in one part of the Bill requires every Protestant—for it applies to Protestants only, and not to Catholics—to declare that he makes this declaration without evasion, without mental reservation, and without equivocation. I should wish to know at what period of our history it was ever imputed to Protestants that they were guilty of evasion when oaths were administered to them. Undoubtedly such an imputation was cast upon the Catholics—whether justly or not I will not say—but no imputation of the sort was ever cast upon Protestants; and I therefore most strongly object that in this new oath brought forward by my noble Friend, an imputation of this kind should for the first time be alleged against the whole body of Protestants throughout this country. Nay, more, do the words included in this new oath, "upon the true faith of a Christian," at all add to the value of an oath taken by Protestant Members? If I swear to bear faithful allegiance to Her Majesty, does it add to the obligation of my oath that I make use of the words "on the true faith of a Christian?" Why, then, should these words be imported into an oath taken by a Protestant? I can understand why they should have been inserted in the case of a Catholic; but to thrust it in its present shape, and containing this phrase, upon Protestants, appears to me to be an insult to their understanding. My Lords, I have heard it said by a learned Friend of mine, for whom I have great respect, that the oath of allegiance is a meagre oath, that it is a mere modicum, and that this is one of the reasons why a new oath should be framed. I have the greatest respect for that noble Lord. I would, however, oppose to his opinion that of Lord Hale, who says he considers that oath simple, plain, and easily understood; that there is nothing cumbrous in it; and that it fulfils the whole duty owing by a subject to his Sovereign. These are the words of my Lord Hale, and I might, if it were necessary, quote another living authority, for which I have the highest respect, to the same effect. But, my Lords, I think I can understand the object of this Bill. It is directed against the Jews, and intended to exclude them from Parliament. The measure can have no other object—for any other purpose it is wholly unnecessary. At present, as the law now stands, we are simply on the defensive. The Legislature says to the Jews, "We do nothing; you cannot come into Parliament." But the Bill now before your Lordships assumes the offensive, and will directly exclude the Jews from Parliament. If this Bill be passed by the other House of Parliament, what will then become of the argument so repeatedly urged in the discussions on this question, that the Jews are excluded from Parliament by a mere phrase? Why, it will be at once said, should this measure become law, that there is direct legislation against them—that they are excluded by the direct votes of both branches of the Legislature. That is the object of the noble Earl's Bill. But what will be thought of it in the other House of Parliament? Is it possible that this Bill can be read a second time there? Impossible! After all that has passed, the House of Commons will consider it a mockery, not to use a stronger term, to send such a Bill down to them. I do not go so far as a noble Lord who spoke the other night and said that the effect of our resisting the claims of the Jews will be that we shall have to go as suppliants to the other House, in order to induce them to pass a Bill originating with your Lordships and relating to the improvement of the appellate jurisdiction. I do not suffer such ideas as these to influence me; but to send such a Bill down to the other House will be—I will not call it an insult—but certainly a mockery. Entertaining these opinions, I shall, in Committee, move at the end of the Bill, the words, "which oath, being so amended, is as follows," then setting forth the oath; and I shall also move to strike out all the concluding words of the oath, "without evasion, equivocation," and so on, to the end of the oath, including the words, "upon the true faith of a Christian."

THE EARL OF DERBY: My Lords, I cannot but regret that, having stated very ably and forcibly upon another occasion his reasons for supporting the Bill then under consideration, my noble and learned Friend should think it expedient or necessary upon the present occasion to reopen a question which I understood had been decided at that time by a vote of your Lordships' House. I regret still more that the noble and learned Lord was not present upon the second reading of the Bill now before you, because, if he had been, it would have saved your Lordships the trouble of hearing me repeat a second time the grounds upon which the Bill was framed in its present shape. My Lords, I must say—and I hope it is not inconsistent with the greatest possible respect to my noble and learned Friend to say so—that his remarks upon this Bill, more especially with regard to its substance, contain a greater amount of misrepresentation than I ever recollect to have heard from the lips of any Member of this House upon any subject whatever. My noble and learned Friend tells me that I am now about to bring forward this measure for the avowed purpose of excluding the Jews from Parliament by certain words. Now, I beg my noble and learned Friend to answer me this question,—how this Bill in the slightest degree affects any one Jew with regard to his rights existing or hereafter to exist? I wish to know what provision there is in this Bill in the slightest degree touching the Jews? I wish to know in what particular this Bill does not leave the law in the position in which it finds it? My noble and learned Friend tells me that I am introducing a new disqualification of the Jews; that I am imposing, forsooth, a new oath, by the terms of which I shall exclude the Jews from Parliament. Now, my Lords, if I recollect rightly, in the Bill supported by my noble and learned Friend the other night the existing oath was altogether done away with; unless my memory greatly fails me, a new oath was there set forth; and, after repealing the former oath, he did by his Bill that which the present measure does not do—namely, impose a new oath upon the Jews. My noble and learned Friend says, further, that this oath, which he maintains is for the purpose of excluding Jews from Parliament, but which I contend does not in any way affect the position of the Jews as regards admission to Parliament, will be offensive to the feelings of the Jews, and also to those of the other House of Parliament, and that I am re-enacting certain words which it is impossible that the other House can assent to. Now, my Lords, I stated the other night, and I state again now, that my intention is carefully to avoid the re-enactment of specific words which would perhaps bring your Lordships' House into an unnecessary collision with the House of Commons; and for that reason I have retained the oath as it at present stands, omitting only those parts of it which relate to the descendants of James II. As I understand the matter, your Lordships have decided one question in a sense opposed to that evinced by the other House of Parliament—namely, the question of the omission of the words, "on the true faith of a Christian;" but that was plainly a question which did not necessarily involve anything in connection with the descendants of James II. My noble and learned Friend has paid me too great a compliment, and himself too poor a one, in saying that I have acted as a subtle practitioner in framing this new exclusion against the Jews. Now, my noble and learned Friend must permit me to remind him of that of which, from his great experience and acuteness, he cannot be ignorant—namely, that if any of the subtleness of the practitioner has been displayed in this matter at all, it has been displayed by my noble and learned Friend in the Bill which he brought before your Lordships. My noble and learned Friend, in the preamble of his Bill, having recited that the oath of abjuration, so far as regarded the descendants of James, was unnecessary, inasmuch as there were no such descendants, then went on to say, "therefore be it enacted that a certain oath, which, whatever was its original intention, has had the practical effect of excluding Jews from Parliament, shall be repealed." If, therefore, there has been any subtlety, that subtlety has been displayed by my noble and learned Friend who introduced a Bill professedly for one purpose, but in reality for another. I cannot, however, call it great subtlety on the part of my noble and learned Friend, because, in point of fact, the plan was too palpable to deceive the minds of any one of your Lordships, except, perhaps, the ingenuous and unsophisticated mind of a noble Friend of mine, not now in his place, who announced to your Lordships that, although he saw the inconvenience of admitting Jews to Parliament, he was prepared to give his assent to a Bill which would have the effect of indirectly admitting them, although, indeed, he should feel himself bound to oppose any measure brought forward directly for that purpose. But, my Lords, I can quite sympathise with my noble and learned Friend, because if your Lordships agree to the present Bill he will lose the stalking-horse he has found so convenient—the abjuration of the descendants of James—and will, no doubt, find considerably more difficulty on future occasions in inducing your Lordships to assent to that which mainly caused the rejection of his measure. I can easily allow for the annoyance which my noble and learned Friend feels at the prospect of a Bill being carried which will remove the substantial cause of quarrel which your Lordships may have with the oath in its present form, and increase the difficulties against which he will have to contend in carrying out the object which he really has in view. It appears, however, to me, that the course which I have pursued in proposing this Bill is both straightforward in form and convenient in practice. It is straightforward because the object of the Bill is clearly and openly set forth in the preamble, that object being to give effect to the objection entertained by your Lordships and the other House of Parliament to the retention of terms which the lapse of time and other circumstances have rendered wholly unnecessary. The Bill, therefore, having recited the circumstances which render the alteration of the oath expedient, provides that alteration in strict conformity with the circumstances so detailed; and in drawing it especial care has been taken not to throw down the gauntlet of defiance to the other House of Parliament, which we should do by abolishing the existing oath altogether and enacting another containing words to which the House of Commons has expressed its objection. The measure has been brought forward in a spirit of good feeling, and with a desire of obtaining that which your Lordships and the House of Commons are desirous of obtaining, and, at the same time, of obviating the introduction of words which would necessarily lead to a considerable difference of opinion, and perhaps endanger the success of the measure. I hope, therefore, that it is not unreasonable to expect and to trust that the House of Commons will not think it necessary, for the sake of renewing this discussion, to insist upon an alteration in the form of this Bill. If the form of the Bill be altered one of two things must happen—either your Lordships must go back from the position which you took up the other evening, or else, by insisting upon the retention of these words, you must throw down to the House of Commons a challenge which I am desirous of avoiding. If the House of Commons take what I should consider the ill-advised course of insisting upon the omission from the oath of those words which your Lordships are desirous of retaining, either those who have charge of this Bill will be compelled to abstain from attempting to carry it into law, or else the Bill will be again altered to be again rejected; and then I wish to know how the Jews will be in a better position than they at present are, while there is no doubt that such a course would be most likely to excite continual irritation. My noble and learned Friend studiously seeks to keep open a question which will give rise to a controversy which this Bill studiously keeps out of sight. The argument that this Bill is brought forward with a want of form is, I think, hardly worthy of the great ability and long experience of my noble and learned Friend. But when my noble and learned Friend argues upon the insult which this Bill offers to Protestants, and upon the injustice, the inexpediency, and the unavailingness of oaths at all, he takes up a question totally beside the discussion. But, my Lords, if such were the opinions of my noble and learned Friend, I want to know why it was that he proposed to re-enact the oath? And I want to know why he proposed to re-enact in his Bill that very portion of the oath which I would retain in the form in which it now stands?

LORD LYNDHURST: I would not re-enact it in the same form.

THE EARL OF DERBY: I am aware the noble and learned Lord proposed to leave out certain words; still he proposed to renew the oath, and thus he opposed the principle of his present objection. I assume that Parliament is desirous that the oath to be taken should be something more than the oath of allegiance. I therefore propose to continue the existing oath, with the exception of those words which, according to the preamble of my noble and learned Friend's Bill, are become wholly obsolete and unnecessary. I do hope that your Lordships will not consent to the Amendments which my noble and learned Friend has stated that he will propose, and the object of which will no doubt be to strike out from the oath words with which we are not now dealing; the sole object of the present Bill being to get rid of that which all acknowledge to be objectionable, without sacrificing a form which a majority of your Lordships and a large minority of the House of Commons have expressed the opinion that it is desirable to retain.

Lord LYNDHURST said, that no doubt he had introduced into his Bill an oath for maintaining the succession to the Crown as established by law; because when he proposed, on a former occasion, to repeal the abjuration oath, he was told that a portion of that oath related to the succession to the Crown, and he was met with a great deal of opposition in consequence. The oath, as it was now proposed by the noble Earl, would contain the words "on the true faith of a Christian," the effect of which would be to exclude the Jews from sitting in Parliament. Whether that were done negatively or affirmatively, the effect was the same; and if the other House should assent to the noble Earl's Bill, both Houses of Parliament would, then, in fact, have pronounced judgment against the Jews. At the present time Jews were only excluded from Parliament by the vote of one House; and he opposed the Bill of the noble Earl because its effect would be to exclude the Jews by the votes of both Houses.

Lord CAMPBELL said, that, notwithstanding the sincere respect which he entertained for the public career of the noble Earl, he could not admire the course which he had taken with regard to this Bill. The noble Earl had laid it upon the table just before the period fixed for the second reading of the Bill of his noble and learned Friend; evidently with the object that by removing certain words, which made the oath almost a profane one, he might cut away a considerable portion of the argument which might have been adduced in favour of the measure of his noble and learned Friend. He thought it very probable, if this Bill passed their Lordships' House, that the noble Earl might be in the position of an "engineer hoist by his own petard," and that it would be returned from the House of Commons divested of the words "on the true faith of a Christian." It was perfectly absurd to call this a Bill for the Amendment of the oath of abjuration, because in point of fact it did not amend, but abolished that oath altogether.

The Earl of EGLINTON contended that his noble Friend had acted in a candid and straightforward manner in introducing this Bill, and observed that, while one noble and learned Lord charged him with having pursued a subtle course, the noble and learned Lord who had last spoken said that it was a positively ridiculous and foolish one. He thought that it would tend very much to the credit of their Lordships if they would pass a measure which would give them a sensible and clear oath, containing nothing that was obsolete and unnecessary.

Lord DENMAN agreed with his noble and learned Friend (Lord Campbell), that the Bill was improperly styled an "Oath of Abjuration Amendment Bill," because it abjured nothing; and he suggested that it might be called the "Oath of Fidelity Bill," or some such name as that.

The Earl of ELLENBOROUGH said, that he was satisfied with the oath as he understood it to be proposed by his noble Friend (the Earl of Derby) inasmuch as, practically, it left the Jews where they were at present, and where he trusted that they would continue to be left. He had always voted against the admission of Jews to Parliament, and he always must vote in the same way, because he had a feeling, superior to all reasoning, that it would be wrong to do that which he believed would disparage the Christian character of the Legislature. Upon that sole ground he had at all times opposed the admission of Jews to Parliament. But, while that was his opinion of the result of his noble Friend's measure, if passed, he must confess that he saw great weight in what had fallen from the two noble and learned Lords at the table (Lords Lyndhurst and Campbell), with respect to the manner in which it was probable that the Bill would be dealt with by the other House. The strength of their Lordships' House was in the defensive. It was by remaining on the defensive, although they possessed a commanding majority in that House, that they were enabled for ten years to support the Opposition led by the late Duke of Wellington. At the commencement of that great Opposition the noble Duke on one occasion adopted the offensive, in which he was successful in that House; but a counter Resolution was immediately carried in the

House of Commons which overruled all that the Duke of Wellington and his Friends had done, and placed them in a much worse position than they would have occupied if they had never moved at all. He recollected well the noble Duke saying to him that he had been convinced their strength was in dealing with Bills sent up from the House of Commons, and that he never would again fall into the mistake of taking the initiative. Their Lordships could not occupy a better position than that in which they now found themselves. They had defeated by an ample majority —which but for an accident would have been larger—the attempt to admit Jews to Parliament. Let them leave well alone. They were now asked to send down to the House of Commons a Bill which must produce a renewed discussion, a renewed conflict, upon that subject. Whenever that conflict arose, he must always vote in the same way as he had done; but there was no discussion which took place during the Session in that House which was to him so disagreeable as the discussion annually forced upon them with respect to the Jews. He did not think it desirable for their Lordships to court a collision with the House of Commons upon that subject. If the House of Commons attempted to force their religious opinions—and he apprehended it was a religious feeling which animated the majority of their Lordships in refusing admission to the Jews—they were ready to defeat that attempt, and he trusted that the people of England would respect the principles and views upon which they acted. But if their Lordships, leaving their position of strength, descended into the arena and sought a conflict upon that subject, he doubted greatly whether public opinion would to the same extent support them, and he was sure they would do that which would be injudicious, which might produce inconvenience, and which might, even at this late period of the Session, with all the accidents which might possibly arise, imperil the position of strength in which they now stood.

THE EARL OF DERBY wished to say a few words in reply to the noble Earl. His objection to remaining precisely where they were was not an objection founded on the admission or non-admission of the Jews, but that the continuance in the oath of abjuration of the words referring to the Stuarts would enable those who advocated the admission of the Jews to Parliament to renew the discussion upon that question under the pretext of abolishing an utterly indefensible part of the oath. It was his object to deprive them of that advantage by removing from the oath everything that was avowedly indefensible; and he wished to know which would be the more reasonable course—to do that which by the common consent of mankind ought to be done, or to refuse to adopt an acknowledged improvement unless something was done wholly foreign to the object of the Bill? But, whether the House of Commons adopted or rejected the Bill, their Lordships would not be troubled with a renewed discussion in the course of the present Session, because, rather than agree to the omission of words which would have the effect of admitting the Jews, those who would be charged with the Bill in the other House would at once throw it up.

THE EARL OF ELLENBOROUGH said, he did not like to differ from the noble Earl on a point of Parliamentary practice and rule, but his impression was that a Bill when laid on the table became the property of the House, and ceased to belong to any individual Member.

THE MARQUESS OF CLANRICARDE said, he was glad that the author of the Bill had admitted that his object in introducing it was to remove a clog which he acknowledged to be a great obstacle to him in fighting the opponents of the oath of abjuration. Why, such being the case, did he refuse to adopt the manly course of repealing the oath and excluding the Jews by direct enactment? Not one word had he said in reply to the Lord Chief Justice, who had demonstrated the absurdity of the Bill, and showed that it would place the House in a ridiculous, perhaps an offensive light. The noble Earl opposite had told their Lordships that the Bill would be dropped in the other House if an attempt were made to omit the words "on the true faith of a Christian." Why should the noble Earl decline a conference with the House of Commons on the subject? Because he knew that one of the noblest passages in the Journals of their Lordships' House was that in which their ancestors declared, 150 years ago, that no English subject could be in a more miserable and unhappy condition than to be precluded by law from the full enjoyment of all the rights and privileges that properly belonged to him. He knew that that passage would be appealed to by the House of Commons in favou of the admission of the Jews; he was conscious of his inability to answer it; and it was because he could not meet it fairly that he had resolved to avoid it altogether.

Motion *agreed to.*

House in Committee accordingly.

**Lord LYNDHURST** then formally proposed his Amendments, which were as follows—

> "To leave out the words in line 18, and the word 'abjuration' shall be omitted from the last sentence of the first oath, and the word 'renunciation' from the same sentence of the said oath and affirmation," for the purpose of inserting the following words—
>
> "And the following words shall also be omitted from the latter portion of the said oath—that is to say, 'And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, and promise heartily, willingly, and truly, upon the true faith of a Christian.'"
>
> "Also, in line 21, after the word 'affirmation,' to insert the words, 'which oath so amended will stand as follows.'—
>
> "I, A B, do truly and sincerely acknowledge, profess, testify, and declare, in my conscience before God and the world, that our Sovereign lady Queen Victoria is lawful and rightful Queen of this realm, and all other Her Majesty's dominions and countries thereunto belonging. And I do swear that I will bear faith and true allegiance to Her Majesty Queen Victoria, and Her will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against Her person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to Her Majesty and Her successors all treasons and traitorous conspiracies which I shall know to be against Her or any of them. And I do faithfully promise to the utmost of my power to support, maintain, and defend the succession of the Crown against all persons whatsoever, which succession, by an Act entitled, 'An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject,' is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants."
>
> "Amendment in the title—after the word 'doth,' to insert the words 'commonly called the oath.'"

**The Earl of DERBY** wished to impress upon their Lordships that the practical effect of the Amendments would be expressly to carry out the views which they had negatived the other night. It was, moreover, opposed to the whole spirit of the Bill, and, therefore, he hoped it would be rejected by their Lordships.

**Lord LYNDHURST** said, he did not mean to press his Amendments at this stage. He would withdraw them for the present, but would give notice that he would move them on the Report.

Amendments *negatived.*

**The Earl of DERBY** suggested that his noble and learned Friend should give notice of his Amendments for the third reading, and, if he did so, he would be prepared to meet them.

Bill reported without Amendment; and to be read $3^a$ on *Thursday* next.

## BURIAL-GROUND (GREAT TORRINGTON).

**The Earl of PORTSMOUTH** presented a petition from the inhabitants of Great Torrington, in the county of Devon, being members of the Church of England, complaining that they are deprived of any place of burial according to the rites of the Church—their churchyard having been closed by an Order in Council, and the Bishop of the diocese having declined to consecrate the burial-place provided by the burial-board of the town pursuant to the enactments of the recent Burial Acts; and praying for relief. The noble Earl said that a few weeks since a highly-esteemed citizen of Torrington died, who had been a member of the Church of England throughout his life—he was a member of the corporation also, and the mayor and corporation wished to testify their respect for him by attending the funeral in their robes of office. Their burial-ground was closed; application was made for permission to bring in the ground of the neighbouring parish, but it was refused on account of its supposed illegality, the deceased not having been a parishioner; there was no other ground than the one which the bishop had refused to consecrate; and the body was conveyed thither; there was no clergyman to read the service, and the mayor himself read the burial service in his robes. Since then burials had been performed by the clerk reading the service and the sexton making the responses. If such scenes as these were continued, the people would begin to look with doubt and distrust upon the connection of Church and State, for the Dissenting Ministers regularly discharged their duties to the members of their own persuasions, and might be led to suggest whether the presence of a clergyman was really necessary or not—a notion which he, in common with their Lordships, would be sorry to see prevail. The bishop had refused to consecrate the burial-ground because there was no inclosure within the inclosure. The noble Earl was understood to contend that the provisions of the Burial Act had been complied with. He did not for a moment impute anything to the right rev. Prelate (the Bishop of Exeter), and thought that he acted from the most conscientious motives; but there was no monopoly of conscience. The burial-board represented the inhabitants of the town generally, both Dissenters and members of the Church of England, and asserted that they had complied with the Act, and had divided the ground by fit and proper boundary. The noble Earl then read from the correspondence which had taken place between the burial-board and the Bishop of Exeter. The bishop said the canons had not been complied with; but he begged to remind their Lordships that the burial-board was the creation of Parliament, and Parliament had declared that intramural burials should not be allowed. Now Burns, in his "*Commentary on Ecclesiastical Law,*" said, that the parishioner had a right to be buried in the parish church, unless he was excommunicated, or a criminal, or a suicide. With regard to the bishop's objection about the erection of walls, he would observe that the Church of England did not require any walls—her laity was her best defence. This feeling was very strong in the West of England, and had been so even at the time of the Monmouth rebellion, which was favoured by the population there mainly in consequence of their attachment to the Church of England, and their dislike of the king's encroachments upon it.

THE BISHOP OF EXETER said, he would not trespass very long on their Lordships' time. He would not attempt to follow the noble Earl through the entire of his statements, but only deal with two or three facts, which had fixed on his recollection. He was glad to have the testimony of so excellent an authority to the existence of a strong feeling in favour of the Church in the West of England; and, in confirmation of that fact, would mention that, out of eight or ten burial-grounds which he had been called upon to consecrate within his diocese, the case in question was the only one in which there had been any objection, on the part of the burial-board, to comply with the requirements of the canon law. As bishop he felt bound to carry out that law; and, when the canon directly said that burial-grounds should be fenced, he had no other course than to require that law to be obeyed before he consecrated the ground. He had not required a wall, but a fence or railing, or any real *bonâ fide* separation. He had even offered to be satisfied with a sunk fence. It might be imagined that he had refused to consecrate the ground; but such was not the case. He had only required that the ground should be put into a fit state for consecration before he could consecrate it. He had made the same demand in other portions of his diocese, and had met with a ready compliance. In the case of Torrington he had suggested to the mayor to put an end to the difficulty by procuring a *mandamus* from the Queen's Bench to compel the burial-board to put the ground into a fit state for consecration; but that gentleman objected that it would be very disagreeable to go to law with his neighbours. All he (the Bishop of Exeter) could say was, that if in all cases where anything happened to be disagreeable to anybody's feelings an appeal was to be made to that House, their Lordships would have plenty of occupation on their hands. His simple reply upon this occasion was, that he acted upon his own sense of duty as bishop, and in the discharge of that duty he was sure he would receive the support and sympathy of all whose opinions were worth having, either in his diocese or out of it.

EARL FORTESCUE said, he had no wish to call in question the conscientiousness of the motives which had induced the right rev. Prelate to act as he had done, for he believed nothing but a strong sense of duty would have induced him to refuse to consecrate a cemetery prepared in pursuance of the Act of Parliament; but, at the same time, he must observe, that his determination had caused a great evil. As to the remedy which the right rev. Prelate had suggested to the mayor, he (Earl Fortescue) was not sure that a *mandamus* would lie—at any rate the burial-board of Torrington was elected by the whole body of inhabitants, Dissenters as well as Churchmen, and the mayor would naturally be disinclined to take a course which many of his fellow-townsmen would regard as an insult to themselves. But what had been the consequences of the existing state of things? The Dissenters were buried by their own ministers, but no member of the Church of England had received the rites of the Church. The mayor, attended by the corporation, had read the funeral service over one respected member of that body; but in other cases the clerk had represented the clergyman, and performed the service. The burial-board had done in this case what they considered to be their duty, and what the statute required. The cemetery had been so laid out by them as to lead them to believe that they were complying with the law; and, not having obtained consecration of the ground from the right rev. Prelate, the petitioners came to Parliament to ask that the law might be put into such a shape as would enable the members of the Church of England to receive the rites of burial according to the canons of the Church, and remove the scandal which afflicted the neighbourhood.

THE EARL OF MALMESBURY said, that this was not the first time, and he was afraid it would not be the last, that this disagreeable subject would occupy their Lordships' attention. Their Lordships must recollect that this was not a time when a few churchyards only were consecrated in the course of a year, but that now throughout almost the whole of England new cemeteries would probably have to be consecrated in the course of the next few years; because, under the provisions of the Act of 1853, inspectors had been sent out, and the result was, that many of the old burying-grounds had been condemned. It was quite evident that in a short time hardly any of the old cemeteries would remain, and that the bishops would have to consecrate new ones throughout the kingdom. Now, he (the Earl of Malmesbury) knew that the right rev. Prelate (the Bishop of Exeter) had acted most conscientiously in the present matter; nor did he say that the right rev. Prelate had not acted legally; on the contrary, his impression was, that he had acted in perfect conformity with the law. The canon provided that burying-grounds should be enclosed in some way, and this had been done in the present instance. But surely strict legal rights were not to be considered for a moment in consideration with the feelings which were abroad upon this subject. Their Lordships knew that differences of opinion existed as to the necessity of having a chapel in a cemetery. Some persons considered that they ought to be consecrated with a chapel, others without a chapel being built, and these two parties were at war. A statement had been made to him (the Earl of Malmesbury), that there was a cemetery now useless because a right rev. Prelate refused to consecrate it, and for this reason—the burial-board had thought that a set of posts erected between the two divisions of the cemetery was sufficient, but the bishop said that there must be a chain connecting the posts before the cemetery was fit for consecration; and scenes of great scandal and impropriety had taken place in consequence. He (the Earl of Malmesbury) would beg with all humility to express his opinion on this subject. Seeing that the chances were that for the next few years there would be a constant renewal of these disputes, he thought it was necessary that the conditions under which cemeteries should be consecrated should not be left entirely to the decision of the individual bishop in each case. He wished to say this, that if the bench of right rev. Prelates would agree upon some conditions upon which they were unanimous, or nearly so, they might be then submitted to some Member of Her Majesty's Government, or to respectable Members of Parliament of sufficient position, and finally embodied into an Act of Parliament, to make consecration compulsory upon these conditions being complied with. He could see no way of settling the matter, unless Parliament were to enact some conditions, or the other which should oblige the bishops to consecrate cemeteries, and thus put an end to these scandalous proceedings.

THE EARL OF ST. GERMANS understood the noble Earl (Earl Fortescue) to say, that the whole of this cemetery was surrounded by a wall; but what the right rev. Prelate required was, that the part appropriated to the Church of England should be fenced in separately. That, he considered quite an incorrect construction of the canon; the plain intention of which was, that the burial-ground should be enclosed to prevent the inroads of animals, and for the purpose of taking proper care of the monuments that were erected in the burial-ground; but it never was in contemplation that there should be any line of demarcation drawn between one portion of the burial-ground and another. Their Lordships knew that in the old churchyards there was no distinction made between the portions of ground where Dissenters and where members of the Church of England were buried.

THE BISHOP OF EXETER hoped that, as he had been personally referred to by the noble Earl, he might be allowed a few words of explanation. The noble Earl had favoured their Lordships with his interpretation of the canon, but his (the Bishop of Exeter's) duty was to act upon his own construction. He would beg the noble Earl to allow him (the Bishop of Exeter) the same right of action as was allowed to any one else in constructing a clause in an Act of Parliament. But further than this, he might add that every lawyer, every person capable of forming an opinion, with whom he had communicated, agreed with his (the Bishop of Exeter's) view of the meaning of the canon, and he had never heard that view contradicted except in this House. He did not say that it was his view merely, but his view made up after the fullest considerations of duty. He thought this was an unfortunate mode of bringing on the question, which involved really great principles. It would have been more satisfactory to have had a Bill brought in upon the subject, as the discussion of such a question on the presentation of a petition was anything but satisfactory.

Earl FORTESCUE said, surely the first object was to make out a case for legislation, and he thought the best way of doing so was, by petitioning the House and raising a discussion upon it.

Lord PORTMAN said, he was glad to hear that the right rev. Prelate considered the subject could only be settled by legislation.

The Bishop of EXETER: No; I never meant that.

Lord PORTMAN thought the right rev. Prelate had intimated that it could not be satisfactorily considered except upon a Bill. And he was glad to be able to assure the right rev. Prelate, that a Bill for that purpose was proposed, and stood for a second reading next week.

Lord REDESDALE said, he thought it most desirable that something should be done to put an end to these unfortunate disputes—for unfortunate they were, whoever was right or wrong. But the Bill of the noble Baron, however, would not settle it, for it did not at all point out what was to be done. It only took the power from the bishops, and gave it to the Secretary of State. Now, that left the matter open just as much as it was at present. No doubt legislation was necessary. In the settlement of the question, regard should be had to what was fair and reasonable with reference to conscience; but the plea of conscience could not be fairly urged against that which was necessary according to the consciences of others; and hence, those who did not themselves require a chapel could not object to a chapel being provided for others.

The Bishop of OXFORD said that, personally, he was sorry that the noble Lord intended to bring in this Bill on Tuesday next, when he could not be present to give his opinion on it; but he thought that, considering this was the first intimation they had received of the intended measure, it was rather sharp work proposing Tuesday next for the second reading, particularly if it were of the awful character described by the noble Lord opposite (Lord Redesdale); for really if the Bill did embody the principles which had been mentioned, they were such as none of his right rev. Brethren could consent to. He thought more time should be given before the second reading. There was an observation which had fallen from the noble Earl (the Earl of St. Germans) in the course of the debate, upon which he would make a remark. They ought to bear in mind that part of the burial-board in every parish consisted of Dissenters. The Legislature had made a sort of compromise between the members of the Church of England and the Dissenters by permitting this; but whilst this was so, it should be remembered that the Church of England members of those boards took no manner of interest in the way in which Dissenters treated their part of the burying-ground, and it was manifestly the height of injustice to say that the Dissenting members of those boards should determine when the Church of England burying-ground was in a state fit for consecration.

The Earl of HARROWBY said, he could not consider it as a true construction of an obsolete canon to raise up a wall of separation between two classes of Christians, even in their graves; and that in the construction of such a canon the spirit of charity should be considered, rather than one of a different nature, which delighted to revive rusty laws to raise invidious distinctions.

The LORD CHANCELLOR said, he supposed it would be better not to say anything further on this subject until the proposed Bill was before the House, but he could not refrain from making one observation. He believed a great portion of those who took an active part in passing the measure of 1853, supposed that they were doing something very agreeable to the Dissenters; but the measure had, so far from conciliating them, unfortunately given rise to all these controversies. As regarded the provisions respecting cemeteries, he (the Lord Chancellor) doubted whether it had not been unwise policy to make a line of demarcation between the ground appropriated to Churchmen and Dissenters; but, if it were thought right to make a line of demarcation between Churchmen and Dissenters, let this be done as unobtrusively as possible; but he believed that to provide that there should be an enclosure, and that a portion of the ground should be consecrated and a portion left unconsecrated, had created many of the difficulties which now existed. In his opinion, a short enactment providing for the consecration of the whole of the ground, thereby assimilating them as far as possible to the old parish churchyard, would be likely to meet the whole case.

Petition ordered to lie on the table.

House adjourned to Monday next.

## HOUSE OF COMMONS,

### *Friday, June* 27, 1856.

MINUTES.] PUBLIC BILLS.—1° Oxford College Estates; Distillation from Rice; Court of Chancery (Ireland) (Sale of Estates); Court of Appeal in Chancery (Ireland); Incumbered Estates (Ireland).

2° Bankruptcy and Insolvency (Ireland); Metropolis Local Management Act Amendment; Marriage Law (Scotland) Amending.

3° Dwellings for Labouring Classes (Ireland); Coatham Marriages Validity; Smoke Nuisance Abatement (Metropolis) Act, 1853, Amendment; Court of Exchequer (Scotland).

### OUR RELATIONS WITH THE UNITED STATES—QUESTION.

MR. G. H. MOORE: I wish, Sir, to put a question to the noble Lord at the head of the Government, of which I have given him notice. It will, doubtless, be in the recollection of the House, and of the noble Lord, that I put a notice upon the paper, a few days ago, having reference to the American enlistment question, and that, subsequently, when the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) asked the noble Lord when we might expect to have laid before the House the answer of Her Majesty's Government to the last communication from the Government of the United States, the noble Lord stated that it would, in all probability, be laid upon the table in the course of the present week. In consequence of that intimation I consented to postpone my Motion until after the reception of that dispatch. From the expressions of the right hon. Baronet the Home Secretary on that occasion, deprecating discussion until the papers were in the hands of Members, and also from the gesture of the noble Lord himself at the same time, I gathered that he, while deprecating premature discussion, assented, on the part of Her Majesty's Government, to that arrangement, and that they would, for the convenience of the House, assign no very distant day when the question might be fully discussed. We are now in possession of the required documents, and as it would be obviously inconvenient, if a discussion is to take place, that it should at this late period of the Session be long delayed, I hope the noble Lord will not think me unreasonably importunate if I now ask him to name some day in the course of the ensuing week when such discussion may come on. I think it right to add that, under the present circumstances of the case, my Motion will not be couched in exactly the words which I have placed upon the paper.

VISCOUNT PALMERSTON: I hope, Sir, the hon. Gentleman will not suppose that it is from any want of courtesy towards him that I am obliged to say that I cannot accede to his request. My opinion is, that, in the present state of our relations with the United States, it is not desirable that there should be any such discussion as that which the hon. Gentleman contemplates. I believe it would not be conducive to that amicable settlement which I am sure it is the wish, as it is the interest, of both countries should take place—that it would not be likely to conduce to that end that the matters now pending between the two countries should form the subject of discussion in this House. That opinion, too, I find is equally shared by those hon. Members who do not agree with the policy of Her Majesty's Government, and with those who generally support that policy, therefore I am the more confirmed in thinking that it is correct. That being the case, I am sure the hon. Gentleman will excuse me for saying that I am unwilling, on the part of Her Majesty's Government, to assume any responsibility, direct or indirect, in regard to the proposed discussion of the question to which the hon. Gentleman refers, and must consequently respectfully decline to name any day for that purpose, inasmuch as to do so would be indirectly to sanction a discussion which they think might be prejudicial to the interests of the country. Of course it is open to the hon. Gentleman to make his own arrangements—he has the same means as all other Members of availing himself of the forms of the House to make an opportunity for calling attention to the subject, if, after this explanation, he thinks it advisable to do so.

### GOVERNMENT ALLOWANCE TO REFORMATORIES—QUESTION.

Mr. A. SMITH said, he would beg to inquire of the Secretary of State for the Home Department if he had any objection to state the amount which he was prepared to allow for the support of juvenile criminals in certified reformatories before the 30th day of June, on which day the quarter sessions would assemble?

Sir GEORGE GREY replied, that representations had been made that the allowance of *5s.* a week for each inmate was not sufficient to meet the cost of maintenance in those institutions, while at the same time it exceeded the maximum allowance in gaols. He was told, also, that there was great difference in the expense in these reformatories, and the difficulty was to fix any sum which should be applicable to all alike. He hoped shortly to be able to inform the hon. Gentleman what the allowance would be, but at present he was not prepared to state it.

### ENTRY OF THE GUARDS INTO LONDON—QUESTION.

Mr. NOEL said, the noble Lord at the head of the Government had stated on Friday, in answer to the hon. Member for Marlborough (Mr. H. Baring), that on the entry of the Guards into the metropolis an opportunity would be afforded the inhabitants of welcoming them. The hon. Member for Marlborough had since written a letter to *The Times*, in which the object of his question was so clearly explained that he would beg to read a portion of it to the House. The paragraph was as follows:—

> "Nothing could be further from my intention in asking from the Government for a public entry for the Guards into London, on their return from the Crimea, than the idea of casting the remotest slight upon other portions of the army. The Guards compose the ordinary garrison of London; on their return to their usual and (in time of peace) accustomed quarters, it was natural that the people of London should be desirous of welcoming home those troops whom they justly prize."

He wished, therefore, to ask the First Lord of the Treasury whether, as an early day would be fixed for the entry of the Guards into London, Her Majesty's Government would consider the propriety of bringing up other regiments which had arrived from the Crimea on that occasion, so that an opportunity might be afforded to the inhabitants of the metropolis of welcoming portions of the artillery, cavalry, and infantry-of-the-line also, and of testifying the sense they entertained of the services rendered equally by the whole army during the late war?

Viscount PALMERSTON: Sir, I can assure hon. Members and the House that nothing can be further from the intentions of Her Majesty, and of those whose duty it is to advise Her Majesty, than to make any distinction between the different portions of the troops who have performed such distinguished services on the shores of the Black Sea. It would be exceedingly unjust to make any distinction of that kind, because every regiment did everything in the power of man to do under the circumstances in which it happened to be placed. No greater compliment should therefore be paid to the Guards than to the regiments of the line, or the artillery, or the cavalry. It is not with a view to any special ovation triumph to any particular force that arrangements will be made for giving the inhabitants of the metropolis an opportunity of seeing those gallant regiments on their return from the scene of their glory, but it so happens that the Guards are the natural garrison of London; they return to London in the ordinary course of their duty. If there were any adequate necessity or occasion, a great assemblage of troops of different kinds—regiments of the line, of the artillery, and of the cavalry—might certainly be brought to London; although it would not be easy to find any space in which they could be spread, as even Hyde Park would be far too limited an area. Then there would be no accommodation for them, as there are no barracks in which they could all be placed. Unless, therefore, some great occasion really existed, we should not be justified in making an arrangement such as that which has been suggested, and I do not think any great occasion does exist. Her Majesty is, as she has always been, most anxious to welcome in person every branch of her army on its return from the Crimea. Her Majesty has seen and inspected every arm of the service—almost every detachment that has returned, within any reasonable reach of her residence, and she will undoubtedly see at Aldershot all the regiments which are destined to take up their quarters there. I am afraid it will not be possible to gratify the inhabitants of the metropolis by bringing the bulk of the Crimean troops to London merely for the purpose of being exhibited to them; but Aldershot is at no great distance, the access to it is easy, and there will be ample opportunity for those who take an interest in the matter, and whose means enable them to go, to be present when Her Majesty welcomes at Aldershot the troops of the line, and at Woolwich the artillery, on their return from the Crimea.

## LEGION OF HONOUR—QUESTION.

Mr. H. BARING said, he wished to ask the hon. Gentleman the Under Secretary for War why the insignia of the Legion of Honour had not been distributed to those officers of the Crimean army who had been long since selected by General Codrington for that decoration?

Mr. FREDERICK PEEL said, a selection of the men belonging to the British army who were to receive the decoration had been made; and as soon as the Imperial decree containing their nomination appeared, and the insignia had been received from the French Government, steps would be taken for their distribution.

## APPELLATE JURISDICTION BILL.

On the Motion that the House at its rising do adjourn to Monday,

Mr. RAIKES CURRIE said, he was anxious to speak to this question, for the purpose of putting a question to the noble Lord at the head of the Government, of which he had given him notice, upon a subject that required some explanation. He wished to obtain from the noble Lord a decided and explicit answer as to the course the Government intended to pursue with regard to the Appellate Jurisdiction Bill—a Bill he need scarcely say as important as almost any measure dealing with domestic legislation that could accupy the attention of that House. The Bill proposed to interfere with the High Court of Appeal, and to change the constitution and organisation of that Court, and it dealt also—by inuendo certainly—but at the same time most effectually with the prerogative of the Crown, which was distinctly limited by the Bill. Now, as a friend of the Government, and one of their sincere supporters, he wished to inform the noble Lord what was said very generally about the measure. He knew not on what authority, but it was nevertheless the fact, that the public and many Members of that House had been led to consider that the Bill in question was the result of a compromise which he would not characterise because he disliked using hard words. Besides, it was generally rumoured that as the Bill was the result of a compromise so it was to be carried by means of a coalition. It was also generally rumoured—he was now speaking of what was talked of in the lobbies of Parliament—that the noble Earl who conducted the Opposition in another place had called his followers together and energetically impressed upon them the necessity of remaining in London during the oppressive weather, under which they were now suffering, to support the Bill, informing them at the same time that it was one in which he took a deep, not a political, but personal interest. On the other hand it was equally generally stated, that the Government was bound in some way—how, he would not say, but by some pledge or arrangement from which they would find it difficult to escape—to pass the measure in its present shape. He mentioned these rumours as mere rumours that had come to his knowledge; but, as a Member of Parliament who seldom troubled the House, but who spoke with the experience of upwards of twenty years in that House, he felt bound to say that he did see some very awkward signs in the horizon; and he could not but feel a certain degree of suspicion from the indefinite delay which had taken place in the discussion of a measure of such great importance, that there might be an intention somewhere, when Members wearied and jaded with the fatigues of a protracted Session could not be induced to remain longer in town, he would not say smuggle, but to "ram" the measure through the House. In fact, he had himself received from a certain quarter that very pithy admonition—it had been said to him, "it is of no use to oppose the Bill—it may be a very bad Bill; you may talk against it till you are tired, but it will pass nevertheless." He would not believe that the noble Lord (Viscount Palmerston) meditated any such course. He could not believe it. The noble Lord had received from that House a liberal and a generous support. [Viscount Palmerston: Hear, hear!] The noble Lord knew well that he might continue to count on that support, and if he would only deal, as he (Mr. R. Currie) believed he intended to deal, firmly and fearlessly with the House, he would be the most influential and popular, as he undoubtedly was the most able Minister the Crown had ever employed. The Bill he referred to had come down from the House of Lords, and what he wished to know was, whether the Government intended to adopt it as it now stood? He hoped they did not; but if they did, he wished further to ask the noble Lord, whether they meditated passing that important measure, dealing as it did with the High Court of Appeal in the last resort, and in that way affecting the property of every corporation, and of every individual in the kingdom, and dealing also with the prerogative of the Crown by Parliamentary enactment; and if the noble Lord was determined to press it, then he would request him to fix an early day, in order that the measure might be fully and fairly discussed.

VISCOUNT PALMERSTON: Sir, there is no doubt that the subject to which my hon. Friend has drawn the attention of the House is one of very great importance. My hon. Friend calls the measure a compromise. Well, Sir, nearly all the measures passed in Parliament are, in one sense at least, compromises, because they are the result of conflicting opinions, which lead at last to the adoption of a measure neither entirely in accordance with the opinions of those who proposed, or those who opposed the original measure. I do not mean to say that this Bill, in the shape in which it at present stands, is exactly according to the views which the Government, if they had entire power to deal with these things, and had not considered that they are the Ministers of a constitutional Government, might have proposed. It is, however, of the utmost importance, that the appellate jurisdiction of the House of Lords should as speedily as possible be placed on an efficient footing. It is not so placed at present, and this measure did receive the concurrence of those Members of the Government who are Members of the House of Lords. I, therefore, do intend, when the measure is discussed in this House, to give it all the support which I can as a Member of the Government, and I should undoubtedly be very glad if the assertion of my hon. Friend should be verified, and that in doing so I shall also receive the support of those who are generally opposed to the Government. I certainly think, Sir, that the measure is one of extreme importance, and I do not believe that the appellate jurisdiction of the House of Lords can, with advantage to the public interest, remain in its present imperfect state. I, therefore, accept this measure for the purpose of placing it on a more efficient footing. With respect to the day on which it should be discussed, it is certainly desirable that an early period should be fixed. There are, however, other measures of importance which will have to go up to the House of Lords, and which must therefore in some degree, necessarily have a preference in respect to the time of discussion, but no improper delay shall be allowed to intervene before the discussion of the Bill in question.

MR. DISRAELI: Sir, I think it is of great importance that on a subject of this nature there should be no mistake whatever by this House as to the circumstances under which a Bill of such moment is about to be introduced to its notice. Sir, it is unnecessary for me to say—for I should only express the feeling of every one present if I were to give utterance to that opinion—that the subject to which this Bill refers is one of paramount importance. No one can be more deeply impressed with that conviction than myself. Sir, when this Bill shall be brought before the House, certainly I shall vote for the second reading, because I think it is absolutely necessary that the House should consider the condition of the appellate jurisdiction of the House of Lords, and because we shall have an opportunity in after stages to consider the details of the Bill which it is proposed to us to adopt. However, Sir, it is not either on the purpose or on the details of the Bill that I would on this occasion venture to address you; but it is because I think the extraordinary terms in which his question has been put by the hon. Gentleman who commenced this conversation, and the answer of the noble Lord at the head of the Government to that question, have left the House in an ambiguous, equivocal, and unsatisfactory position. The noble Lord tells us that the Bill, which has not yet been brought under our consideration, is the result of a compromise, and that compromise is a part of our constitution. Sir, I am not prepared to demur in the abstract to this position and those principles of the noble Lord; but I do contend, Sir, that we cannot be influenced by those vague and general dogmas in our practice here. In our Parliamentary practice we must hold those responsible for a measure who introduce that measure. I understand that this is a measure of the Government—I understand that it has been introduced by a noble Lord of the highest authority on such subjects—a Member of the Government and a Member of the Cabinet; and when I am called on to consider it here, I assuredly shall have to consider it as a measure of the Government. Therefore, Sir, I do not clearly understand why the noble Lord should bring us behind the scenes of legislation, and tell us that the Government have adopted a measure which they consider a compromise, and that that is the spirit of the constitution. I hold, Sir, that the Government have adopted this measure, having, after a full consideration of the matter, come to the conclusion that it is, on the whole, the one most beneficial for the public interest. We are to consider this measure, then, as a Government measure, and as a measure which the Government believes to be best adapted for the public advantage; and in that spirit I shall have to consider it. I should be very sorry, important as this measure is, if it did not receive a fair and ample discussion. It would be a matter of very great injury if measures of such vast importance should be not only "smuggled," to use the language of the hon. Gentleman who has introduced this question, but "rammed" through the House. But allow me to remind the hon. Gentleman who is so pathetic as to the sufferings of the "jaded" Members of "independent" position, who are, however, "sincere friends" of Her Majesty's Government, that there is an easy remedy for this inconvenience. The constitution could never be more securely guarded than when "independent" Members "friendly" to the Government remain in their places, and I do not understand that the fatigues of this Session have been of so oppressive a character that the nerves of hon. Members of the most "independent" character, and the most "friendly" sentiments to Her Majesty's Ministers need be in such a "jaded" condition that they cannot remain at their posts—this being only the month of June—to do their duty to the constitution. Whatever, therefore, may be the excursions which the hon. Gentleman contemplates, I shall hold him responsible to his constituents and to the country if he and the Gentlemen opposite, of whom he appears as the representative to-night, are not here to argue this question on its merits, the measure being one of the utmost importance, and having been introduced by the Government, as I understood it, upon its responsibility, and being strictly and properly a Ministerial measure.

VISCOUNT PALMERSTON: Sir, the right hon. Gentleman has entirely mistaken the import of what I said just now. He seems to imagine that I was letting the House into the secret of this Bill; that I was revealing to them something which had passed behind the scenes. But I only referred to those scenes which had been played upon the stage—acted, indeed, as one may say, up to the very lamps. I referred to those very active and animated debates in the House of Lords which have resulted in the measure which has now come down to us. Undoubtedly, in proposing this measure to the House, I propose it as a measure which the Government recommends to the House, and which it is anxious to see passed.

SIR JAMES GRAHAM: I have not, Sir, been "behind the scenes," nor do I know anything about the "secrets" of this measure; but I agree with the hon. Gentlemen who have preceded me that it is impossible to exaggerate its importance, and I can only say that the country which does not like "coalitions," does not like "compromises" between great parties in respect of measures of this description. I agree also with my hon. Friend (Mr. R. Currie) that it is of the utmost importance that an early day should be appointed for the second reading of this Bill; and if I sought to illustrate the necessity of its discussion not being postponed, I would only refer you to what occurred last night upon the Motion for the second reading of the Testamentary Jurisdiction Bill. A measure is brought forward by Her Majesty's Government which seeks to transfer the appellate jurisdiction of all the inferior Courts of England with respect to testamentary matters from the Judicial Committee of Privy Council, which, up to the present time, has proved itself a most satisfactory tribunal, to the appellate jurisdiction of the House of Lords. I ventured last night, in commenting upon that Bill, to remind the House with respect to this proposed transfer what is the position of the appellate jurisdiction of the House of Lords at this moment. We have before us a Bill in which it is distinctly admitted that that appellate jurisdiction, as now exercised in the last resort, affecting the administration of justice throughout the United Kingdom, is, in the opinion of the House of Lords themselves, unsatisfactory, and no longer tenable; and that House appeals to us to aid them in rectifying its defects, and in rendering it an efficient tribunal. Now, I contend, Sir, that we cannot deal with any such measure as the Testamentary Jurisdiction Bill until we have first decided that question as to the appellate jurisdiction of the House of Lords; and I therefore hope the Government will, without loss of time, fix an early day for the discussion of the second reading of the Appellate Jurisdiction Bill, which certainly, in my humble opinion, ought to have precedence of any further progress with the Testamentary Jurisdiction Bill. Now, I know that towards the end of July there may be a very general disposition on the part of Members of this House to seek some amusements more agreeable than that of prolonging our discussions and our Session to the month of September. My noble Friend at the head of the Government, like myself, no longer takes the same interest in the 12th of August, or, perhaps, the 1st of September, which we used to do formerly; but, speaking generally of this House, I do not think that the disposition will be cordial on the part of hon. Members to remain here until either of the periods I have mentioned. Than my noble Friend at the head of the Government I do not remember, certainly in all my long experience in Parliament, any one who has been more constant in his attendance here, or more sedulously attentive to his duties as a leader of this House. He has always given us his presence and attendance to an extent of which I have never witnessed another instance. He is, therefore, peculiarly well qualified to call upon us to remain here so long as the interests of the country require it. Yet, Sir, there are limits to this; and I hope, therefore, that this important Appellate Jurisdiction Bill will not be postponed. There are one or two other topics to which, before I sit down, I would venture to call the attention of my noble Friend. A few days ago we had a measure before us with respect to charging the revenues of India with an annuity of £15,000 a year in perpetuity; and when, on that occasion, I said that this measure involved a great constitutional question, an hon. Gentleman observed, that I made use of words without meaning—that what I said about treating it as a constitutional question was as "sounding brass and a tinkling cymbal." But, Sir, what I stated then I repeat now: that measure did involve a constitutional question of the highest importance. I do not, at the same time, wish to revive that subject, or the merits of that measure. I gave to the question my most deliberate attention. I thought that, as a question of justice, it was indispensably necessary to read the Bill a third time since the compromise tendered was refused; and the passing of the Bill appeared to be the only avenue to justice that was left open. But I again repeat, that the constitutional objections to that Bill appeared to be very grave. By a Standing Order of this House no charge whatever can be imposed on the Crown property of this country, nor on the revenue of this country, without the previous consent of the Crown, notified by a Minister in his place. Nay, so jealous is this House in this respect, that no person is entitled to present a petition asking for the receipt of public money. The Stand. Order runs thus—

> "That this House will not receive any petition for any sum of money relating to the public service, or proceed upon any Motion for granting any public money but that which is recommended from the Crown."

Now, the possessions of the East India Company are held by them in trust for the Crown; and the revenue of this country in the last resort is responsible for any deficiency in their revenues. I cannot see in principle, therefore, any difference between charging the revenue of the possessions held in trust for the Crown in India, and a direct Parliamentary charge upon the property of the Crown itself. Now, at the end of every Session of Parliament the Standing Orders of this House are revised by a Committee of the House appointed for that especial purpose; and I would ask my noble Friend at the head of the Government to consider the expediency of bringing under the review of that Committee the proposal of an extension to Indian revenue of the rule which is applicable to the direct revenue of the State and the property of the Crown itself. I am extremely anxious that no time should be lost in coming to such a Resolution upon the subject; for I am afraid that the tendency of measures of the description to which I have alluded is to degenerate into jobs. I am also afraid lest the example of this Session may be followed in future Sessions upon that rank soil of India, and that claims of this description may increase and multiply to an alarming extent. It is wise, therefore, while there is no particular question of this nature pending, to provide a remedy, and that remedy is completely within the power of the House. Having said so much upon this subject, I may perhaps be allowed to mention another which is exactly germane to it, and to make a suggestion to my noble Friend the Member for London (Lord J. Russell). I refer to the question on Addresses from this House requiring an answer from the Crown. That, too, is a matter, I consider, which might be advantageously brought before the Standing Orders Committee. I think, that whenever an Address is agreed to by the House which requires an answer from the Crown, the same precautions should be taken with regard to it as are taken at the opening of the Session—that the Address should be referred to a Committee, and that an interval of at least twenty-four hours should elapse before it is sent up for presentation to the Crown.

Mr. VERNON SMITH said, that both the points raised by the right hon. Baronet were very fit subjects for consideration by the Standing Orders Committee. The last point was already in the hands of the noble Lord the Member for the City of London, and, no doubt, when the Standing Orders Committee was appointed at the end of the Session they would take it into their consideration. With regard to the former question, he had before stated that his opinion entirely coincided with that of the right hon. Gentleman (Sir J. Graham) as to this being a great constitutional question. The East India Company being little more than trustees for the Crown, he thought that the Indian Government was entitled to the same protection as the Government of the Queen. He had mentioned the subject to his hon. Friend the Chairman of the Standing Orders Committee (Mr. FitzRoy), who said that he thought the Committee appointed at the end of each Session to revise the Standing Orders would take up the question without a Resolution of the House, and he (Mr. V. Smith) therefore thought that it would be better to leave the matter to be dealt with by that Committee.

## THE ARMY—STAFF APPOINTMENTS, &c.

Colonel NORTH said, he rose to call the attention of the hon. Gentleman the Under Secretary for War to the operation of the warrant of the 6th of October, 1854, relative to Staff Appointments being held for the term of five years only, except on reappointment. The duties of the higher staff officers, such as assistant-adjutant-general and assistant-quartermaster-general, were such that they were generally filled by field-officers selected on account of their great regimental knowledge and practice. According to the rules of the army now in force, no officer could hold a staff and regimental appointment at the same time, but must on his acceptance of the former go upon half-pay. Under the warrant to which he had referred, such an officer would, after the expiration of his five years' duty on the staff, have no prospect but a continuance on half-pay; and the effect of the warrant would therefore, in his opinion, be to confine the choice of the Commander-in-Chief for Staff Appointments to the half-pay list. It was true that there were in the warrant the words "except upon re-appointment;" but that slender chance of a renewal of the Staff Appointment would not, he anticipated, be found sufficient to induce a staff-officer to give up his regimental commission.

Mr. FREDERICK PEEL said, he had no doubt that, were it permitted to field-officers to retain their regimental conjointly with their Staff Appointments, they would find many field-officers well qualified to hold Staff Appointments, and that thus they would have those appointments well filled and their duties ably discharged; but if that course were adopted the obvious consequence would be to interfere with the proper performance of the regimental duties. Accordingly, it had been the invariable rule to place field officers on half-pay when they accepted Staff Appointments. He could not acquiesce in the statement that any hardship was inflicted upon field officers in requiring them to resign their regimental appointments on receiving situations on the staff; and he believed there was no field officer likely to be appointed to a staff situation who would not willingly accept that situation, and at the same time resign his regimental appointment.

Mr. MILES said, he wished to put a question to the hon. Under Secretary for War, as to the command of the depôt companies of the army which are to be formed into groups of consolidated depôts, with three regiments in each depôt, and to inquire whether the several lieutenant colonels who may be reduced will be placed in such command. He wished to point out that the second lieutenant colonels of the forty-one regiments coming home from the Crimea would be reduced, most of whom had done good service. There were forty-five of those lieutenant colonels who were subject to reduction; but as the regiment of one of them was ordered to India, he would of course go with it on the full establishment, but the remaining forty-four would be reduced on their regiments being put on the peace establishment. Of those forty-four second lieutenant colonels he found that there were four who had served upwards of thirty years; twenty-seven who had served above twenty and under thirty years; nine had served above fifteen years and under twenty; and there were only four who had served under fifteen years. No less than thirty-eight of them had been decorated, and had medals with one or more clasps; and they also laboured under the additional disadvantage that if they purchased out the other lieutenant colonels, their purchase-money would not go to their families in case of their death under the recent warrant. He, therefore, urged that these lieutenant colonels should be appointed to command the consolidated depôts which were to be formed at home.

SIR DE LACY EVANS said, he would also beg to ask whether a Lancashire regiment of militia had not received twenty-one days' back pay, being what that regiment was stated to have claimed as being entitled to under the Militia Act for the time that elapsed between the date of the warrant for embodiment and the day of actual embodiment; and if the regiment alluded to had received this back pay, why should not all other regiments be similarly allowed back pay in case of having similar grounds of claim?

COLONEL LINDSAY said, it would be satisfactory to the officers of the army if the hon. Gentleman would state what was to be the constitution of those depôts. He wished to know whether there was to be a field officer attached to the depôt of each regiment, to be under the orders of the officer commanding the consolidated depôt?

MR. FREDERICK PEEL said, that the hon. and gallant Gentleman (Colonel North) was of opinion that when a field officer was appointed to the staff he ought not to be required to relinquish his regimental appointment.

COLONEL NORTH: I said quite the contrary. What the officers are anxious to know is, whether, if they are removed from their staff appointments at the end of five years, they will have only their half-pay to look to.

MR. FREDERICK PEEL said, that the hon. and gallant Gentleman stated that it was very hard that when a field officer was appointed to a staff situation, which he could only hold for five years, he should have to go on half-pay, either at the time of receiving the appointment or at the end of the five years.

COLONEL NORTH: Not at all. According to the rule of the army they must go on half-pay when they accept a staff appointment.

MR. FREDERICK PEEL: Then, what the hon. and gallant Gentleman complained of was, that when a field officer accepted a staff appointment, which was one that he could only hold for five years, he had to leave his regiment and go on half-pay, and, at the end of the five years, he had nothing to fall back upon but his half-pay—and that, therefore, the choice of the Commander in Chief was likely to be restricted to officers on half-pay, as no sufficient inducement was held out to regimental officers to leave their regiments. Now, he was of a different opinion. If field officers were permitted to hold staff appointments conjointly with their regimental appointments, you would doubtless find good officers for the staff; but, as he had previously stated, you would interfere greatly with the proper performance of regimental duty. For there were only three field officers, one lieutenant colonel and two majors, to a regiment, and neither of them ought to be away from their regiments, whether on full pay or on the staff, because it was a great hardship on those officers who carried on their duty in their absence. The rule was to put officers appointed on the staff on half-pay, and it was one which he was strongly of opinion ought to be enforced. The fact was, that no field officer was likely to be offered a staff appointment who would not be ready to accept it, and to leave his regiment. He would give an instance of a major of the 22nd Regiment, who was going out as military secretary to the officer commanding in Canada, and he was quite willing to resign his regimental appointment. It was quite a mistake to suppose that the present system injured the prospects of regimental officers. The explanation was that it was a great object with field officers to attain the rank of colonel in the army, and that could only be done by serving three years as a lieutenant colonel of a regiment. A major knew, therefore, that he could not be a colonel until he had first served three years as a lieutenant colonel with his regiment; but he could attain to the rank of lieutenant colonel in much shorter time by going on the staff, for some staff appointments were accompanied by a step in rank. For instance, a major appointed to be a military secretary became at once a brevet lieutenant colonel; and assistant adjutant generals and assistant quartermaster generals in three years' time became colonels in the army. The consequence was that, both as regarded the interests of the officers and those of the regiments, the rule as it now stood was the best. With regard to the suggestion of his hon. Friend (Mr. Miles), that the depôts about to be established would afford opportunities of employing the second lieutenant colonels of regiments about to be reduced, there could be no objection to that; but the consolidated depôts already established were commanded by field officers, and it was not thought necessary that the depôt of each regiment should be commanded by a field officer. There were to be only twelve consolidated depôts, and it would not be right to remove the officers commanding them to make room for the second lieutenant colonels about to be reduced. If, however, any other depôts were formed, there would be an opening for employing those officers. With regard to the question of the hon. and gallant Member for Westminster (Sir De L. Evans), he had to say that it was true that a Lancashire regiment of militia had received twenty-one days' pay in the way he had described, and there was no reason why other regiments similarly situated should not be treated in the same way: he believed that two other Lancashire regiments had received twenty-one days' pay in that manner.

## CHURCH RATES—QUESTION.

Sir WILLIAM CLAY said, that in rising to ask the question, of which he had given notice, of the noble Lord at the head of the Government, he would avail himself of the Motion before the House to accompany it with one or two explanatory observations, when his right hon. Friend the Secretary for the Home Department, on the second reading of the Church Rate Abolition Bill (on the 5th March), explained the grounds on which Government had decided to support the second reading; the right hon. Baronet stated also the Amendments which Government thought necessary, and the acceptance of which would be the condition of their future support. The Amendments of his right hon. Friend were laid on the table immediately before the Easter recess, and very shortly after the recess Government was informed privately by himself, and the House was informed by his reply to a question from the noble Lord the Member for Stamford (Lord R. Cecil), that the Government Amendments would be accepted by the Member having charge of the Bill. On the one hand, therefore, there was the support of the Government given on certain conditions; on the other, the acceptance of those conditions by the promoters of the Bill. Now, those circumstances, in his opinion—and in the opinion, as he believed, of the House—in the opinion, as he felt certain, of the country—amounted to an adoption of the Bill by the Government. Looking to the fact that the Government had for two or three years past intimated their intention of bringing in some Bill on the subject of church rates—that they had not done so—that they gave their support to the Bill he had had the honour to bring in on certain conditions, and that those conditions were accepted—it seemed to him impossible not to suppose that they considered the Bill now before the House as the redemption of their pledges on the subject, and the best practicable mode of dealing with the question, the settlement of which was admitted on all hands and by all parties to be a matter of urgent and imperative necessity. Accordingly, as the question was not one to be trifled with, or lightly taken up and laid down, he had expected that Government would have afforded facilities for bringing the Bill, in its various stages, under the consideration of the House. He felt the more entitled to expect this, as the Amendments proposed by the Government, by introducing new and important elements into the measure, widened the field of debate and enhanced the difficulties of carrying through the various stages of the Bill. In fact, the attempt of a private Member to carry through the Bill as amended by the Government would have been hopeless and absurd. In these expectations, however, he regretted to say he had been disappointed. Three months had elapsed since Easter, and he had not yet been able to induce the noble Lord to name a day for the House to go into Committee on the Bill. When last (some fortnight or three weeks since) he asked the noble Lord a question on the subject in that House, he had understood him to say, that he would give a day whenever he could do so consistently with the progress of the Bills brought in by the Government itself. He presumed, however, he must have misunderstood the noble Lord—as he observed that the morning sitting of Tuesday next (a Government day), was given to the noble Lord the Member for Woodstock (Marquess of Blandford) for the Committee on the formation of Parishes Bill. His noble Friend, in reply to the representations he had thought it right to make on his own part and the part of many Members of the House, was very kind in expressing his intentions to afford facilities for the progress of the Bill; but somehow it so happened that these kind intentions produced no fruit; and now, almost in July, and the end of the Session approaching, no day was named for taking even the next stage of the Bill. He felt himself called upon to state these facts in justification of himself, in order that he might stand clear with the large party, as well within as without the walls of Parliament, who had given him their confidence in this matter. He did not presume, of course, to dictate to the noble Lord the course he ought to pursue; but he considered that he was entitled to ask, or rather the House was entitled to know, what that course was. If the noble Lord would frankly and explicitly avow that he considered the Government bound to attempt to carry through the Bill,—then no doubt there was time to get through the remaining stages of the Bill before the time fixed by the other House, beyond which they would not receive Bills from the House of Commons. If on the other hand the noble Lord did not feel inclined or enabled to give that assurance, then it would be better at once to abandon the Bill, and not trifle further with the time and patience of the House and the expectations of the country.

The CHANCELLOR of the EXCHEQUER: Sir, as my noble Friend (Viscount Palmerston) has already addressed the House on the question of adjournment, I will answer the question put by my hon. Friend the Member for the Tower Hamlets. It is the duty as well as the desire of the Government to press forward as speedily as possible the various measures which they have themselves introduced, and for the conduct of which they are directly responsible. One of them has already been referred to by the right hon. Baronet the Member for Carlisle (Sir J. Graham) as having an imperative claim on the attention of the House, namely, the Bill relating to the appellate jurisdiction of the House of Lords. There are other measures of a similar nature, for the discussion of which it is necessary that the Government should assign the earliest days at their command. I fear, therefore, that it will not be in our power at present to fix any day to be devoted to the consideration of the Bill of my hon. Friend. I can only assure him that, at the earliest period when an opportunity presents itself, the Government will be ready to set apart a day for the measure which he has introduced. At the same time, I must be permitted to observe that my hon. Friend is under a misconception in supposing that this is a Bill which has been adopted by the Government. All that has occurred is, that my right hon. Friend at the head of the Home Department has given notice that he will, at the next stage of the measure, move the insertion of certain clauses. That stage has not yet arrived; and no opportunity has been afforded my right hon. Friend for making that Motion. Therefore, until these clauses have been engrafted on the Bill, with the assent of the House, it would be impossible, by the most liberal construction of the word, to say that the Government have "adopted" this measure. That is the explanation which the Government have to offer, and they are perfectly willing to appoint the earliest available day for the consideration of this subject.

Sir WILLIAM CLAY said, he would only say, after the statement of the right hon. Gentleman that he should abandon the Bill.

## THE ORDER OF VALOUR—QUESTION.

Captain SCOBELL said, he wished to ask whether the arrangements for the distribution of the Victoria Order of Valour were completed, or nearly so, and whether it would be brought into operation at an early period? Nothing, he considered, was so bad in a subject of this kind as delay. The Baltic medals and the Crimean medals had been distributed much too profusely. All who were in the Baltic or the Crimea, whether they were worthy or unworthy, had received them. With regard to the Order in question, the rules were excellent, and he trusted they would be adhered to.

SIR CHARLES WOOD said, he believed the arrangements were all but completed; and as soon as they were, the Order would be brought into operation.

## THE ORDER OF THE MEDJEDJIE—QUESTION.

MR. KNIGHTLEY said, he would beg to ask the First Lord of the Treasury why the British officers belonging to the Turkish Contingent, on whom the Sultan had conferred the Order of the Medjedjie, were not permitted to wear that decoration.

MR. LABOUCHERE said, the Sultan had expressed a wish to bestow a certain honour, not alone on those officers who had commanded troops in the Crimea, but also on those officers who had rendered military service elsewhere to the Turkish empire. The question was now under the consideration of the Government; but he (Mr. Labouchere) believed that he might say that it was their opinion that the officers of the Turkish Contingent should be put on the same footing in respect to those Orders as the officers who commanded in the Crimea.

## RAILWAY ACCIDENTS, &c.—QUESTION.

MR. OTWAY said, he wished to put a question to the right hon. Gentleman the Vice-President of the Board of Trade respecting the control over railway traffic vested in his department, and also to call attention to the inconvenience and danger incurred by passengers in consequence of the defective arrangements of the South-Eastern and the London and Brighton Railways. He had been somewhat startled on referring to the papers connected with the accidents on railways, to find the number of such accidents that were reported, and he did not hesitate to say that nearly all the accidents which had occurred on the South-Eastern Railway between September and December of last year might, in his opinion, have been avoided by the adoption of ordinary precautions. Indeed, it appeared from the Report of the officer employed by the Board of Trade to institute inquiries on the subject, that great laxity of discipline prevailed among the servants of the company, and that nearly every accident was attributable to negligence or mismanagement. The Reports to which he had referred, although they professed to give an account of all accidents occurring on railways, did not in fact do so. Last year he was in one of the tidal trains on the South-Eastern Railway, which ran into a coal-truck which was being shunted; one of the passengers, a gentleman, was very severely injured, having, he believed, had both legs broken; several other passengers were severely bruised; but no notice was taken of the occurrence in the Report. He wished to call the attention of the House to a somewhat singular arrangement, according to which accidents might be caused by the observance of strict punctuality on the part of a railway company. It appeared that a slow passenger train started from London on the London and Brighton Railway at eight o'clock, stopping at two stations—Forest-hill and Croydon, and being due at Redhill junction at a quarter before nine. At ten minutes after eight an express train was started upon the same line for Dover, which did not stop at any station, and was due at Redhill at sixteen minutes to nine, only one minute after the slow train to which he had just referred. He maintained that some interference was absolutely necessary in order to prevent the accidents which were rendered imminent by such extraordinary arrangements. He therefore begged to ask the Vice-President of the Board of Trade, whether that department had any power of control over railway companies with reference to those matters; and, if so, whether it was their intention to exercise such power?

MR. LOWE replied, that the Board of Trade had the power of inspecting railways before they were opened, and that railways could not be opened until the Board certified that they were in a satisfactory condition; but after railways were opened the Board possessed no power with regard to them. He thought it was a very grave question whether the supervision of railways should be entrusted to the Board of Trade, because at present the responsibility of railway companies afforded some guarantee for the safety of the public; but if a Government department were empowered to interfere, although some immediate danger and inconvenience might be obviated, the responsibility of the companies would be materially diminished. He was, however, bound to state that it was his opinion, as well as that of the Department with which he was connected, that the case mentioned by the hon. Gentleman with reference to the London and Brighton Railway deserved serious attention. A train started from London at eight o'clock, and was due at Redhill junction at a quarter to nine; another train started from London at ten minutes past eight o'clock, and was due at Redhill at sixteen minutes to nine. Now, it was all but impossible such an arrangement could be carried out without a collision, and he thought the subject deserved the grave attention of the Brighton and South-Eastern Railway Company; for, if any accident should occur after the matter had been mentioned in that House, their responsibility would be heavy indeed.

MR. JAMES MACGREGOR said, that, having been long connected with the management of the South-Eastern Railway, he thought it right to state, that a rule was laid down by the company that no train should be allowed to proceed from any station on the line until a telegraphic signal had been received from the station in advance, intimating that the preceding train had not only arrived at such station, but had cleared it. If that rule were adhered to, the mere error in print to which the hon. Member for Stafford (Mr. Otway) had called attention, could not affect the public safety.

## OUR RELATIONS WITH THE UNITED STATES.

MR. G. H. MOORE said, he considered that it was quite unnecessary for him to inform the House that he was not satisfied with the answer he had received a short time since from the noble Lord at the head of the Government with regard to the relations between this country and America. When he recollected that the noble Lord had already granted a day for the discussion of that question before the papers bearing upon it were completed, and when he recollected, also, that the Home Secretary thought proper to taunt the right hon. Member for Droitwich (Sir J. Pakington) with anticipating a coming discussion by a premature expression of opinion, he (Mr. Moore) must say the answer of the noble Lord was as unexpected as it was unsatisfactory. He thought it right to state why he conceived that that answer ought not to be satisfactory to the House, and why he should deem it his duty to persevere in bringing forward the Motion of which he had given notice, whenever he should have an opportunity of doing so. When the noble Lord stated that the whole of the papers relating to the dispute between Her Majesty's Government and the Government of the United States had not been laid upon the table, he (Mr. Moore) at once acceded to the suggestion, that the discussion of the subject should be postponed until the papers had been laid before the House in a complete form. He did not think, however, at the time that the production of the papers to which the noble Lord referred could by any possibility alter or modify, in any essential particular, the nature of the question which the House would ultimately have to decide, and he must say that opinion had not been changed by the production of the papers he had had the misfortune to read that day. They were told by the noble Lord that it would be unwise, even now, to stir the question, and that it might be injurious to the public service, in connection with the pending negotiations, if that House were to give expression to its opinions upon a subject supposed to be connected with the matter to which those negotiations referred. It was his conviction that they had heard too much of Parliamentary discussion being injurious to the public service. They were told the same thing during the late war, and the country had, in consequence, drifted into war without knowing it, and in the very worst state of preparation. He did not believe that discussion would have been injurious then, nor did he believe that it would be injurious now. He thought, on the contrary, that, whatever had been done well during the late war had been done under the pressure of public opinion in that House and out of it, and that all the mismanagement had been worked out in the holes and corners of official intrigue. He was bound to say, explicitly, that he saw nothing in the conduct of the negotiations which ought to induce the House of Commons to pause in pronouncing an opinion, and that it would be unwise and injurious not only to the public service, but to the credit and honour of the country, to leave the management of the question to the undirected discretion of the Government. But there was a much more important question than this involved. What was the state of public opinion at the present moment? Why, there were tens and hundreds of thousands of men, not ignorant or unwise, but men of sound understanding, and with a right-minded sense of justice, who had a strong conviction that this country had been humiliated and wronged in the late transactions, and who thought that, although there was no case for present hostilities, yet that there was reason for a watchful and resentful jealousy of outrage upon our honour hereafter. Public opinion had been drifting, in fact, into a state which might be the prelude to war, since a feeling of national humiliation, and a sense of national exasperation might hereafter lead to hostilities. Was it wise and just, therefore, in the House of Commons to remain silent, and to leave the public to sit down and bite their thumbs in ignominious silence? Was it not their duty, on the contrary, to prevent such a feeling from growing and festering in the minds of the people of England; and was it not the duty of the House of Commons, as the guardians of the national honour and the representatives of public opinion, to pronounce a verdict upon this question which should be worthy of their reputation for justice, fair dealing, and good faith among other countries. Such a course would tend more to win respect than all the crafty circumlocution of all the protocols in the world. If the United States' Government had been "deceived, irritated, and offended," as an hon. Member on that (the Opposition) side of the House had asserted, was it not the duty of that House, not only to the Government but to their fellow-subjects, to pass its censure upon those by whom the interests of the two countries had been perilled? If, on the other hand, our representative in the United States had done nothing but what he had a right to do by the American laws, and what he was bound to do by the interests of the public service at home, it was the duty of that House to sustain and defend him as a faithful subject of the Queen, and all the more because he had been unjustly attacked. What would the House do with Mr. Crampton, with Lord Clarendon, with the Government itself? If Mr. Crampton had behaved properly throughout these transactions he deserved the thanks of the country, the failing arms of which he had endeavoured to recruit, and of the Sovereign in whose service he had suffered so much obloquy. But if, on the other hand, Mr. Crampton had been engaged in a secret conspiracy to violate the laws of the country to which he was accredited, then to defend, sustain and reward such conduct was a gross injustice to the interests and dignity of this country. But there was another course which it was impossible to reconcile with national honour. To say that a Minister had done his duty to his Queen and country, and to receive with open arms, the Minister of that power which had treated him with obloquy and indignity, was a course calculated neither to obtain the present respect of the people of that country, nor its future forbearance. It was inconsistent with the dignity of this country and of its foreign relations, and would be regarded by the people of America as the act of a Minister who had neither the heart to atone for an offence nor the spirit to resent an indignity. It would not do to say that Mr. Crampton had been dismissed because he had not been acceptable to the taste of the people of America. He had not been dismissed upon any such grounds, or from any fastidious fancy or caprice. The gravest allegations were brought against Mr. Crampton's character and conduct, and it concerned the honour of the country that inquiry should be made into the truth of those allegations, and that the House of Commons should pronounce such a verdict as would prove to the people of America and the nations of the world that, whatever blunders our diplomatists or Cabinets might make, the people of this country were not responsible for them. The House of Commons was, he thought, bound to pronounce an opinion upon this most important matter, and unquestionably, whenever the forms of the House allowed, he would bring the subject before them.

## APPELLATE JURISDICTION BILL.

**Lord JOHN RUSSELL**: There is one question, Sir, which was mentioned in an early part of this discussion, upon which I cannot help saying a few words; I refer to the Appellate Jurisdiction Bill. My noble Friend (Lord Palmerston) said, that a very early day would be appointed for this Bill, but he said there were other Bills which it was necessary to consider before that Bill. Now, it would be a very serious evil if a Bill of that great importance should be passed at a very late period of the Session, and it would be a matter of reproach to us if it did not receive full consideration. My noble Friend says that the present exercise of the appellate jurisdiction of the Lords is not satisfactory. The Government are bound to show why that jurisdiction which has been so long exercised by the House of Lords, and so jealously guarded by that House, fails all at once, and why they propose to take it away. In the next place, this Bill affects the prerogative, for it surrenders, limits, and restricts one of the most important prerogatives of the Crown, namely, the creation of Peers for life. In the third place, if this Bill passes it will deeply affect the independence of the bench. I hope, therefore, that there will be no delay in bringing this Bill before the House, and that the House will have an early opportunity of discussing the subject in all its important bearings before it is asked to affirm the principles of the Bill on a second reading.

MR. MALINS said, that without expressing any opinion on the principle of the Bill he felt bound to say that it was absolutely necessary something should be done on the question. Such was the imperative necessity of something being done, that he had only to say that appeals from several of the Judges had been heard by the Lord Chancellor sitting alone; and that happened from the fact of one noble and learned Lord (Lord St. Leonards) declining to attend. Lord Lyndhurst, from his advanced age, had every right to decline attendance, and Lord Brougham, he was sorry to say, was unable to attend in consequence of ill-health, the Lord Chancellor, therefore, had to hear appeals sitting alone. To his mind, the Bill had many points that were most unsatisfactory, but he only rose to bear his testimony that something should be done at once, and to express a hope that the Government would not allow the question to be postponed.

Motion for the adjournment of the House till *Monday* was then *agreed to.*

## SITE OF THE NATIONAL GALLERY.

On the Motion that the House resolve itself into Committee of Supply,

LORD ELCHO said, he rose in pursuance of notice to submit a Motion for the issue of a Royal Commission to determine the site of the New National Gallery. He was compelled to ask the indulgence of the House on the ground that he was still an invalid, and he must also state that he was in the anomalous position of being unable to vote for his own Motion, as, with the view of going abroad, he had paired off with an hon. Member for the remainder of the Session. Questions of this nature did not generally excite much interest or attention, but the subject to which he wished to draw attention was one of considerable importance, as upon its determination would depend whether a large sum of the public money was to be laid out providently or improvidently. He would first explain his reasons for bringing forward a Motion on this subject. By a Bill now before Parliament, called the National Gallery Site Bill, the House were called upon to affirm the proposition that the site of the National Gallery should be fixed at Kensington Gore. That Bill would have passed a second reading some time since had it not been for the watchfulness and perseverance of a few hon. Members who objected to the site proposed. Now, he was not prepared, and many other hon. Gentlemen were not prepared, to vote upon that proposition one way or the other. He had given notice of the present Motion because he thought the question required further investigation, and would be more properly brought before the House in that form than by the Bill; and he had to thank the noble Lord at the head of the Government for the courtesy with which he had postponed the second reading of the Bill until the Motion had been disposed of. The Motion naturally divided itself into two parts, as it raised the questions, first, whether a Royal Commission should be issued to determine the site of the National Gallery, and, secondly, whether that Royal Commission, if issued, should likewise consider the desirableness of combining with the National Gallery the fine art and archæological collections of the British Museum? The question as to the site was a very simple one—were the House prepared, without any further inquiry, to vote for the removal of the National Gallery to Kensington Gore. He for one certainly was not prepared so to vote. One reason why delay was imperative was the great difference of opinion upon the question which existed both in and out of that House. Some Gentlemen were anxious at all price, at all hazard, to remove the National Gallery to Kensington Gore; others thought that, of all situations which could be selected for a National Gallery, Kensington Gore was the worst; others, again, said that, if Kensington Gore was the only alternative, its removal there might, perhaps, be desirable; and that was the view taken by the Committee of 1853; and another class thought that, from the commanding and central position which the National Gallery now occupied, it ought not to be removed.

Various arguments would no doubt be brought against his Motion by the right hon. Gentleman the Chancellor of the Exchequer. He had heard it argued in the first place, that Parliament was committed to the site of Kensington Gore by the Vote of £150,000 for the purchase of the ground which had been moved by the right hon. Gentleman opposite (Mr. Disraeli), when Chancellor of the Exchequer; in the second place, it was asked what was the use of further inquiry when there had been Commissions and Committees on the subject without end? Thirdly, it was said that the Committee of 1853 had determined upon accepting the site of Kensington Gore by a Resolution embodied in their Report. With regard to the first objection, having carefully looked through all the discussions which had taken place on the subject, he thought that Parliament was in no way committed upon the question of the site. When the right hon. Gentleman (Mr. Disraeli) in an able speech explained his scheme, although he shadowed forth a National Gallery as one of the purposes to which the ground might be put, nothing specific was determined. On that occasion the late Mr. Hume objected to the removal of the National Gallery from its present central position, although he cordially approved of the industrial scheme proposed to be carried out at Kensington Gore. He (Lord Elcho) must here disclaim any intention to interfere with the industrial scheme proposed by the Royal Commission of 1851, of which Prince Albert was the able and active head, a scheme proposed in consequence of the deficiency of this country in the arts of design as applied to manufactures. The hon. Member for North Warwickshire, as well as Mr. Hume, raised his voice on the occasion to which he had referred against the removal of the National Gallery, so that nothing had then passed to commit the House. In 1854 the question was again brought before Parliament, as it was found that £27,500 beyond the sum already voted was required, and then an hon. Friend of his, now on the Treasury bench, whose vote he was afraid would not now be given to him, but whose sympathies he knew were with him, he meant the hon. Member for Poole (Mr. D. Seymour), objected to money being voted for the removal of the National Gallery, and said, he (Lord Elcho) distinctly remembered that no pledge had been given on the part of the House that it should be removed. Therefore it was quite clear that they were in no way pledged or committed upon the subject. With regard to the second objection he had mentioned, he certainly admitted that a number of inquiries had taken place, for there had been no less than two Commissions (appointed by the Treasury) and five Committees. The Commission of 1850 inquired into the state of the pictures, and recommended, in consequence of the dust and dirt accumulated on them, that they should be covered with glass. The Commission of 1851, of which the present Duke of Somerset was a Member, reported in favour of one of two sites in Kensington Gardens—one, the end of the walk near the Bayswater Road; the other, the paddock, near Kensington Palace. The first Committee was appointed in 1836, but that only considered the question of the occupation of part of the building by the Royal Academy. There had always been something unfortunate about the National Gallery, it had been a ricketty child from its birth, for no sooner was it erected than a question arose as to its occupation, and a great part of it had always been occupied by the Royal Academy. The next Committee, which sat in 1841, merely inquired into the number of visitors to the gallery. The Committee of 1850, although they thought the site not as advantageous as it might be for the preservation of the pictures, could make no recommendation on the subject in ignorance of the site to which it was proposed to be removed. In 1847 and 1848 a Committee sat, of which the late Sir Robert Peel, the Earl of Carlisle, the noble Lord the Member for London (Lord J. Russell), and other distinguished men were members, and they came to the unanimous decision that the National Gallery ought not to be removed from its present site. The result of the various inquiries was not conclusive or satisfactory. Indeed, the Reports on the subject were most contradictory. He now came to the Committee of 1853, and he imagined that it was to carry out the views of that Committee that the Government now proposed to remove the National Gallery to Kensington Gore. He was quite ready to admit that that Committee came to a Resolution accepting the site of Kensington Gore for the National Gallery, but it was merely on the idea that there was no other alternative, and the Resolution to that effect was only carried by a majority of one. A paragraph inserted in the Report for removing the National Gallery to

Kensington Gore was, undoubtedly, carried by six against five, but if the substantive motion had not been carried by a majority of one the Committee would not have affirmed the acceptance of the site. He was in the minority, and he was supported by the hon. Member for the University of Dublin (Mr. G. A. Hamilton) who was the financial secretary of the right hon. Gentleman opposite (Mr. Disraeli) at the time when the decision was arrived at. He was also supported in the minority by the late Sir William Molesworth, and he thought that all that he had stated showed that the opinion of the Committee on this subject was anything but unanimous, and that too much weight must not be attached to a decision accepting the Kensington Gore site as the only alternative. The Chairman of the Committee on the occasion was Colonel Mure then Member for Renfrewshire, and there was no doubt that if he had had occasion to give a casting vote on the subject he would have voted against the Kensington Gore site, for he drew up a draught Report condemning it. He (Lord Elcho) therefore could not help thinking that the case of those who based their views in favour of the removal of the National Gallery to Kensington Gore on the Report of that Committee was not very strongly supported. The Committee, he repeated, adopted the Kensington Gore site because they believed there was no other alternative, but if hon. Members looked over the Parliamentary papers and documents they would find that not less than thirteen other sites were suggested as available or desirable for the National Gallery. It was not, therefore, on the supposed want of alternatives that the House was obliged to adopt the proposed site. Those were the reasons which induced him to desire that there should be some further inquiry to determine the site of the new National Gallery. But besides this there was a larger and wider question, to which he should shortly call the attention of the House—namely, whether it would not be desirable to combine with the new National Gallery the fine art and archæological collections at present in the British Museum. The subject had frequently engaged the attention of Parliament, and it would, no doubt, be in the recollection of the noble Member for London (Lord J. Russell), who moved the Vote in Supply for the British Museum, that the question as to what should be done with the collections in the British Museum was more or less brought before the House. The right hon. Gentleman opposite (Mr. Disraeli) when Chancellor of the Exchequer, gave what was a true account of the origin of the difficulties connected with the collections in the Museum. Since those collections, formed by Sir Hans Sloane, came into the possession of the nation continual additions had been made to them, until the Museum had become a perfect Noah's ark, containing birds, beasts, fishes, and other things, arranged without system, while each department appeared to be in a state of chronic congestion. He was told that two cases which had arrived from Edinburgh must remain in the cellars along with a hundred others, and that when a new bull came from Nineveh a stable was obliged to be built for it in some out-of-the-way place. With regard to books, however, he was told by Mr. Panizzi that in consequence of the Vote of £140,000 for a new reading-room there was space for £1,500,000 volumes. The Committee of 1853 were in favour of combining with the new National Gallery, the fine art and archæological collections of the British Museum. Now, assuredly if the collections were to be moved, they must be moved as a whole. When the question came before the Committee of 1853 he had hesitated to give an opinion upon it, and he had moved to recommend the appointment of a Commission on the subject. The eleventh Resolution of the Committee was to that effect. He was happy to say that in this proposition for the appointment of a Commission he had the concurrence of Lord Ellesmere, whose opinion on such subjects was entitled to the greatest weight, and with the permission of the House, he would read a letter from that nobleman:—

> "My dear Elcho,—Our conversation, yesterday, set me thinking, and the result of my reflections is that the time is arrived when the whole subject is ripe for the consideration of a Commission, but not for immediate action. There are many questions which seem to me to deserve mature consideration before a brick is laid for a National Gallery, or for any permanent building. The said National Gallery is the pivot round which all these questions may naturally be made to turn.
>
> "There are at least two primary points respecting which rational men may, and probably do, differ. What will you put into it? and, where will you place it? The settlement of the first may much influence the decision on the second. Will you confine it to a place of exhibition for the choice collection of old masters now in Trafalgar Square, and its contingent accessions of the same kind, which may be considerable, but will never

be enormous, *i.e.*, if anything like a high standard of merit is to be preserved? Will you adjoin to it the proposed portrait gallery, drawings, &c.?

"Sculpture? If so, will you make any distinction between works of excellence as models in an artistic sense, and those in which antiquarian and historic considerations predominate—between Greece and Rome, and Egypt and Nineveh?

"Will you relieve the Museum at all, either in this way, or by removing to some cheaper (?), but better lighted and more suitable building, the natural history, or any special branch of the same, such as fossil bones?

"Having seen your way through these questions, will you keep your gallery where it is, lodging the academy elsewhere, or move it? To Kensington Palace? To Gore House site? To the Botanic Gardens, Regent's Park?

"I do not think there is one of these questions which does not deserve consideration, and which has, as yet, sufficiently received it.

"Move for a Commission.

"Yours,
"EGERTON ELLESMERE."

The question of site depended not only upon whether it should be determined to combine our collections, but on the manner in which that was to be carried out; whether it was to be done in a handsome manner, worthy of the arts, or whether it was to be done economically. It might be done in such a manner, he apprehended, as to keep both considerations in view. He had had considerable delicacy in mentioning Kensington Palace as a site, because that was a Royal residence, and he spoke in utter ignorance of the intentions or wishes of Her Majesty with regard to it. It must be remembered, however, that the gardens of Kensington Palace were now open to the public, and the privacy of the palace as a Royal residence was therefore destroyed. In the time of William the Third and the early Georges the gardens were closed to the public except on Saturdays, but gradually they had become perfectly free. Still, if it were determined to erect on that site a palace worthy of the arts it would not preclude Her Majesty, or any future Sovereign who might feel so disposed, from erecting a Royal residence in close connection with the gallery. That was the case in Paris, in Berlin, and in Florence; and there would be this great advantage, that on State occasions the two might be thrown together, as was done with the Tuileries and the Louvre Gallery, so as to form one magnificent suite of rooms. If Her Majesty should consent to such a sacrifice as giving up Kensington Palace for the benefit of the public, sure he was that Parliament and the country would be ready to offer any equivalent which Her Majesty at any future time might desire. Another way in which it had been suggested that this combination could be carried out was to give Burlington House to the Prince of Wales, to clear away St. James's Palace and Marlborough House, which would give a frontage of 1,100 feet, and there to erect a National Gallery in connection with a new suite of Royal reception-rooms, which hon. Members were well aware were very much needed. Whitehall had also been mentioned as possessing capabilities for a National Gallery. Another site was that of Kensington Gore, where, although there was ample room in the lower part of the ground, the frontage was somewhat restricted, and where no one who had given attention to this matter believed that there could be erected a building which would be an ornament to the metropolis. Immediately in front of this site there were two parallel dusty roads, and the low ground behind looked towards Brompton and parts of London little frequented except by those who were in the habit of going to Cremorne Gardens. There was was one plan by which the proposed combination might be both satisfactorily and economically carried out. He had already referred to the crowded state of the British Museum. Now, if they sent the botanical collection at the British Museum to Kew, that of zoology to the Zoological Gardens, and the minerals and fossils to Burlington Gardens, where it would be in close vicinity to the learned societies, which were, he understood, to be lodged in Burlington House, and in the immediate neighbourhood of the Geological Museum in Jermyn Street, there would then be in the British Museum three sides of the quadrangle for the reception of paintings and sculpture, a space greater than this country was at all likely to require. It would be desirable, therefore, in order that all these questions might be set at rest, that there should be a Commission appointed. If that Commission should report against the desirableness of combining the various collections, he, for one, should be opposed to the removal of the National Gallery from its present site. A great deal had been said of the extent to which the pictures in that collection suffered from dirt and dust; but in that respect they were no worse off than were the various private collections in the heart of London, such as those of the Duke of Northumberland, Lord Ellesmere, the Marquess of Westminster, the late Mr. Rogers, Mr.

Hope, and various others. He believed that the pictures might, to a great extent, be protected against these evils by improved ventilation, by the use of doors to check the entrance of dust, which had only lately been introduced into the National Gallery—and which, by the bye, when he went there the other day, he found carefully tied open—and by covering the pictures with glass. He was himself one of the majority of ten to one which voted for the removal of the National Gallery; but he voted for that removal only with a view to the combination of the collections, such as was to be found at Paris, St. Petersburg, Berlin, Naples, Florence, and other continental cities. If that scheme were not carried out he should be very much tempted to keep the National Gallery where it was. The Committee of 1847 and 1848 said in their Report, which was drawn up by Lord Carlisle, the Chairman—

> "After careful deliberation, they unanimously concurred in the opinion that, taking into account the commanding nature of the site occupied by the present building, to which it would, perhaps, be difficult to find a parallel in our own or any other capital; its accessibility and nearness to the chief thoroughfares and centres of business, which are fed by what has been described in a well-known phrase as 'the fullest tide of human existence;' the aids to economy which, without sacrificing the beauty of effect which a new front and additional height may confer on the structure, would be furnished by the rare circumstance of only one ornamental front being rendered necessary from the disposition of the ground, and by the means which are at hand for making use of the whole of the present interior, due regard being paid to the convenience of the Royal Academy in procuring suitable accommodation elsewhere; the space for further enlargement which, in the process of time, and concurrently with the exigencies of the collection might be supplied by occupying the uncovered ground now in the occupation of public establishments in the rear of the present buildings; for all these reasons your Committee would recommend that whenever it is undertaken the enlarged and improved National Gallery should be on the same site as at present."

Another point on which it was essential that the House should be informed was, what were the intentions of the Government as to disposing of the present National Gallery, and as to the accommodation of the Royal Academy. If that society were to be permanently lodged at the national expense, it became a question whether there ought not to be an inquiry how far it fulfilled the objects for which it was established, and a decision ought to be come to as to whether it should be a self-elected or a representative body, or whether its members should be nominated by the Crown. He was convinced that the best way of dealing with this question would be by the issue of a Royal Commission; but at least he hoped that the House would not assent to the Bill for marking out the site of the National Gallery, which was the next order on the paper. Either that Bill was premature, or there was something behind it of which the House was not aware. Unless the Government had plans and everything ready they could not mark out the site, and if they had such plans prepared the House ought to see them. In reference to the production of plans he confidently anticipated the support of the right hon. Gentleman opposite (Mr. Disraeli), who, in supporting the vote of £150,000 for the purchase of the land, said that all further plans must be submitted to the House, which would not, he was certain, consent to the erection of any building without a very rigid scrutiny into all the arrangements, and without taking care that all the talent of the country should be brought into competition. With reference to this public competition, he (Lord Elcho) was of opinion that designs ought to be received from the whole civilised world, and that they ought to be publicly exhibited. If such a plan were pursued we should not be likely to make such mistakes as we had hitherto done, and instances of which were to be found in the statue of the Duke of Wellington, placed in a position in the like of which no statue ever before found itself, the front of Buckingham Palace, which needed repairs almost before it was completed, which, finally, required to be painted, and which now looked as if it was stucco instead of stone. Then there was the National Gallery, and the fountains in Trafalgar Square, which gave to foreigners the impression that these things could not be managed except under a Government having somewhat of a despotic character. It, therefore, behoved the House to take care that in this instance no similar mistake should be made. He was not prepared to admit that the country which had produced a Reynolds and a Wren was wholly destitute of a taste for the fine arts, and he trusted that the Government would refrain from coming to any hasty decision on this matter by acceding to the Motion which he ventured to submit to the House.

Amendment proposed, to leave out from

the word "That" to the end of the Question, in order to add the words—

> "An humble Address be presented to Her Majesty, praying Her Majesty to be graciously pleased to issue a Royal Commission to determine the site of the new National Gallery, and to report on the desirableness of combining with it the Fine Art and Archæological Collections of the British Museum, in accordance with the recommendation of the Select Committee on the National Gallery in 1853," instead thereof.

Mr. MONCKTON MILNES said, as a member of the Committee which reported in favour of accepting the proposal of the Commissioners of the Royal Exhibition, to erect at Kensington Gore a building to contain the works of art which were to be transferred from Trafalgar Square and other places, he perhaps might be permitted to explain to the House the reasons which then actuated him, and the reasons which induced him still to adhere to his former opinion. He thought that his noble Friend had allowed his imagination to run wild, and, indulging in every conceivable supposition, had sketched out a magnificent edifice for the fine arts, the basis of which rested on his own prolific invention, while its completion was not likely to be realised during the life of any man among them. Beginning with the hypothetical surrender on the part of Her Majesty of two of her ancestral palaces for the purposes of a National Gallery, the noble Lord went on to fill up a large portion of one of those parks which the inhabitants of the metropolis so highly valued; and, not content with these extensive projects, he must needs also knock down a portion of Pall Mall, with a view to the erection of his imaginary structure. It was obvious that, unless they dealt in a less fanciful spirit with the question, they could never hope to arrive at any practical decision upon it. The scheme of the Government appeared to possess many advantages, the foremost of which was the removal of the pictures contained in the National Gallery from the existing building. His noble Friend had slurred over the consideration of the damage done to the pictures by their retention in their present position, alleging that they were no more liable to injury than the paintings at Northumberland House, and in other private collections similarly situated. But it should be borne in mind that the uniform testimony of the witnesses examined before the Committee, of which both his noble Friend and himself had the honour to be members, went to show that there was no analogy in this respect between a private gallery and a public exhibition. The evidence of Mr. Dyce especially met this argument of his noble Friend, and it must be obvious to every one that a place of public resort, with its exigencies of ventilation and the other arrangements requisite for a crowd of visitors, could not be included in the same category with a private gallery, the pictures of which were exposed to comparatively slight deterioration. He had the highest respect for the authority of Lord Ellesmere, but when that distinguished nobleman said that the frequent inquiries which this subject had undergone only made it ripe for further investigation by a Commission, he (Mr. M. Milnes) must be permitted to remark that, if councils of that kind were to prevail, the present generation at least must give up all hope of seeing any practical result attained in this matter. In asking thus publicly for the concessions from the Crown which he had named, the noble Lord had adopted a course hardly consistent with constitutional precedent. Proposals as to concessions of that nature ought to be initiated by the responsible advisers of the Sovereign, for it was hardly consistent with the practice of that House to deal with the property of the Crown of its own accord. If the Government were inclined to substitute the proposal of the noble Lord to select Kensington Gardens, he should be delighted to accept the arrangement, but at present he thought he was precluded from taking it into consideration. He hoped the question was so far removed from difficulty, that it was agreed, by all lovers of art, that the pictures in the National Gallery must be removed if they wished them to be preserved. The pictures which Mr. Rogers had bequeathed to the nation had lost half of their charms since they had been hung up in those apartments. He was astonished to hear his noble Friend suggest, as a means of preserving the pictures from injury, that they should be covered with glass. It was well known that by interposing such a medium between the spectator and the productions of the painter's genius the beauty of such works of art was materially diminished. No one who had visited the splendid gallery at Dresden, and gazed on the magnificent picture by Raphael which adorned it, and which was covered with glass, could for a moment doubt the truth of his assertion. He did not think Kensington Gore was too remote a site for the National Gallery. That situation, while it would be sufficiently removed from the crowded parts of the metropolis, would yet be within easy walking distance from them. He would not, however, object to the appointment of another Commission to examine into the subject if he thought it would lead to any more definite conclusion than had followed the series of inquiries which preceded it. But the proposed Commission would be just as much at sea as those that had gone before—it would have ten or a dozen different sites placed before it, from which it would have to choose one. The scheme proposed by the Government possessed certain definite advantages, one of which was its cheapness. The Great Exhibition had proved so remunerative that the Commissioners, under the superintendence of Prince Albert, had been enabled to make the country a magnificent gift of one-half the land necessary for a site. He did not agree with his noble Friend in the opinion that the locality was a disadvantageous one, but, on the contrary, it possessed this important advantage, that it was expansive. The frontage might be narrow, but there was a large extent of ground in the rear which would afford opportunities for enlarging the building, if it should be thought desirable to do so, to such an extent as to realise his noble Friend's expectations, and to render it a fit receptacle, not only for the pictures, but for all the works of art belonging to the nation. The military authorities had refused to give up the barracks at the back of the National Gallery, and it was therefore impossible the present building could be extended, and the objection of want of room for expansion would equally apply to the suggested site in Pall Mall. The advantage of expansion would of course be obtained if a building were erected in any of the parks. He remembered that the late Sir Robert Peel contemplated the erection of a splendid building in Hyde Park, which should contain all the national treasures of art; but that hope was entertained in those legendary days when there was an annual surplus in the Exchequer, and it was impossible to say when the country would be restored to the same fortunate position. His noble Friend had said that the opinions of the Committee were much divided on the subject, and that might have been the case before the question was discussed; but after prolonged discussions and repeated divisions his (Mr. M. Milnes's) Motion that the proposition of the Commissioners should be adopted was agreed to without an opposing voice. He contended, then, that the Government were fairly justified in supposing that the question was to a certain degree concluded, and in acting upon that decision to the extent they had done. The question of the division of the collections in the British Museum still remained, and on that point he was much inclined to agree with his noble Friend. The present system was destructive at once of those collections themselves, and of the objects for which they were brought together.

THE CHANCELLOR OF THE EXCHEQUER: I think, Sir, that the House will agree that my noble Friend (Lord Elcho) has done good service by laying before them the ample and clear exposition of his views upon this subject, and by assisting them in the consideration of the question he has brought under their notice, not only by criticising the plan proposed by the Government, but also by submitting to them—with a candour for which I cannot sufficiently commend him—the various alternatives he recommends for their adoption in preference to the plan of Her Majesty's Government. We have not selected any one of those plans, but, unless some one of them should appear preferable to that adopted by the Government, I apprehend that the House will be prepared to accede to the proposition we have submitted to them. In approaching the examination of this question, I think the House will see that it resolves itself into two branches. The first question we have to consider is, whether the National Gallery shall or shall not be removed from its present position in Trafalgar Square. Upon that point I fully admit to my noble Friend that this House is perfectly free to come to any decision it may please. It is not precluded by any previous decision upon that subject; but, on the other hand, as the purchase of a part of the estate at Kensington Gore has been made—a purchase which originated with the right hon. Gentleman opposite (Mr. Disraeli)—and as this House voted a grant in augmentation of the purchase-money, I must say that I think the House at the time it made that grant contemplated its application to the purposes of a National Gallery. If hon. Gentlemen refer to the debates which took place at the time, I believe they will see, from the language used in proposing the grant, that such an application of it was within the distinct contemplation of the Government and of the House. For my own part, after having given a most careful consideration to the subject, I must confess it seems to me that the arguments in favour of the removal of the National Gallery from its present position in Trafalgar Square greatly preponderate. It is true, as my noble Friend has stated, that the Commissions which have instituted inquiries on this subject have arrived at different conclusions; but the last and most complete inquiry was that of the Committee of 1853, of which Colonel Mure was the Chairman. That Committee investigated the subject with a full knowledge of the results of the inquiries of previous Commissions and Committees, and they came to a distinct Resolution in favour of the removal of the National Gallery from its present position, which they embodied in these words,—"That the site of the present National Gallery is not well adapted for the construction of a new gallery." Now, these words are perfectly unambiguous. They apply not only to the present gallery, but to any possible gallery that might be erected on the same site. I find, on referring to the account of the division, that ten members of the Committee voted for the Resolution which was moved by Lord Seymour, now Duke of Somerset, and the only Member who voted against it was the hon. Member for Salisbury (Mr. Baring Wall). Now, Sir, there can be nothing more distinct than the finding of the Committee on the removal of the gallery from Trafalgar Square. The grounds of that Resolution are, I think, quite satisfactory, and are borne out by the great preponderance of the testimony of competent witnesses. Almost all the witnesses examined before that Committee gave it as their opinion that the impurities of the atmosphere and other influences render that site very unfavourable to the preservation of pictures in a perfect state. Now, that might therefore be assumed to be a proposition which was incapable of being controverted. I quite concur in the remarks of my hon. Friend the Member for Pontefract (Mr. M. Milnes), that it shows the desperateness of the remedy my noble Friend proposes when he recommends the use of glass in front of the pictures. I can only say that if my noble Friend is reduced to the necessity of recommending that the pictures should be covered with glass, that is a practical admission that Trafalgar Square is unfitted for the site of a National Gallery. My noble Friend resorts to a somewhat inconsistent answer to this argument. He asks whether there are not many great collections of pictures in private houses in this metropolis, the circumstances of which in regard to situation are no better than Trafalgar Square. But it is to be observed that private gentlemen, whatever their income may be, have no option but to keep their pictures in their own houses. A private gentleman cannot afford to build a picture gallery at Kensington Gore. Where his house is, there must be his picture gallery; and if his house is not distant from the centre of the metropolis, his picture gallery must labour under the same disadvantages. If the nation had no other alternative, my noble Friend's argument would be conclusive, but as it is, this argument appears to me to be wholly irrelevant. Well, Sir, that being the case, the House will, I think, come to the conclusion that the weight of reasoning and authority is in favour of removing the National Gallery from Trafalgar Square. I am quite aware of the fondness of this House for inquiry. But still, in my opinion, there ought to be some limit to inquiry. We cannot be always delegating our judgment to Committees and Commissions, and if hon. Members will refer to Reports and documents which they will find upon their tables, and if they will go through the necessary process of examining the evidence which they already possess, they will be as capable to judge for themselves upon this question as they ever can be if the House appoint a series of Committees and Commissions for ten years to come. I think the House may come to a conclusion without further delegation or inquiry in favour of removing the pictures from Trafalgar Square to some spot in the vicinity of the metropolis in which a purer atmosphere prevailed. Supposing that question decided, the next question—and what I admit to be the chief difficulty—is, whether the site of Kensington Gore is preferable to any other. If I satisfy the House that that site is decidedly preferable to any other site that has been suggested by my noble Friend—and I cannot complain that he has not suggested sufficient—the House will, I trust, not hesitate to vote in favour of a second reading of the Bill which stands upon the Orders for to-night. Let me state the principal reasons for selecting the site at Kensington Gore. Now, the first consideration, which my noble Friend passed over lightly, and which I fear, from some portions of his speech, is but a slight consideration with him, but which, looking particularly to the office I hold, appears to me of some importance—is the consideration of expense. The site which is offered to the country is a site of which half the expense has already been defrayed by funds not paid out of the Exchequer, but offered and tendered by the Commissioners of the Exhibition of 1851. The estate at Kensington Gore consists of eighty-six acres. These eighty-six acres cost £342,000. Of that sum £177,000 was paid by the Government, but the remaining £165,000, or nearly one-half, was paid by the Commissioners of the Exhibition of 1851 out of the residue of the receipts of that great undertaking. The value of the site is certainly greater now than it was when the purchase was made, and from the progress of building westward the House will perceive that it must receive an annually increasing value. The nation may therefore consider that it has made an advantageous bargain with the Commissioners in accepting that site to be applied to public purposes. The National Gallery Bill, which now stands for second reading, will enable the Government to take from the Commissioners of 1851 so much land from that estate as shall be required for the purposes of the site of a National Gallery. The Bill does not go beyond the acceptance of half their share of the estate, which it vests absolutely in the Commissioners of Woods; but it does not pledge the House to the grant of any specific sum of money or a specific plan in accordance with which it is to be constructed. It accepts a portion of that land for a site of the National Gallery, and it vests that site absolutely in the Government. Well, Sir, that being the state of the case as to the cost of the site, I cannot understand what doubt hon. Gentlemen can have, or what ground there can be for the opinion that the locality which has been selected is not admirably adapted for a National Gallery, provided we come to the conclusion that it ought to be taken out of the centre of the streets, and placed on the edge and outskirts of the town. With regard to distance, it is close to the spot on which the great Exhibition of 1851 stood, and we know from the crowds that flocked to that Exhibition that the distance is not so great as to prevent persons who are desirous of seeing the pictures from accomplishing the distance. Then, the number of acres upon this estate offers ample room for the construction of a building of the size required for a National Gallery. It also admits of additions in future years, if it should be the pleasure of Parliament to make additions hereafter to such a gallery for other purposes, and, although the frontage of the estate in the Kensington-road is narrower than the width of the estate behind, yet the frontage will be fully sufficient for the purposes of a National Gallery, and there is in the breadth of the site ample space for the construction of a splendid and ornamental building. My noble Friend indulged in a remark that, I cannot avoid saying, astonished me. My noble Friend talked of the Brompton marshes, and said that the lower part of the estate was a swamp and a marsh. Now, I have had some local acquaintance with this part of town, and I should as soon expect to hear the sands of Arabia described as a marsh or a swamp as the district in question. I think my noble Friend must be aware that Brompton has been long celebrated for the salubrity of its air. Before the town had spread to its present extent our ancestors used to send their sick relations to Brompton for their health. My noble Friend no doubt remembers that at no great distance from the site of the proposed National Gallery stands the hospital for consumptive patients, which no doubt was chosen by medical men for its remarkable healthiness. Another class of persons reside there who are considered to be very nice in their choice of a situation. It is said that wherever you see a convent you may be sure that the founders have selected an advantageous site. Now, the Oratorians belonging to the Church of Rome have built a large establishment on the very edge of my noble Friend's swamp, and any person who visits that site will see the building of the Oratorians occupying a very conspicuous situation. The more the subject comes to be examined the more, in my opinion, it will be found that this large estate at Kensington Gore, whether we regard it on the score of expense, extent, or situation, offers the most eligible site for the new National Gallery. I do not ask the House to take that on my statement. I will follow my noble Friend through the long list of alternatives that he proposes. He has said that there are not less than three—I am not sure that he did not say four—different sites in Kensington Gardens. First and foremost, my noble Friend proposes to pull down Kensington Palace, and to build a National Gallery on its site. Now, considering that there is a great deal of vacant land in the neighbourhood of the metropolis which is admirably situated for such a purpose, it does seem to me to be a strange and wanton choice that my noble Friend should select the site of an existing building in order to construct a new one, and that he should insist upon pulling down an edifice, which may not, indeed, be remarkably beautiful, but which is still an imposing and extensive pile, and to replace which, if it were demolished, would involve the outlay of a very considerable sum of money. My noble Friend treats such a building, which has stood for so long a period, and which was erected at a great cost, as if it were a mere cottage or a hut to be swept away at will. One word with regard to the very summary way in which my noble Friend deals with the property of the Crown. He seems to assume that the property of the Crown is the property of the public, whereas he must know that it is only ceded for the life of the present Sovereign, and that, when the nation takes for any purpose Crown property, it is bound to purchase it in the same manner as if it were the property of a private individual. That occurred last year with respect to a portion of the vacant ground near Downing Street; and, if my noble Friend takes possession in a summary manner of Kensington Palace, he must purchase it from the Crown. The cost at which that purchase could be effected is not not a matter altogether free from doubt, but it is quite clear that before my noble Friend would be in possession of the site on which his new National Gallery is to be erected he would have a very large sum to advance to the crown. That I consider to be a most formidable objection to one of the plans of my noble Friend. Then, he has other plans of cutting out parts of Kensington Gardens, and making roads and approaches through the gardens to his National Gallery, for no other purpose that I can see which would not be answered by adopting the site proposed by the Government, which is only on the other side of the road, and is nearer to the metropolis. Really, after all that we have heard of the sanctity of the parks, and remembering how much was said upon the erection of the Great Exhibition building of 1851, for a temporary purpose, I am lost in astonishment at the very quiet manner in which my noble Friend proposes to appropriate a large portion of Kensington Gardens in order to erect a new National Gallery. I think that precisely the same objections apply to his plan of building a National Gallery in different parts of Hyde Park; for my firm conviction is, that if the Government had acted upon the advice of my noble Friend, and had proposed a plan for building the National Gallery in the centre of Hyde Park, they would have gone into the division lobby with scarcely a single Member to follow them. My noble Friend then says, "Sweep away St. James's Palace; sweep away Marlborough House, and erect a row of buildings which shall combine under the same roof a National Gallery and reception rooms for levees and drawing-rooms." Now, Sir, I am very much at a loss to know what reason there can be for combining two such dissimilar objects under one roof. I must say, that this plan, including as it does a proposition to shut up the road which the House only a few nights ago determined to open, appears to me to be more extravagant even, and less likely to be acceptable to the House, than the other plans which my noble Friend has proposed. At present the national Gallery stands at one end of Pall Mall, and we are told that the smoke and dust wholly unfit the site for the purpose of a National Gallery. Well, my noble Friend says, "Go to an enormous expense and build the National Gallery at the other end of Pall Mall, at the bottom of St. James's Street." Now, Sir, I cannot understand what object is to be gained by that small change of positions, and how it remedies the objection to the present gallery on account of the preservation of the pictures, it surpasses my comprehension to perceive. Indeed, I agree with the conclusion at which my noble Friend arrived towards the close of his speech, that if we are to have no other alternative than the transfer of the National Gallery from Trafalgar Square to St. James's Palace, it would be infinitely preferable to leave it where it is. Here, again, my noble Friend deals not only with the property of the Crown, but also with the property of the Prince of Wales, in what I certainly consider a somewhat unceremonious manner. As far as I understand, Marlborough House was purchased for the Prince of Wales, and was appropriated, with the assent of Parliament, to his use when he came of age. It is at present, I believe, vested in trustees for his benefit. Now, without the smallest communication with any person, my noble

Friend proposes to take that property and to transfer the Prince of Wales, as if he were a picture or a statue in a gallery, from Marlborough House to Burlington House, without his having any reason to know that such a transfer would be acceptable. I am at a loss to conceive what benefit could, under any circumstances, be derived from such a change of position, of the expense involved in which my noble Friend seems to take such little account. I must warn the House that persons who make propositions upon these subjects without the wholesome fear of the "Estimates" before their eyes, and who are not in the position of responsible Members of the Government, deal with them with an exceedingly light and easy hand; and I would caution the House against accepting too readily such propositions as those of my noble Friend. My noble Friend mentioned one or two other sites, the exact situation of which I was not able to catch. One, I think, that he proposed was Whitehall.

Lord ELCHO: I did not propose those sites mentioned by the right hon. Gentleman, I only referred to them to show how many sites had been proposed, in order to prove the difference of opinion which prevailed, and the necessity that there was for further consideration.

The CHANCELLOR of the EXCHEQUER: Sir, if my noble Friend did not consider them worthy of the serious consideration of the House, I do not see what advantage there was in his mentioning them. He called upon the House to agree to an Address to Her Majesty for a Commission to determine whether those sites were not preferable to that which had deliberately been proposed by the Government; and I say that he has been trifling with the House, and merely wasting its time, if he did not propose those questions seriously to its consideration. However, with regard to the site of Whitehall, I am at a loss to know where he would place the National Gallery; and I think we may consider ourselves extremely fortunate that my noble Friend did not propose to eject the Houses of Lords and Commons from their present building, in order to appropriate it to the purpose of a National Gallery. Let us look now for a moment at the terms of the Motion. My noble Friend proposes that a Commission should be appointed "to determine the site of the new National Gallery, and to report on the desirableness of combining with it the Fine Art and Archæological Collections of the British Museum, in accordance with the recommendation of the Select Committee on the National Gallery in 1853." Now, Sir, I wish to call the attention of the House to the recommendation of that Committee. With respect to the appointment of a Commission, their recommendation was confined exclusively to the question of combining the various artistic and archæological collections now in the British Museum with those of the National Gallery. The Committee clearly recommended that the National Gallery should be removed from its present site, and on the whole they suggested the adoption of Kensington Gore for the site, although I must add that they did not do so without some hesitation and qualification. They said nothing, however, about any Commission upon the question of the site, and clearly they did not consider that any advantage was to be gained from a further inquiry into that question; because, having recommended one subject for the consideration of a Commission, they did not include that of the site, and *expressio unius, est exclusio alterius.* They did express their opinion that it would be desirable to have an inquiry into the question of removing the collections from the British Museum; but, in making a specific recommendation to that effect, they excluded the idea that they wished to make a similar recommendation with respect to a site. I do not charge my noble Friend with any want of candour; I merely regret his inattention to grammar, for anybody who reads his Resolution would suppose that the recommendation of the Committee applied to both those objects. My noble Friend said a great deal about the British Museum. I quite admit that it is a question well worthy the consideration of this House at some future time, when perhaps the Exchequer may be more overflowing than it is at present or is likely to be next year, whether it would not be advisable to take some steps for removing a portion of the collections from the British Museum. Let me, however, call the attention of the House to the state of that institution. The British Museum at present, with the addition which has recently been made, contains ample accommodation for the library and the reading-room, and for any extension of those departments which are likely to take place during the next century. But the Museum consists of two other departments, one of antiquities, the other of natural history—for which I cannot say that there is quite adequate space. Nevertheless, there is very considerable space, and if any one department were removed, a large portion of the Museum would be unoccupied. At present, therefore, there is no very strong reason for making the change referred to in the Report of the Committee. But it has been proposed to divide the collection of antiquities upon this principle—to leave in the Museum that portion of the collection which is interesting only on archæological grounds, and to combine with the National Gallery that portion which is interesting as works of art. My noble Friend, who is evidently familiar with the arguments upon that question, has referred to an able paper which appears as an appendix to the Report of the Committee—a paper written by Mr. Charles Newton, of the British Museum, and which I would strongly advise every Member of this House to read for himself. Whoever peruses that document will find, if he is not altogether convinced by it—which I confess myself to have been—that very serious objections exist to the project for dividing the collection of antiquities upon the principle which I have mentioned; and for the present, at all events, Her Majesty's Government are not prepared to entertain any such proposition. I admit, however, that the plan for removing some portions of the collection of the British Museum to other buildings is one which may reasonably be considered, although I do not approve the scheme proposed by my noble Friend for sending the zoological collection to the Zoological Gardens, which would be taking it out of the custody of the nation and handing it over to a private society. The same objection equally applies to his proposal to transfer the geological collection to the Geological Society. I am altogether adverse to any such arrangement. I would wish to keep the collections of natural history, now under the able superintendence of Professor Owen, not separately, but, if possible, in combination. Again, I must remind the House, that all propositions of this sort involve a large expenditure of money; and, unless the House is prepared to go to great expense for the purpose of providing buildings, I think it will scarcely be disposed to assume as a foregone conclusion that it has decided upon that step, and issue a Commission to inquire by what means it ought to be carried into effect. My noble Friend quoted, in support of his recommendations, a letter from the Earl of Ellesmere, which deservedly carried with it great weight, and I may take this opportunity of mentioning that, since the discussion which took place some time ago on the subject of a gallery of historical portraits, the noble Earl has presented to the Government, for the use of the nation, the picture known as the "Chandos portrait of Shakspeare." That munificent donation, I hope, may be regarded as a good omen for the commencement of a national historical portrait gallery. I fully admit the weight to which the Earl of Ellesmere's opinion is entitled, nor do I at all say that Her Majesty's Government would not be prepared at the proper season to issue a Commission to inquire into the expediency of making some alteration in the distribution of the collections now in the British Museum. They think, however, that no advantage would arise at the present moment from the issue of such a Commission, though they may may be prepared at the proper time to issue one; and they deem it desirable that a plain proposition should in the meantime be laid before the House, of which the first part is embodied in the Bill that now stands for a second reading, and the different portions of which I will now submit for your consideration. What the Government propose is, that this House should decide to remove the National Gallery from the present building in Trafalgar Square. They propose that the whole of that building should be assigned to the Royal Academy. It would be used during the season for exhibitions, and at all times as a school of art, and for the lectures which are delivered at the instance of the Royal Academy, and for which the present accommodation, during the period of the exhibitions, is insufficient. The trustees or governing body of the Royal Academy have at their disposal a considerable sum of money, and in the event of this House deciding to give them the use of the entire building, they would be prepared to expend a large portion of that fund in putting a new *façade* to the edifice, and thus greatly improve its architectural appearance. With regard to the site of the new National Gallery, all we propose at present is, that the nation should consent to take from the Exhibition Commissioners a half or some part of the ground which they possess at Kensington Gore. As to the plans of the building, it would be nugatory for the Government to cause plans to be made, to ask for tenders, or to frame estimates, until Parliament has decided the material question, whether the site at Kensington Gore should or should not be devoted to the construction of a National Gallery. If by passing the Bill, to which I have already referred, Parliament should decide that preliminary question, Her Majesty's Government would be prepared to take the necessary steps for obtaining by the most ample competition—by a competition not limited to England, but extended to foreign countries—plans made according to certain prescribed conditions. We do not intend, in the first instance, to go beyond the erection of a national gallery of pictures. I must not omit to mention that the main objection to the present site is, not the impurities of the atmosphere, but the narrowness of the space. The space is insufficient for a National Gallery, and besides, does not admit of extension; whereas, the proposed site admits of a gallery of unlimited extension, and on that account it has strong recommendations. When the plans have been received, we shall submit them, if thought desirable, to a Committee, and when one has been selected we shall cause estimates to be prepared, and the whole matter to be laid before the House in the most distinct manner. It appears to me that in this way the House will be able, with the greatest satisfaction to itself, to come to a decision on the subject. But I hope they will agree with me that it would be a mere waste of time and labour to refer such a matter as the selection of a site to the investigation of a Commission. Suppose, for instance, a Commission were to come to a conclusion in favour of some one of the numerous sites suggested by my noble Friend, when their recommendation had to be acted upon, it would perhaps be found that there were insuperable objections to the obtaining of such a site. This is a question which is not merely one of abstract speculation; it is a question which can only be with advantage entrusted to the hands of a responsible Executive Government; and I trust that, after the explanations I have given, at a length which I am afraid has wearied the House, they will come without difficulty to a vote against the Resolution of my noble Friend and in favour of the second reading of the Bill to which I have more than once adverted.

MR. TITE said, that he regretted that the question of the site and the building to be erected on the site could not be taken up together and considered as one question. It appeared from the papers before the House that the Commissioners themselves were of the same opinion, for in the answer of their secretary, Mr. Bowring, they reserved to themselves the power of considering the appropriation of any site for which application might be made to them with reference to its requirements. It was with regret that he was forced, on consideration of the evidence contained in the Blue-book, to come to the conclusion thst the existing site of the National Gallery could not be maintained. He apprehended that no one, after reading the evidence which had been taken, could doubt the necessity of removing the pictures. The same necessity had occurred in Dresden, and from the same cause—the injury done to the pictures by smoke and dust; and at Dresden, also, some of the best pictures were protected by glass. The propriety of removal being admitted, the question arose, where could the gallery be best placed? He entirely agreed with what had fallen from the noble Lord, that the site of Kensington Palace would be the very best in London, if it could only be procured; and he would recommend the House to defer its decision on the subject until they should have had an opportunity of ascertaining whether there was any possibility of obtaining possession of that site. It was placed on high ground, was convenient to the two main roads leading out from that part of the metropolis, and its principal façade towards Kensington Gardens would command a position of great beauty. There was another site on the corresponding eminence in Hyde Park, and facing the same great avenue, which was well worthy the attention of the House. The Commission which sat upon this subject called in an eminent German architect, Baron von Klenze, architect and Privy Counsellor to the King of Bavaria. His Report, which appeared in the Blue-book in French, was the best *resumé* of the whole subject, but on the particular question of sites his attention was directed to two—the one at Kensington Gore, and the other in Hyde Park. On a comparison of the two he expressed a fear, with reference to Kensington Gore, that the whole of the low ground there would soon be covered with houses, thus rendering it undesirable for a picture gallery, and he thought that the ground in Hyde Park would be freer from that contingency. The noble Lord seemed to think that architectural beauty could not be obtained in any building erected at Kensington Gore, but in that he could not agree with him, for he thought that the ground there was sufficiently elevated and sufficiently well situated in other respects, to permit the erection of a building of great extent and great architectural beauty. The space proposed contained fifty acres; its height at the lower end was only twenty-four feet above high water and forty-four feet at the upper, whilst Kensington Palace was sixty-six feet above that level. He did not, however, think that it afforded in all respects a convenient site, inasmuch as there was not, at present at least, any commodious access from the northern parts of London, the only access being the distant one of Park Lane. Last year a Vote of £15,000 was taken to erect a temporary building on part of that land, and the other night the House voted £10,000 more. He must say that money had been very strangely expended. The most extraordinary building had been erected he ever saw. This was of course a matter of taste, but if gentlemen, while riding towards Rotten Row, would ride round in that direction, they would see such a piece of architecture as, he believed, they had never witnessed before. He wished the House to consider well what they were doing before they decided on the proposed new edifice. They were now embarking in an outlay of at least a million of money. Now, though no man would regret that such a sum should be devoted to artistic purposes, yet it should not be entered upon until the House understood what they were doing. They should have some precise understanding of what they were about. His opinion was, that they should construct a great Art Gallery, which should contain not only all the pictures belonging to the nation, but all the specimens of architecture and sculpture we possessed, and also the archæological department of the British Museum. Sooner or later it must come to that. He believed that if we were to confine our exertions at the commencement to the formation of a picture gallery, we should be imitating that short-sighted policy which had already led to so much waste of money and such a want of harmony and grandeur in the public works of this country. With regard to the competition for the building, he earnestly hoped that it would be a European competition. During the last few years there had been three such competitions, two in Hamburgh, and one in France; the latter for the cathedral of Lille, and every one of them, he was proud to be able to say, had been won by Englishmen. All wished that something creditable to the country should be produced in the present case, and he trusted the House would not proceed hastily in the matter, but that they would carefully consider it in all its details before they committed themselves to an irrevocable decision. The question could be taken up by the Board of Works, as to the total expenditure, and the Commission might determine what should go into the building they proposed to erect, and the site it should occupy. There was no necessity to hear any further evidence on the subject, but the evidence which had been adduced ought to be collated by some competent body of men who would come to a satisfactory conclusion. They might see, in the case of the very building in which they were then assembled, the unfortunate consequences of which a rash choice in the site of a great building might be productive. Every one gifted with artistic taste must admire the great architectural beauty of the new Houses of Parliament, but must at the same time regret that so fine an edifice had been raised on so low a site, just along the border of the river, where it was necessary to pull down a bridge in order to render it visible from one quarter. He believed they ought to receive a warning from that mistake not to fall into an error of a similar character, with reference to the selection of a site for the new Art Gallery.

MR. CUBITT said, he considered that the question which the House had to consider was what was the best site for a building for the preservation and enjoyment of works of art. Hyde Park the public would never consent to give up for such a purpose; the project could not be entertained for a single moment; the people would never submit to any diminution of the open spaces, even now too limitedly appropriated to the maintenance of public health. The decision then must be between the two other sites proposed, Kensington Gore and Kensington Palace. As to the latter, he doubted if they could get it; and with regard to the former, although the land was honestly worth the money that was paid for it, if it were abandoned he doubted whether they would ever realise that sum. We should in all probability continue to receive contributions, donations and bequests of works of art from time to time, if we had the means of exhibiting them and properly taking care of them. To provide a proper receptacle for such a purpose a large space would be requisite, and the question, as he had just stated, appeared to be as between Kensington Palace and Kensington Gore. If there were the same amount of available space at Kensington Palace as at Kensington Gore, he confessed he should prefer that. But it was not so, while at Kensington Gore there was ample ground for all the purposes of a National Gallery. Another point of consideration was the convenience of the public. He might call himself one of the working class. He should like much to go often to see what was worthy of being seen in works of art. He should like every day to go to the Crystal Palace, but he was sorry to say that so great was the pressure upon his time that he had only been able to go there once during the present year, and if the National Gallery were placed at Kensington he very much feared he should not be able to visit it more frequently. But he could very often, when passing down the Strand, call in at the National Gallery at Charing Cross, and look at the pictures and works of art there. At the same time, to obtain ground enough for such a building as would afford a suitable receptacle for the national collection of works of art for an empire like this at Charing Cross was impossible. But why should they not retain something at Charing Cross which persons like himself might visit when they had a few minutes or half an hour to spare, and have a large supplementary exhibition at Kensington Gore, where those who studied art, and those who were not artists, but were admirers of art, might go occasionally and find such a collection of the works of the best masters as should be worthy of the country? Under all the circumstances he gave his opinion in favour of the Kensington Gore site, but at the same time he hoped that the establishment at Charing Cross would not be abandoned. He thought that in conjunction with the Royal Academy, who, he understood, were most anxious to retain their present apartments, there would be no difficulty in arranging for the continuance of a National Gallery of art there as he had suggested.

MR. LABOUCHERE said, that having been a Member of the Committee of 1853, he was unwilling to give a silent vote upon the question. That Committee, coinciding with previous Commissions, came to the almost unanimous conclusion that it was most desirable that the collection of pictures in the National Gallery should be removed from their present situation to one where the air would be purer and the influences of the atmosphere less deleterious. With regard to the spot to which the removal was to take place there was, however, a great diversity of opinion. But, after a full inquiry, in which they were assisted by the results of the labours of former Committees and Commissions, and by the evidence of artists and of persons acquainted with the habits of the working classes of the metropolis, they came to the decided conclusion that the offer made to the public of acquiring, under very advantageous circumstances a portion of the ground possessed by the Commissioners for the Great Exhibition near Kensington Gore ought to be accepted, and that to that site the pictures might properly be transferred. The first point they had to consider was, whether any of the sites which had been suggested were open to the principal objection urged against the present site—namely, that it was exposed to the smoke and dirt of London. It would be a fatal error to go to the expense of removing the pictures without securing that, in the situation to which they were removed, they should not be exposed to injury not merely from smoke and dirt, but also from the deleterious influence of those gasworks, breweries, and distilleries, the tall chimneys of which were so numerous in the neighbourhood of London. But, on the other hand, if the pictures were removed too far from the metropolis the object of a National Gallery would be altogether frustrated. He should regret to see them placed in any position in which they were not perfectly accessible, not only to persons who were accustomed to use carriages and horses, but to the public at large and the working population in particular. Undoubtedly there were other sites besides Kensington Gore which in many respects were tempting enough. For instance, there was Hyde Park. No doubt a German architect, seeing a fine place vacant in the middle of Hyde Park, would ask—"Why not erect your building here?" But such a recommendation betrayed a want of knowledge of the feelings of the people, particularly of the people of London. There would be the greatest objection to any encroachment upon those parts of Kensington Gardens or of Hyde Park which were now open to the public. Some hon. Gentlemen had talked of the site of

Kensington Palace, but that was too limited in extent, and, therefore, to have a proper building there the gardens of Kensington Palace must be largely encroached upon, and roads and approaches must also be made. In short, the nature of Kensington Gardens must be totally altered, and he, for one, should hold any advantage from a National Gallery being placed there dearly purchased by infringing on that space which was now open to all. When he heard Gentlemen talk of a taste for the fine arts, he must say that a man must be little sensible to beauty who did not derive as much satisfaction from the aspect of Kensington Gardens—which constituted not only the pride and ornament of the metropolis, but which, perhaps, formed the one thing they had to oppose to the rival attractions of Paris and other continental cities—as from a new building, stored with the finest masterpieces of antiquity, erected at a sacrifice of the peculiar features of the place. A most vigorous opposition had at first been made to the construction of even so temporary a building as the Crystal Palace in Hyde Park, and that opposition had not been overcome until a distinct assurance had been given that the building should be pulled down as soon as ever it should cease to be wanted for its original purpose. The fact was, that the parks formed the finest and most pleasing spectacle in this metropolis; and no one, gifted with the slightest artistic feeling, could wish, under any circumstances, for their destruction. He alluded to these things to show that in reality the choice of sites was very limited, and it was brought before the consideration of the Great Exhibition Commissioners how little unoccupied space could be had for the purpose in view without infringing on the parks. The Commissioners, thinking it extremely desirable that there should be a site devoted to the purposes of the arts and sciences, and finding this space of ground in the neighbourhood of Kensington Gore, thought that they could not apply the surplus in their hands, amounting to £150,000, more usefully than by securing it for the public in future. That decision led to the subsequent offer made to the public, and thus the public had the benefit of the cheap acquisition of the ground for the proposed object. He could only say that his opinion remained unaltered, and he still thought, on reviewing all the circumstances of the case, no site was more unexceptionable than that of Kensington Gore. Though near London, it was out of the smoke of London, and there was abundant room there for a structure fit to contain a proper collection of pictures. He would, however, earnestly advise the House, whatever it did, not to encroach on the parks; therefore he trusted that the House would not sanction any proposal for the erection of a building, however beautiful, which should encroach on the parks or Kensington Gardens. The real object of the present Motion was to defeat the Bill which the Government had introduced. By that Bill the House was not asked to do more than to sanction the transfer of the land to the Government for the purpose of erecting a National Gallery. Undoubtedly it did pledge the House to the opinion that, under all the circumstances of the case, this site at Kensington Gore ought to be taken advantage of for the erection of that gallery. But for forming an opinion on that point there was ample information in the possession of the House, and there would be an opportunity afterwards for considering any plans for the building and investigating the estimates if the House should deem it necessary to refer them to a Select Committee.

MR. SPOONER said, he should vote for the Motion of the noble Lord as a means of preventing the passing of the Bill. He was not prepared to sanction the removal of the National Gallery from the centre of the town, neither was he prepared to assent to the proposition that Kensington Gore was a proper site for the National Gallery. The hon. Member for Bath (Mr. Tite) had told the House that this proposition involved the expenditure of £1,000,000 of money, and he thought the House ought not rashly to enter upon such an expenditure without having the whole of the plans before it, and without being more satisfied of the eligibility of the proposed site than it could be at present. It was said to be desirable that the National Gallery should be removed out of the smoke and dirt of London; but as a near relative of his had formerly resided in Gore House, he could state that even before the buildings had increased so much as they had done of late in the neighbourhood, in the spring months, during the prevalence of the north-east winds, the dirt and dust were most severely felt on the site now proposed for the National Gallery. He publicly expressed, at the time, his disapprobation of the purchase at Kensington Gore made by Lord Derby's

Government; and all that had since occurred confirmed him in the opinion that it was an improvident outlay of capital. Although his right hon. Friend (Mr. Disraeli) might call him a Vandal, and the Chancellor of the Exchequer might term him a Democrat—while the public finances showed a deficiency, and an income-tax was levied upon every man who had £100 a year, he would not consent to begin a large expenditure without some better information than the House at present possessed. In all buildings undertaken by the Government the estimates were invariably exceeded; and in the case of the Houses of Parliament they did not now know to a million or two what they would cost. The Government ought to present a detailed plan, and he would then move a Resolution pledging the House not to pay a single farthing more than the estimate presented with it expressed.

LORD JOHN RUSSELL said, it was rather difficult to say what was the immediate question before the House, because, if they were to judge by the speech of the hon. Gentleman who had just sat down, the question was whether they should spend any more money at all upon buildings for intellectual pursuits or the promotion of the fine arts. The hon. Gentleman seemed to think that the great increase of the Estimates ought to induce them to forbear voting any money for such purposes; but that was not the proposition of his noble Friend (Lord Elcho). On the contrary, from the suggestions thrown out by the noble Lord about St. James's Palace, Marlborough House, and Kensington Palace, he really believed that, if his noble Friend gained a majority, the House would be committed to a much greater expenditure than was now proposed by the Government. He took it for granted that if it appeared desirable to take one of the Royal Palaces, and Her Majesty—as no doubt she would—abstain from offering any objection, still they would not think of asking for one palace without furnishing Her Majesty with another in lieu of it. He recollected that upon a question which arose in the early part of his Administration, his hon. Friend the late Mr. Hume expressed a wish that another palace for the Queen should be built in Hyde Park. He represented the opinion of so eminent an economist as Mr. Hume to Her Majesty, but Her Majesty at once said she did not wish to put her people to further expense with respect to palaces; she should be quite content with Buckingham Palace with such additions as were necessary, and a large palace at a great additional expense elsewhere would be not at all in accordance with her desires. With regard to the proposition before the House, he thought they had already had inquiry enough. There had been several Commissions and Committees, which had, either incidentally or directly, touched upon the subject, but none had come to any positive opinion, and he saw no reason why, if there were another Commission, that Commission would have any better chance of coming to a positive opinion than the others which had preceded it. The hon. Member for North Warwickshire (Mr. Spooner), wishing to defeat the scheme, inconsistently argued that Kensington Gore was infested with smoke so that all the pictures would be spoilt, and yet, at the same time, he stated that it was too far removed from the centre of the town. If any change were made in the site they could hardly avoid incurring such objections. If the National Gallery remained near the present situation, it would obviously be exposed to smoke and influences deleterious to works of art, and if it were taken to any distance, those who wished to see the works of art would be subjected to great inconvenience. It would not do to go into either extreme. The picture gallery ought not to be placed exactly in the centre of the town, where it would be exposed to deleterious atmospheric influences, neither ought it to be at such a distance that it would be inconvenient for the public to visit it. Now, in his opinion, the situation of Kensington Gore exactly met both those requisites. It had the great advantage, too, of not being far removed from a great thoroughfare, and so far, therefore, as site was concerned he did not think they could do better, after all the inquiry which had been made, than fix upon that which had been recommended by the former Commission and by the last Committee. But after fixing the site came the further question—what was to be placed there? The hon. Member for Bath (Mr. Tite) had told the House with the authority that belonged to his opinion, to which he added that of several architects of eminence, both foreign and English, that a very beautiful architectural building might be raised upon the site of Kensington Gore, and any one who visited the site, particularly the south side, must acknowledge the justice of that opinion.

Then came the question, what extent should be given to the National Gallery, and what sort of objects should be placed there? He quite agreed that, before commencing an expenditure which might be large, some decision ought to be arrived at as to what the gallery was to contain, so as to avoid a perpetual change of plan. It was therefore of considerable importance to decide whether the fine arts collection and the archæological collection in the British Museum should be removed to the new National Gallery. His noble Friend who had made this Motion had put opinions into his (Lord J. Russell's) mouth on this subject which he did not remember ever to have expressed. He had never said that these collections ought to be removed, but he thought it was a subject upon which the opinions of a number of competent persons ought to be asked before any step was taken. The collections on the Continent were generally collections of fine arts, and, though it might be desirable to remove our fine arts collection and the archæological collection from the British Museum to the new gallery, he had never proposed that, because he believed there was room enough in the British Museum to hold all the collections which were now placed in it. These collections, too, illustrated each other in a manner most suitable for the student of books and the student of art. After mature deliberation he was not disposed to say that any of these collections ought to be moved, and, having once got these collections together, it would be, in his opinion, a great act of folly on the part of the Government and of Parliament to send the minerals to one place, the botanical specimens to another, the archæology to a third, and the birds and beasts to a fourth. He therefore considered that it was not wise to have any further Commission appointed. It would be well to consider the Bill proposed by the Government, but before any vote of money was proposed it was to be hoped that the House would also well consider what it was which was to be built, and that the opinions of competent men, both in this country and on the Continent, should be taken on the whole subject. The hon. Member for North Warwickshire had said that we had no money to spend on such a building; but that, of course, would very much depend on the condition in which the country might be in two or three years time, and he cordially hoped that the report of the Chancellor of the Exchequer would be that we were very rich. At present the space in the National Gallery was far too small to hold the gifts which no doubt would be made to the nation if there were any place to put them, and therefore, as a mere matter of economy, it would assuredly be very desirable to have a larger building.

**Mr. GRANVILLE VERNON** agreed with the hon. Member for Bath that this subject ought to be considered as a whole. They ought not to decide rashly upon a site for the new National Gallery without having previously come to some decision as to what that gallery was intended to contain. They should avoid falling into the error which had been committed with regard to the British Museum, which had been built on a scale wholly inadequate to its requirements, the consequence of which was that fresh ground had to be purchased, and additions constantly made to the building quite inconsistent with its original plan. He would only very briefly notice the speech of the hon. Member for Huntingdon, who proposed to have two National Galleries—one on the present site, containing a selection of the best pictures,—and to have another supplementary collection of inferior works for idlers and artists! His proposition appeared to be to keep the best pictures exposed to those influences which, it was supposed, were likely to deteriorate, if not to destroy them, and to send the artists, with the idlers, to study the inferior works of art as their models! He (Mr. Vernon) should support the Motion of his noble Friend, but he must take leave to dissent from some of his arguments. His noble Friend, in part of his speech, seemed to doubt whether the pictures need be moved from their present site, because, he argued, the pictures in private collections, though in the heart of the town, did not suffer. He (Mr. Vernon) denied that they did not suffer—but he still more denied that there was any analogy between the rarely-visited collections of a few individuals, and this public collection, exposed as it was to dust and effluvia of all sorts. Why, upon this point the Committee had been almost unanimous. Had the noble Lord changed his opinion? or, if not, what had been the meaning of his vote? The noble Lord suggested that glass ought to be put over all the pictures. He (Mr. Vernon) had little doubt, upon good authority, that glazing pictures was injurious to them to some extent. Pictures, like human beings, wanted free circulation of air—and, at any rate, the result would be, that when you looked at a picture thus protected, you would frequently see little else than the reflection of your own face. Surely, if once the necessity of covering the pictures with glass were admitted, a stronger argument was not needed in favour of removing them to some freer and purer atmosphere. He confessed that he should rejoice if the site of Kensington Palace should be found available for the purpose. One of the arguments used by the Secretary of State for the Colonies was, that the gardens would have to be cut up and roads made across them; but even if Kensington Gore were selected, a road would eventually have to be made to it from Bayswater across the gardens. His right hon. Friend had been eloquent, too, in defence and praise of Kensington Palace; but only twenty-five years ago an eminent architect had reported that it was not worth repairing, and he (Mr. Vernon) was informed that one of the first acts of the present active Chief Commissioner of Works was to direct that the Palace should be surveyed, which showed pretty clearly that there were screws loose somewhere—and he should like to know what had been the report made to the right hon. Gentleman. A very competent authority had stated to the previous Committee of 1850, that the present site of the National Gallery was the worst for the pictures, but the best for the convenience of the public. No doubt the convenience of the public was a very important consideration, but the preservation of the pictures themselves was of still higher importance; and it was, perhaps, better that the public should have further to go to see the pictures than that the pictures should be so injured as not to be worth seeing. The Government said with plausibility that they were only carrying out the recommendation of the Committee of 1853; but it must be borne in mind that that recommendation was of a peculiar character. It differed materially from ordinary suggestions of the same nature. Recommendation generally implies a preference; but in this case the majority of the Committee, assuming the choice of site to be limited to three or four spots in or about Kensington and Hyde Park, was impressed with the difficulty of formally recommending sites which were not, for obvious reasons, within their control, and therefore expressed themselves willing to accept the Kensington Gore site, though it was avowedly placed by them lowest in the scale. But his own (Mr. Vernon's) vote had been given in favour of Kensington Gore, only upon the express condition that these words should be introduced into the final paragraph—"If all the objections to the other sites should be found to be insuperable." It was, in fact, adopted as a *pis aller.* He (Mr. Vernon) could not admit that, because the purchase of the Kensington Gore estate had been, very judiciously no doubt, made, therefore necessarily it was to be adopted as a site; and he thought, at all events, they ought not to be bound hand and foot by the plans of the architect of the Board of Works. Among other sites which had been suggested to the Committee, there was one to which he must allude, as it was not, he believed, an unpopular one. He alluded to Regent's Park. They had been deterred from including the Regent's Park among the recommended sites, by certain very serious though not insurmountable difficulties. He believed that there was a clause or condition inserted in the leases of all the Houses round the Park to the effect that no building should be erected within the enclosure. The Secretary for the Colonies had laid great stress upon the impropriety of any encroachment on the parks, upon what he called the enjoyment of the parks by the people. Why, surely the right hon. Member (Mr. Labouchere) would not pretend to say that the substitution of a very handsome building for a very ugly one, available, moreover, for the enjoyment of the public, would not be a very great ornament to the Park, as well as a great general advantage. The whole subject was one which ought to be approached with great caution, and with deference to the feelings of the highest personage of the realm. The fittest instrument for the purpose would be a Royal Commission. Nothing would be lost by the delay of a few months. Let there be no more buildings constructed of stone so perishable as to require painting for their preservation—no more statues stuck crosswise upon arches which were not intended to support them. He hoped the noble Lord at the head of the Government would take a personal interest in the matter, and that the result might be that we should, after due consideration, construct an edifice which would be a lasting memorial of the liberality and good taste alike of the Sovereign, the Minister, and the Nation.

MR. DISRAELI: As I have been referred to several times in the course of this discussion, and as I had something to do with the transaction which has led to the present position in which the question before us is now placed, I hope the House will not consider it intrusive on my part if I ask permission to make a few observations. First of all I would endeavour to ascertain precisely the issue before us. We are not now going to decide whether the Bill introduced by Her Majesty's Ministers with reference to the National Gallery shall be read a second time, or whether we shall vote any money in order to forward the views of the Government. There is such a Bill upon our paper to-night, and when it comes on it will be competent to any hon. Gentleman to offer an opinion or to record his vote upon that issue. The question now before us is the Motion of the noble Lord the Member for Haddington (Lord Elcho), calling upon the House to address Her Majesty, praying Her to issue a Royal Commission to determine the site of the new National Gallery, and to report on the desirableness of combining with it the fine art and archæological collections of the British Museum. After the numerous criticisms which have been made by so many hon. Gentlemen, I will dwell but briefly upon the question of a new National Gallery. I think it will pretty generally be admitted that a new National Gallery is necessary. There are, I know, some hon. Members who think that the present Gallery is a sufficient depository for the national pictures. The reasons which have been alleged against the suitableness of the present Gallery are various, and may not all be approved by every one. It is not necessary to enter into a discussion as to the deleterious influences of the atmosphere, or of other circumstances connected with the present site; but there is a broader view, which should not be absent from our consideration—I would almost say from our conviction at this moment—namely, the present depository of the national collection of pictures cannot be a permanent one, and that on the present site there is not space sufficient for the formation of a Gallery worthy of the future of a great country like England. Nor are there any practical means by which that deficiency can be supplied. You may expel the Royal Academy, and you will thereby extend the boundaries of the National Gallery; but I maintain that you will not even then have space at all adequate to its wants. Long before the present National Gallery was built there was a prevalent feeling in this country that some ample and adequate means ought to be supplied by the State for a collection of pictures worthy of the nation. This feeling was forced upon the country by the fact, that we were periodically losing magnificent collections which would otherwise have been given to the country. Before this Gallery was built we lost the Dulwich and the Fitzwilliam collections. Since the building of this Gallery we have lost other valuable collections, and at this moment there are other such collections which will not become the property of the country unless the nation be prepared to provide for them such accommodation as possessions of such rare value deserve. Can we be surprised at this when, within the last few years, two donations of invaluable works of art have been made to Great Britain, and the Government have been compelled to admit that it was not possible to accommodate these magnificent legacies? The Vernon collection was for a long time in a cellar, and the unrivalled pictures of Mr. Turner—pictures which in future days will vie in beauty, in value, and in reputation, with any which the artists of the middle ages have left to us—are still stowed away in some unknown corner, to the disgrace of the country and the great disadvantage of Her Majesty's subjects. I think, therefore, that I am not indulging in anything like exaggeration when I say that the prevalent feeling of the House and of the country is that a new National Gallery which shall afford adequate accommodation to those treasures of art which we possess, and which I trust we shall greatly increase, is necessary. Having arrived at that point, I need touch but very briefly upon those which have been already noticed in the course of the debate, and I shall refer to them only that it may not be supposed that I shrink from meeting the objections which have been urged. First, with regard to the site. Where is there a site upon which a National Gallery of adequate size can be erected? Upon this matter we have had prolonged researches, continued investigations, numerous suggestions. The most accomplished men have given their attention to the subject. The wisdom of Parliament has been bestowed upon it, and to-night we have heard from the noble Lord who introduced this question (Lord Elcho) a summary of all the alternatives which could be brought forward to meet the proposition of the Ministry. Now, I ask any hon. Gentleman who has listened to those proposals whether any one of them was a really practical or practicable suggestion? It is not necessary for me to go through the list; and it is only because there are Gentlemen present now, who may not have been here when the noble Lord addressed the House, that I venture to recall to the House what an extraordinary catalogue of expedients it was which was introduced by him to our notice. The great plans of the noble Lord might generally be ranked under two heads—destruction of Her Majesty's palaces, and appropriation of Her Majesty's parks. Indeed I listened with astonishment, which was only checked by a feeling which sometimes amounted to terror, while the noble Lord informed the House of the means by which adequate accommodation was to be found for an institution which of all others should form the manners, mitigate the habits, and elevate the tastes of the people. Why, Sir, it was not only a catalogue of confiscations, it was a catalogue of revolutions. Her Majesty's palace at Kensington was to be destoyed; Her Majesty's palace of St. James's was to be demolished; and, not content with outraging the hearth of Her Majesty, another Royal generation was brought forward as a victim to public taste, and the mansion of his Royal Highness the Prince of Wales—which we understand is now preparing for his advent—was also thrown into the caldron of destruction. How did we fare with regard to the parks? There used to be a story—which Members of Parliament cannot forget—that there was once a Sovereign who consulted his Prime Minister as to what would be the cost of appropriating one of the parks to his private use; and we all know what the answer was. But it seems that we live in happier days, and that the parks are no longer to be considered as the great sources of public health and public pleasure, but that sites in them are to be seized upon by a *dilettante* Committee of the House of Commons; and difficulties, which for a long series of years have perplexed the minds of the most thoughtful men, in the most responsible positions — questions, which, when they are more narrowly examined than they have been, I think, by the noble Lord, really involve interests of a much more important nature than the mere possession of a beautiful work of art—are to be settled in a moment. We are to have a fanciful gallery in one of the Parks, and the whole thing is to be settled in a month — which, if practical, would be very convenient. It is not necessary to criticise these plans. I shall come at once to that point in which there is a difference. I think the House has agreed that there is to be a new National Gallery, and that it will very generally agree that the suggestions thrown out by the noble Lord (Lord Elcho) are not practical and practicable ones. For instance, the suggestion of Kensington Palace. I do not think it is fair that we should discuss that proposal. It is not open to us to fix upon a palace of our Sovereign, and to say, this is a site which we will advise; it will give us all that is necessary, without duly considering the responsibilty of such advice. And when my hon. Friend the Member for Warwickshire tells us that by this Vote, to-night, we perhaps shall be entering upon a course of unlimited expense, I would remind my hon. Friend that, in supporting such a suggestion as that proposed by the noble Lord, he is, in fact, entering into an expenditure to which no person can draw a limit, and that by the selection of such a site, independently of the destruction of one of the Queen's palaces, which would involve a large expense by way of decent compensation for the outrage so calmly proposed to us, he would lead us to an expenditure infinitely greater in all probability than any Minister would call upon this House to sanction. Well, Sir, let us for a moment consider the site which has been suggested by Her Majesty's Ministers; for I can hardly say that it is formally before us, but which, in deference to the course of the debate, I look upon to be the issue now under consideration. What are the allegations brought against this site? No one denies that at least the atmosphere is pure as compared with that from which the pictures are to be taken. No one denies that it is a site which offers much ampler space. Some will say that its position is not so convenient. Well, that is a question for the House to discuss. When a public building is concerned — when a building to be dedicated to public purposes is in question, nothing is more difficult than to settle what is generally convenient. The hon. and worthy Alderman (Alderman Cubitt) who addressed us this evening told us what is a convenient site. A convenient site to him is Charing Cross. He lives near it, and when he goes into the city he has the advantage, if he likes, of looking into the National Gallery, and of refreshing his mind, and relieving it for a moment from the cares of business, with the aspect of some of those divine productions which are there deposited. But a person who does not live near Charing Cross would not consider that Trafalgar Square was the most convenient site. What we have to do, then, under such circumstances, is to see whether the site is, in the first place, adequately suited to the purpose, and, if that be the case, whether it is, generally, conveniently accessible to the great population of the metropolis. In the first place, then, I say, if Kensington Palace is the model site—and that appears to be the general opinion of those opposed to the proposal of the Minister—the grounds of controversy between those who are in favour of Kensington Gore and those who are in favour of Kensington Palace are extremely narrowed. The site of Kensington Gore is nearer than Kensington Palace; therefore, so far as all those who recommend the site of Kensington Palace are concerned, I think the issue is extremely narrowed. We are debating a question which concerns the future, and a long future. How are we, then—not rashly, not precipitately, not from our present habits and feelings—to decide what is the most capital site and the most commanding position for a building for such a purpose? At this moment there are great complaints from the learned societies that they have been disturbed in their position at Somerset House. They were invited to go to Kensington Gore; but they protested against the situation and against the distance. They have been accommodated at Burlington House; but I believe they would rather have remained at Somerset House. But 100 years ago, or less, the same learned societies protested against being insulated at that very House, and said it was very inconvenient to have to go so great a distance from their usual place of gathering, and to a place so remote from their residences, and from what was then the fashionable part of town. I remember when Belgrave Square was first planned the objections raised against that site. It was said that nobody could possibly go and live there; it was in the marshes, and nearly two miles from London; and that it was impossible that any person who took an interest in society and in the multifarious movements of this metropolis could live in that region. But we have lived to see, in a comparatively short space of time, a rich and splendid city formed there, and which is not so remote as that very spot which is so strongly recommended by many persons as the site of the new National Gallery. Let us see what is the character of the site at Kensington Gore. The soil of that spot, which has been described to be a marsh, we know by the evidence taken before the very Committee that sat upon the National Gallery, is a gravelly soil. The site which has been selected for the National Gallery, if the House sanctions that building, is an elevated spot. I therefore cannot understand, whether we look at the character of the soil, or at the character of the site, or at its distance from the metropolis—I cannot, I say, understand what sound objections can be urged against that particular spot. It is not so far as Kensington Palace, which those who oppose Kensington Gore prefer, but which they know it is impossible to obtain. In all probability it will be surrounded in time by a new town, and some may think will suffer from the same circumstance which has already proved so deleterious to the pictures in the present building—namely, from the atmosphere. But I will just observe, that from no probable circumstance can it be inconveniently close to any surrounding buildings. It will always have a space of 700 acres—the area of Kensington Gardens and Hyde Park—before it; and it will always have in its own gardens a considerable area free behind it. The houses which will rise in its vicinity will probably be houses of that high class that will never exercise upon this building that injurious influence which has been so generally acknowledged and expatiated upon. I do not see, therefore, so far as the proposed site is concerned, that these are objections which can be urged against it with any plausibility. But there is one point to be regarded in this case—where can you find a space sufficient for the purpose if you do not avail yourself of the offer before you? It would be delusive to indulge the idea of appropriating the Royal Palaces or of taking away the best sources of recreation from the people. Every man, therefore, who has studied the subject of providing a sufficient and adequate site for a public building of this kind, wants to know where it is possible to obtain an area of this extensive nature so advantageous as that which is before you. These are questions which ought fairly to be answered by those Gentlemen who interfere so much with the settlement of this question; because I apprehend that the question as to where our National Gallery is to be placed, and the building of a National Gallery, is of very pressing necessity. These points, therefore, ought to be taken into mature consideration. If we are to have another Royal Commission which is to enter into every wild suggestion that might be made, years may be lost before the result of that Commission can be laid before the House. I need not dwell upon what would be the probable result of such a proceeding. Every hon. Gentleman can form an estimate of that; but no hon. Gentleman can form an estimate of the injuries which we should be doing in the meantime. I would oppose the Motion of the noble Lord, so far as it proposes an Address to the Crown to retard a decision of this House with regard to a site for a National Gallery, upon the mere merits of the question, and upon his own statement an obvious answer to which must occur to every one. But I confess I oppose it upon another ground, and one which has great influence upon me in the course I feel it my duty to take. The noble Lord has referred to what he calls the industrial scheme, which was intended to be carried into effect upon this area, the grounds of which scheme to a certain degree I was instrumental in bringing before the House for its consideration. The hon. Member for Warwickshire on this, as on every occasion, with stern consistency has taken every opportunity of depreciating that which the noble Lord calls the industrial scheme. But I may remind my hon. Friend the Member for Warwickshire, who seems offended that I should have called him a Vandal, that in the first place, if I did make such an observation it was not in debate, but in the confidence of friendship. It was entirely a private communication. I would also say to my hon. Friend as an extenuating circumstance, that there have been very great men who were Vandals; but I would not seriously have applied that term to my hon. Friend, who is one of the most consistent and one of the most influential opponents of that which the noble Lord calls the industrial scheme at Kensington Gore. I would remind my hon. Friend that his opinions are not shared upon the subject by those among whom he lives, and once had the honour of representing; because I remember that the district which first placed itself in communication with the Royal Commission and expressed the most lively and complete sympathy with those principles which that Commission was designed to promulgate, and which I believe to be calculated greatly to elevate the taste, knowledge, and fortunes of the people of this country, was the town of Birmingham. That great community of 200,000 persons and the inhabitants of the surrounding district applied to the Royal Commissioners for advice respecting plans of their own devising for the promotion of a knowledge of practical art and science among their fellow countrymen; and in consequence of that movement the Birmingham and Midland Institute—an association which does honour to the enterprise of Englishmen—was founded. The landowners of the neighbourhood subscribed, if I recollect rightly, the sum of £10,000 for the site of this institution; and the people of Birmingham and its vicinity meeting them with reciprocal liberality, such an impetus was given to education in practical science and art in that locality, as makes me think that in the county of Warwick my hon. Friend will find no sympathy for the opinions which he has so scrupulously advocated in this House. But I wish hon. Members calmly to consider the grounds on which I shall venture to oppose the Motion of the noble Lord. I cannot help regarding the Motion as an attempt to rescind the policy introduced to the notice of this House in 1852, and which was the consequence of the Great Exhibition of the year preceding. I can assure hon. Gentlemen that there are involved in this subject considerations far higher than the mere *dilettante* sentiments that have entered into this debate. Let me recall for a moment the circumstances under which the Great Exhibition of 1851 took place; but before doing so, I may, perhaps, briefly remind the House of the manner in which the proposition for establishing that Exhibition was received in this country—of the suspicion, of the jealousy, the cavil, the constant opposition from almost all classes which its first announcement encountered. It was looked upon as a design to injure the industry of this country. ["No!"] The hon. Gentleman who cries "No" has not, perhaps, seen, as I have, the public memorials presented to that effect; he cannot possess, as I do, a collection of the squibs and pasquinades written upon the subject; he forgets, which I do not, that at the last moment a Peer of Parliament, holding one of the highest offices of State, moved the Upper House, I believe, even when the building had been raised, to prevent its being opened. It was with the greatest difficulty that the Great Exhibition was established. Those who promoted it were obliged to apply to private individuals to guarantee even the expense of the structure. Remembering all this, I ask the House to reflect on the vast and beneficial influence which that Exhibition has exercised on the industry of the country, and to contrast the feelings with which it was originally welcomed with the public sentiment which the retrospect of it now inspires. I however mention this only in passing. What I want the House to consider—and it is a point the importance of which cannot be exaggerated—is this. What was the cause of that memorable Exhibition which has given a tone to Europe, and produced such extensive effects on our manners and our industry? It had been known for a long period to men of study and experience, that the industry of England was about to encounter not only a severe, but, as those capable of forming an accurate judgment believed, a fearful and increasing competition. Under those circumstances Parliament thought fit (and I state the historical fact without now questioning the wisdom of your counsels) to change the whole commercial policy of the country. The productions of England were brought into competition with foreign productions, not merely in your colonial, but even in your home markets. These things were known to philosophers and to statesmen—they were discussed in literary treatises and in solemn councils; but the people of England — the most industrious and ingenious people in the world — were not aware of the fact that, with the exception of a better command of the raw material, there was no single point in which their industry was superior to that of the foreigner. How could they be taught this? Only by inviting to our capital all the specimens of the ingenuity and invention of other nations—by collecting under one roof all the raw materials, mineral, vegetable, and animal, which supplied the processes and manufactures of our rivals. And it was necessary by an exhibition of this kind to convey a great lesson to the most manufacturing community in the world. The consequence of the Great Exhibition of 1851, when it had experienced its immense success and its results were recognised, was that those who had undertaken it, fortified by public opinion, and supported by all statesmen of all parties who were cognisant of the condition of the country, arrived at the conclusion that some decisive measures ought to be taken by which an education in practical art and science should be given to our working classes, so that they might be enabled to maintain the ancient supremacy of their skill and defy the effects of that fearful competition which, if successful, would have proved so injurious to our wealth and our reputation. It was felt to be necessary, therefore, to establish a great institution of art and science in this country, in spite of prejudice so strong and obstacles so formidable, that they could never have been overcome, unless those who undertook this difficult task had been animated by a paramount sense of duty. Let the House only consider what has already been achieved under this head. Before the year of the Great Exhibition, you certainly had a partial system of education in practical art in this country, but it was very limited in its character and very slight in its resources. You had twenty local schools of design in a certain degree dependent on a central authority. That was the foundation you had to build upon; and on this basis, since the Exhibition of 1851, you have established a Metropolitan School of practical Art, an invaluable Museum of practical Art, and no less than 700 local and parochial schools of practical art in connection with the metropolitan school. So far as practical science is concerned you had nothing to build upon. You have now, however, in London, a school and museum of practical science, and you are establishing corresponding institutions in every part of England. You wanted space for these establishments. Hon. Gentlemen talk with great coolness about sites. They are ready to vote the public money, and wisely so, to encourage scientific collections; but let the House of Commons night after night vote what funds it may, it will produce no effect while you have no buildings in which to place those collections. The truth is, that until this moment, you have never had the space offered you on which the required building could be erected. You have, indeed, buildings and schools in obscure streets and disadvantageous situations—none of them aggregated, but all scattered about—one in one place, and another in another—and the whole from mere want of union producing the smallest possible result at the largest cost. The idea was, therefore, formed, that you should obtain the first indispensable requisite for imparting a complete education in practical science and practical art to the workmen of England—namely, the space on which the necessary buildings should be collected together; and that there you should concentrate the various museums and schools now dispersed throughout the metropolis. An hon. Gentleman talked of destroying Marlborough House—does he know how it is occupied at the present moment? Through the kindness of Her Majesty, in that establishment you have now a school and museum of art in which the men are educated who are to be the future teachers of England, and from which—as from a metropolitan centre—accomplished and capable instructors are sent to the chief seats of our manufacturing industry. In another situation you have a school of science—a place by no means adequate to the occasion, in which experiments in agricultural chemistry are made by men who have produced, and will continue to produce, the greatest effects upon that important branch of industry. It was thought advisable that some attempt should be made to bring all these museums and schools together, in order that it might be understood that a great though gradual change in the condition of the country was at last recognised by its rulers, and that it might be seen that practical science and practical art are, to the working community of these kingdoms, quite as important as those political and civil rights which we have so long enjoyed and which we so highly prize. Now, I ask the House, how is this to be done? How are you to produce an effect upon the opinion of a nation, if you admit practical art and science to be most valuable necessities, unless you place them in such a position that their importance must be recognised by the country? You have placed your political institutions and your great offices of State in buildings which show to the country that you have recognised their paramount importance; and, when you place your museums and your schools of practical art and science upon this great site of eighty or ninety acres, when you resolve that the raw material shall no longer be an abstraction to the people of this country, but that it shall be seen in all its forms in your museums—when you determine that your working men shall have opportunities of instruction in those processes which will enable them to acquire the powers of design and colour—matters in which they are now surpassed by foreign artists—I ask you, where can you find a better locality than this? And why should the gallery of galleries, the National Gallery, be wanting in such a situation? When you are seeking to educate a nation in art, and when you have a site at your command, why should not the National Gallery of the people be the crowning ornament of the scene? There is nothing more fallacious, nothing more shortsighted—nay, I will say there is nothing more mean and sordid, than to suppose that you can raise and refine the taste of a people by second-rate models and by second-rate means. Her Majesty's Ministers have recommended that in the place to which in time you will attract all the sympathies, the curiosity, and the conscious pride of the community, you should also raise your National Gallery; and I am of opinion that that is a wise and proper recommendation. I should entertain the same opinion if there were sites that could be placed in competition with it; but as no more eligible position can be suggested, and as this magnificent site is available, I think it most desirable that amid your museums and schools of science and art you should raise, as a crowning and consecrating ornament of the scene, the Gallery of the Nation. I believe you would thus produce an immense effect upon the public mind; that you would raise and refine the taste of the country; that you would give an impulse to the national spirit that would enable our artisans to meet successfully the competition they have to encounter; and, above all, that you would add weight to the central authority which must regulate and guide all the local schools of design. These are considerations which I think we ought to bear in mind; and when we are told, as we were told to-night, by the noble Lord, that the National Gallery is to be distinguished from what he sneeringly called the industrial scheme of the Royal Commissioners—

LORD ELCHO: I beg pardon for interrupting the right hon. Gentleman. I totally deny having sneered at the industrial scheme.

MR. DISRAELI: Well, at what the noble Lord, without a sneer, styled the industrial scheme of the Royal Commissioners—I would take the liberty of impressing upon the noble Lord and upon the House that, in a full and fair development of that industrial scheme—namely, the complete education of the people of this country in practical art and science—are involved the future wealth and welfare of this community.

VISCOUNT PALMERSTON: Sir, some subjects have been adverted to in the course of this debate which I wish the House to keep entirely out of their consideration in the vote they are about to give. We have been told by some hon. Gentlemen that this is the first step towards the expenditure of £1,000,000; and the question has been argued as if the Bill of Her Majesty's Government involved a large expenditure of money. Sir, the vote is no such thing, the object of that Bill, which is really and substantially the topic now under discussion, is, on the contrary, to enable the public to accept a present. Other hon. Gentlemen have argued that this is a question of taste, that we ought not precipitately to adopt a plan which may lead us to imitate errors that have previously been committed, and that the House ought to pause before it assents to the proposition of the Government. But the House, Sir, is not called upon to adopt any plan; on the contrary, all we propose is, that the House should accept a site for a building that may be erected at some future time; but what shall be the form or the extent of that building, what shall be its ornaments or its arrangements, or what shall be the expense of its construction, must be the subjects of subsequent deliberation in this House; and the House will not pledge itself upon any one of these topics by adopting the Bill which has been introduced by the Government. When we are told that former transactions with reference to public buildings justify my noble Friend (Lord Elcho) in recommending another Commission of Inquiry; and when we are told, as we have been, that we ought to take warning from the example of the edifice in which we are now assembled, I would remind hon. Gentlemen that this great building was the result of many Commissions and Committees. I think, therefore, that the multiplication of Commissions is not a very happy remedy for the evils my noble Friend desires to avoid. The starting point from which we ought to proceed has been accurately described by the right hon. Gentleman who has just sat down. It is simply this:—Is it fitting that we should continue to lodge the national collection of pictures in the building in which they are now contained? Why, Sir, I think no man who reflects upon the subject would entertain that opinion. The present building is objectionable on account of its situation: it is too small even for the collection of pictures we possess; it cannot be extended in such a manner as to afford accommodation for pictures which may either be purchased or accepted as gifts; and, as has been well pointed out by the right hon. Member for Buckinghamshire, not only have we lost most valuable collections, which might have been the property of the nation if a fitting place had been provided for their reception, but we have now collections which have been given to the country which it is impossible to exhibit because our gallery is not sufficiently capacious for the purpose. An hon. Gentleman—I think the hon. Member for North Warwickshire—suggested that the National Gallery might be enlarged by turning out the exhibition of the Royal Academy. [Mr. SPOONER expressed his dissent.] I am glad my hon. Friend has not proved himself to be a Vandal by encouraging such a proposition; for I think any one who made a suggestion of that nature would really deserve that application of the term which the right hon. Member for Buckinghamshire (Mr. Disraeli) has endeavoured to explain away. Is it, I would ask, no national object that we should have a proper place in which the Royal Academy may exhibit the annual productions of the art and genius of this country? Is it no national object that that place should be large enough to receive all the contributions that deserve to be so exhibited? Why, at the present time about 1,700 pictures are annually refused admission to the Royal Academy for no other reason than that there is not space enough for their exhibition. I may be told that many of these pictures are not deserving of admission; but of this I am certain, that there are many of them also which possess great merit, and which would, I believe, attract public admiration. All other national exhibitions afford accommodation for the productions of artists of foreign countries, but from our exhibition the works of any but native artists are almost entirely excluded. Here and there we see by accident, as it were, the picture of a foreign artist, but is it not desirable that our exhibition should afford room for the works of foreign artists, which may come into competition with those of our own countrymen? Who that has ever gone into the dungeon in which the works of sculptors are exhibited in our National Gallery does not blush for his country? There you have works of genius so crowded together, like images upon the boards of Italians in the street, that schoolboys long for an opportunity of smashing them. I am sure any Englishman who has visited the galleries of art abroad, and who compares them with those of his own country, must be ashamed at the contrast, and must earnestly desire that better means should be provided for exhibiting the productions of modern genius and the works of ancient masters. Then, I say, that that National Gallery ought to be given up to the purpose of the Royal Academy for the study of art, for the display of modern works, and for those other objects to which they would apply it. But if we are to move our national collection of pictures from the place where they now are, where are they to go? My noble Friend the Member for Haddingtonshire (Lord Elcho), like Cælebs in search of a wife, has wandered forth in search of a site to all the different places where his imagination led him, and at last he met with a *mirage* which induced him to believe there was a swamp at the site now recommended. Why, that is as deceitful as the *mirage* which the traveller thinks he falls in with as he passes over the sands of Egypt; there is no foundation whatever for the apprehension which haunts my noble Friend. Let us, however, examine the sites which he proposes. In number they are about a dozen or more. Those sites may be classed in three divisions. Some of them are liable to all the objections which apply to the present site; they are in the town and would be equally exposed, with the present gallery, to the smoke and dirt of London. What, for instance, should we gain by removing the gallery from one end of Pall Mall to the other? Then my noble Friend comes to the parks and palaces. He has offered to him a free gift in the site now proposed—a site which the country has only to accept; but he is not contented with that; he refuses the gift, and says, "I am determined either to rob the public of those places of air and recreation which they at present possess, or I will take from the Crown the palaces which belong to it." Now, I repudiate altogether those proposals. I put out of the question the encroachments upon the parks, because I feel sure if any Government could be found which would advise the Crown to allow such encroachments, there would be a burst of public indignation which would totally prevent any scheme of the sort from being carried into execution. We all remember the violent opposition which has always been raised to any such encroachments upon places which are preserved for the use and enjoyment of the people. But then we are told that a handsome building might be erected which would be an ornament to the parks. No doubt such a building might be erected, but we are not talking about ornamenting the parks; our object should rather be to consider how we are to preserve them for the purposes for which they are designed. With regard to the parks and Kensington Gardens, therefore, I put these sites altogether out of view. My noble Friend in an easy good-humoured way talks of sweeping away St. James's Palace and Marlborough House and sending the Prince of Wales to Burlington House. Now, I think any man, whether he be prince, peer, or commoner, who had the good fortune to own Marlborough House would pause a long time before accepting the transfer to Burlington House. The two situations are by no means equally desirable, and yet my noble Friend talks of sweeping away the Prince's future residence and erecting fanciful fabrics in its stead. He reminds me of the German baroness who was so fond of planting that she cut down whole forests to enable her to gratify her taste; or of the lady in the *Arabian Nights* who was so anxious to exchange Aladdin's old lamp for a new one—there being this additional point of resemblance, that the exchange, so unprofitable to Aladdin, would also involve us in an enormous expenditure. There would be the compensation you would have to give the Crown for these existing buildings; there would be the expense of erecting fresh palaces and of the buildings you would erect on the sites thus obtained; and, in short, such a proposal seems to be altogether inadmissible. The real question which the House has to consider is, I take it, not whether the present National Gallery is to be removed, because I look upon that as a settled point—not whether a new National Gallery is to be erected in Hyde Park, Kensington Gardens, Pall Mall, or on the site of Marlborough House, or St.

James's Palace. The real question is whether you will remove the National Gallery to the site now proposed, or whether, contrary to the opinion of all those whose opinion is entitled to consideration, you are determined to continue it in the inconvenient, insufficient, and, to works of art, dangerous building in which the national collection of pictures now are kept. Sir, the choice is between this ground or none. I see no other spot within reach of visitors who wish to see this collection; I see no other site but this to which it is possible to transfer the gallery; and when my hon. Friend the Member for Newark (Mr. G. Vernon) asks me whether the Government have deliberately considered this question, and, I think, rather made his vote depend upon the answer which may be returned, I claim his vote upon that very ground, because the Government have deliberated upon the subject. After full consideration, Sir, I am prepared to say that we do not see our way to any other site for the National Gallery, and we do think it is not fitting either that the collections of pictures we have, or those we may hereafter have, should continue in the building in which they are now placed. I do therefore hope that the House will not be led away by the vivid imagination of my noble Friend (Lord Elcho), or by the romantic march he has taken to a number of impossible and impracticable sites, but that hon. Members will consider the real question at issue—namely, not whether we should determine to launch into that enormous expense in construction which has been alluded to as now awaiting decision—not whether we will adopt any particular plan, but whether we will accept a site which is of sufficient capacity to allow of its application to all those purposes for which it may hereafter be required—a site which the country may receive at present without any further expense, and as to which, when accepted, Parliament remains perfectly free to determine to what purposes it shall be applied, to what extent buildings shall be constructed, what shall be their form and character, and what shall be the expense incurred in carrying out these desirable objects.

Mr. LOCKE said, he might have been contented with giving a silent vote upon the present occasion had it not been for the observations he had heard in the course of the discussion. However, it was his intention only to trouble the House for a few moments. He did not pretend to say that he had formed a very strong opinion in favour of Kensington Palace as against Kensington Gore, because he thought there were circumstances connected with the removal of the pictures from Charing Cross to one or other of those sites which must first of all be taken into consideration. It was not for him to say whether it had been satisfactorily established that pictures had deteriorated in the present building, and that therefore they must necessarily be removed from their present situation; but he would remark that those who made this proposition for the removal of the Gallery to Kensington Gore did not seem to remember that that site must become gradually as fitted for building on as others. In a few years there would probably not be a piece of vacant ground between the site now fixed upon and the river at Chelsea; and was it, then, worth while to remove the pictures to Kensington Gore, owing to an alleged deterioration from their continuance in town—a point which he confessed, notwithstanding all that had been said on the subject, he was not yet prepared to look upon as established? But, though he had not a very decided opinion as between the two sites he had referred to, he must confess he thought that in the course which was originally traced out by the right hon. Gentleman opposite (Mr. Disraeli), they had laid the foundation for mischief of which they had not yet seen the end. He believed, moreover, that that foundation had been laid upon false premises. Having studied the character of his countrymen, and having had the opportunity of comparing their works with those of foreigners, he must confess that he had not come to the conclusion that it was necessary to treat a workman as a child, and to adopt for his benefit that centralising system which the right hon. Gentleman seemed to have in his mind. He had himself, in the year 1852, stated that he did not agree in the low estimate that had been formed of the character of Englishmen by some hon. Gentlemen opposite, nor that the perfection of mechanical skill was due to the Governmental schools. He had a great faith in the individual energy of the country, and if they established central schools they would, he feared, lessen the individual exertion which had been the mainstay of the mechanical industry of the country. He had no objection to grants of money for buildings for the exhibition of our excellent works of art; but if it were intended to introduce central schools by which degrees were to be established, so that individuals out of the pale of those schools might be marked—what he more particularly wished to call attention to was the centralising system in France, where the Ecole Polytechnique had been established, out of which there was no opportunity for any individual, however great his merit—he felt bound to raise his voice the moment the question was introduced; and the right hon. Gentleman the Member for Buckinghamshire, then Chancellor of the Exchequer, said that he (Mr. Locke) had made a startling assertion, without any foundation, to raise an argument against the Vote. The right hon. Gentleman went on to say, that "he could assure the hon. Gentleman (Mr. Locke) that he (the Chancellor of the Exchequer) had heard, for the first time, the statement respecting this scheme, and he could say with perfect confidence that it was an assertion for which there was not the slightest imaginable foundation." The speech of the right hon. Gentleman that evening had been enough to justify the statement which he had made in 1852, and to show that something was impending which Parliament ought not to permit, and against which he wished to enter his protest.

LORD ELCHO said, he very much regretted that he had no right of reply, because nearly everything which he had stated had been misrepresented by the opponents of his Motion. He had not proposed that the natural history collection should be given to the Zoological Society, but that it should be placed somewhere near the gardens of the society; nor had he stated that thirteen Commissions or Committees had been appointed on the subject of the National Gallery. He had not wished to convey to the House that he was opposed to what the right hon. Gentleman (Mr. Disraeli) called the industrial scheme, but he had endeavoured to draw a distinction between a scheme which had been supported by the late Mr. Hume, and that which the right hon. Gentleman called a National Gallery of the people; and he considered that the subject involved a much larger question than the mere choice of a site.

MR. DISRAELI said, he must beg to explain that the statement quoted by the hon. Gentleman (Mr. Locke) had reference to schools of art and science, which were included in the Miscellaneous Estimate, for which the hon. Gentleman voted.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 145; Noes 154: Majority 9.

### *List of the* AYES.

Acton, J.
Bailey, C.
Baines, rt. hon. M. T.
Baldock, E. H.
Ball, E.
Baring, rt. hn. Sir F. T.
Barnes, T.
Barrow, W. H.
Bennet, P.
Berkeley, F. W. F.
Bernard, Visct.
Bethell, Sir R.
Bonham-Carter, J.
Bouverie, rt. hn. E. P.
Brand, hon. H.
Brocklehurst, J.
Brotherton, J.
Bruce, Lord E.
Buller, Sir J. Y.
Butt, G. M.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Chambers, T.
Clay, Sir W.
Clifford, H. M.
Clive, hon. R. W.
Cobbold, J. C.
Cockburn, Sir A. J. E.
Cocks, T. S.
Colvile, C. R.
Cowan, C.
Cowper, rt. hon. W. F.
Crossley, F.
Cubitt, Mr. Ald.
Davie, Sir H. R. F.
Davies, D. A. S.
Disraeli, rt. hon. B.
Drumlanrig, Visct.
Duncan, Visct.
Dunne, M.
Ewart, W.
Ewart, J. C.
Farrer, J.
Fergus, J.
Ferguson, Col.
FitzGerald, Sir J.
FitzGerald, rt. hon. J. D.
FitzRoy, rt. hon. H.
Forster, C.
Freestun, Col.
Gallwey, Sir W. P.
Galway, Visct.
Glyn, G. C.
Goddard, A. L.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Graham, Lord M. W.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guinness, R. S.
Gwyn, H.
Hall, rt. hon. Sir B.
Hamilton, Lord C.
Hamilton, G. A.
Hankey, T.
Hardinge, hon. C. S.
Headlam, T. E.
Heard, J. I.
Heathcote, hon. G. H.
Heneage, G. F.
Hervey, Lord A.
Higgins, Col. O.
Horsman, rt. hon. E.
Hughes, W. B.
Hughes, H. G.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Labouchere, rt. hon. H
Langton, H. G.
Lennox, Lord H. G.
Lewis, rt. hn. Sir G. C.
Littleton, hn. E. R.
Lowe, rt. hon. R.
M'Cann, J.
MacGregor, John
Malins, R.
Massey, W. N.
Milligan, R.
Milnes, R. M.
Michell, W.
Moffatt, G.
Monck, Visct.
Moncrieff, rt. hon. J.
Monsell, rt. hon. W.
Morris, D.
Naas, Lord
Napier, rt. hon. J.
O'Brien, J.
Osborne, R.
Paget, Lord A.
Pakington, rt. hn. Sir J.
Palmer, R.
Palmerston, Visct.
Peel, Sir R.
Peel, F.
Pellatt, A.
Pennant, hon. Col.
Price, W. P.
Pritchard, J.
Repton, G. W. J.
Ricardo, O.
Ricardo S.
Ridley, G.
Robartes, T. J. A.
Rolt, P.
Russell, F. C. H.
Sawle, C. B. G.
Seymour, H. D.
Shelburne, Earl of
Smith, rt. hon. R. V.
Smith, A.

Steel, J.
Stephenson, R.
Tancred, H. W.
Taylor, Col.
Thornely, T.
Trollope, rt. hon. Sir J.
Vernon, L. V.
Villiers, rt. hon. C. P.
Vyse, Col.
Walpole, rt. hon. S. H.
Warren, S.

Whitmore, H.
Wickham, H. W.
Wilkinson, W. A.
Wilson J.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wyndham, H.
Wynne, rt. hon. J.

TELLERS.

Hayter, W. G.
Mulgrave, Earl of

### *List of the* NOES.

Alcock, T.
Annesley, Earl of
Antrobus, E.
Archdall, Capt. M.
Baillie, H. J.
Baxter, W. E.
Beamish, F. B.
Beaumont, W. B.
Bell, J.
Black, A.
Blackburn, P.
Bramley-Moore, J.
Bramston, T. W.
Bruce, Major C.
Bruce, H. A.
Buck, Col.
Burghley, Lord
Cairns, H. M'C.
Campbell, Sir A. I.
Cavendish, hon. C. C.
Cayley, E. S.
Cecil, Lord R.
Chambers, M.
Cheetham, J.
Craufurd, E. H. J.
Davies, J. L.
Deasy, R.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Duncan, G.
Duncombe, hon. A.
Dundas, G.
Dunlop, A. M.
Dunne, Col.
East, Sir J. B.
Egerton, E. C.
Ellice, E.
Euston, Earl of
Evelyn, W. J.
Farnham, E. B.
Fielden, M. J.
Fenwick, H.
Ferguson, J.
Floyer, J.
Foley, J. H. A.
Forster, J.
Fox, W. J.
George, J.
Gifford, Earl of
Goderich, Visct.
Greenall, G.
Greene, J.
Greene, T.
Grosvenor, Earl
Hadfield, G.
Handcock, hon. Capt. H.
Hardy, G.

Hastie, Alex.
Hildyard, R. C.
Hindley, C.
Holland, E.
Hotham, Lord
Howard, hon. C. W. G.
Hutt, W.
Ingham, R.
Irton, S.
Johnstone, J.
Jones, Admiral
Kershaw, J.
King, hon. P. J. L.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knox, Col.
Langston, J. H.
Langton, W. G.
Lee, W.
Liddel, hon. H. G.
Locke, J.
Lockhart, W.
Macartney, G.
MacEvoy, E.
MacGregor, James
M'Mahon, P.
Maguire, J. F.
Marjoribanks, D. C.
Maxwell, hon. Col.
Meagher, T.
Miall, E.
Mitchell, T. A.
Montgomery, Sir G.
Moore, G. H.
Morgan, O.
Mowbray, J. R.
Mundy, W.
Murrough, J. P.
Napier, Sir C.
Neeld, J.
Newdegate, C. N.
Norreys, Sir D. J.
North, Col.
North, F.
Oakes, J. H. P.
O'Brien, P.
O'Brien, Sir T.
Ossulston, Lord
Otway, A. J.
Parker, R. T.
Pechell, Sir G. B.
Phillimore, J. G.
Phillimore, R. J.
Portal, M.
Pugh, D.
Ramsden, Sir J. W.
Robertson, P. F.

Roebuck, J. A.
Russell, F. W.
Sandars, G.
Scholefield, W.
Scobell, Capt.
Seymer, H. K.
Shee, W.
Shelley Sir J. V.
Sheridan, R. B.
Shirley, E. P.
Sibthorp, Major
Smith, J. B.
Smith, M. T.
Smith, W. M.
Smollett, A.
Somerville, rt. hn. Sir W.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stracy, Sir H. J.
Stuart, Capt.

Talbot, C. R. M.
Tempest, Lord A. V.
Thompson, G.
Thornhill, W. P.
Tite, W.
Tollemache, J.
Tottenham, C.
Vance, J.
Vansittart, G. H.
Vivian, H. H.
Walcott, Adm.
Walter, J.
Watkins, Col. L.
Williams, W.
Willoughby, Sir H.
Wise, J. A.
Woodd, B. T.

TELLERS.

Wells, W.
Vernon, G. E. H.

MR. WALPOLE said, he would beg to ask whether, as the numbers were so equally balanced in the division which had just taken place, it would not be a good opportunity for adopting the suggestion thrown out the other evening by the right hon. Member for Carlisle, that Addresses to the Crown should be referred to a Committee to be prepared, by which means the opinion of the House could again be taken on them?

VISCOUNT PALMERSTON said, that he thought that the proposition of his right hon. Friend was well deserving of attention, but he did not consider that it would be desirable to apply it until the House had deliberately adopted it.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Address to be presented by Privy Councillors.

## SCOTCH AND IRISH PAUPERS REMOVAL BILL.

Order for Second Reading read.

MR. BOUVERIE said, that the Bill had been before the House for about three months, and had been postponed from time to time in the hope of his finding an opportunity to explain its provisions. But he had found much opposition to it, not only in the metropolis and manufacturing districts, but also in Scotland, and what surprised him much, in Ireland too. He was convinced the Bill was founded on justice, and would have been a great improvement in the administration of the poor law, and a material benefit to unfortunate labourers. He, however, saw no chance of carrying it during the present

Session, and therefore he proposed, with the consent of the House, to discharge the Order.

LORD NAAS said, he wished to correct the impression that Irish Members were opposed to it; they were surprised that it had not carried out the recommendations of the Committee that sat for two years, and the withdrawal of the Bill would be much regretted.

MR. W. WILLIAMS said, he was glad the Bill was withdrawn, and he likewise hoped it would never be presented to the House again, for it was perfectly impracticable.

MR. MAGUIRE said, he could assure the House, although he had placed an Amendment on the paper, that he had no intention to oppose the Bill.

Order *discharged.*

Bill *withdrawn.*

## BANKRUPTCY AND INSOLVENCY (IRELAND) BILL.

Order for Second reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. MACARTNEY said, he objected to the Bill being proceeded with at that late period of the Session, he should therefore move that it be read that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. J. D. FITZGERALD said, that the Bill was printed and distributed in the first week of the Session, since which he had met with no objection to it. It would involve no charge to the country. It gave a retired allowance to a Judge, who would receive it in any case. It was true that it consisted of as many as ninety-three clauses, but that arose from its being a consolidation of fifteen or sixteen confused Statutes.

MR. CAIRNS said, that the Chamber of Commerce at Belfast, had presented a petition against the Bill. It confounded bankruptcy and insolvency in an objectionable manner, and placed on the retired list several Judges yet able to do work. He trusted that the Bill, at that period of the Session, would be discharged; if not, he must support the Motion against it.

MR. VANCE said, he could only characterise the Bill as a job, which would give retiring allowances to several Judges who did not as yet deserve it. After what had been already done in respect of the Irish Chancery Bill, not one clause of which had been approved by the Committee, he believed that the present measure would be found equally defective. Next Session it might be referred to a Select Committee. The Chamber of Commerce of Dublin had, it was true, petitioned in its favour, but they had strong objections to many of its points. He should certainly support the Amendment.

COLONEL FRENCH said, he objected that the Bill came on for second reading, when several Irish Members were unavoidably absent on circuit.

MR. M'CANN said, he must deny that the mercantile interest was opposed to the Bill.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°.

## DWELLINGS FOR LABOURING CLASSES (IRELAND) BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

COLONEL GREVILLE said, he hoped the third reading would not be proceeded with. Under the provisions of the Bill it would be in the power of an agent to put an end to a tenancy from year to year by simple service of a summons, in case any damage should be done to the premises. He thought that such a state of things was most unjustifiable, and he should move that the Bill be read a third time that day three months.

MR. DE VERE said, he had opposed the Bill from the beginning, and he should willingly second the Amendment of his hon. and gallant Friend.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

SIR WILLIAM SOMERVILLE said, he hoped that the third reading would be agreed to. He had not expected that any opposition would be offered to the Bill, as its object was to improve the dwellings of the labouring classes.

MR. M'MAHON said, he wished to know whether the Government lent its sanction to the Bill? The Irish Members did not want it; and it had been brought in by the representative of an English borough (Sir W. Somerville). It was, in his opinion, most objectionable, and he hoped that the House would let the question of landlord and tenant alone until some general scheme to regulate their rights could be brought in. The Irish people deprecated these continual attempts at class legislation, and preferred that the people of England and Ireland should be governed by the same laws. He should support his hon. and gallant Friend's Amendment.

Mr. G. A. HAMILTON said, he had put his name to the back of the Bill, and he thought that the right hon. Baronet (Sir W. Somerville) deserved the greatest credit for the endeavour to improve the condition of the labouring classes of Ireland.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 85; Noes 19: Majority 66.

Main Question put, and *agreed to.*

Bill read 3°.

Amendments made.

Bill *passed.*

## MARRIAGE LAW (SCOTLAND) AMENDING BILL.

Order for Second Reading read.

Sir JAMES GRAHAM said, the Bill had come down from the House of Lords, having been introduced there by his noble Friend Lord Brougham, who, living on the Border where these marriages took place, was equally aware, with himself, of the evils which they produced. One thousand of these marriages took place last year on the Gretna side of the Border, and at least as many more took place on the Berwick and Coldstream side. He could depose as a witness to the evil effects produced on the morals of the community by these irregular marriages. They were productive of seduction, bigamy, and bastardy to a great extent amongst the humbler classes, and the evil consequences generally fell on the woman. If it turned out that the woman had money, the man said that the marriage was valid; if she had not, when his passion was satisfied, he treated it as invalid, and she was abandoned. The consequence was, that there were instances where the marriage ceremony had been repeated four times over, and the cases of prosecution for bigamy were comparatively rare. The Bill did not proceed by way of penalties, but it declared that these marriages should be invalid if both the parties were not domiciled in Scotland a fortnight before the celebration of the marriage. The hon. Member for Greenock (Mr. Dunlop) had given notice of a clause which confined the domiciling to one of the parties; but that was a question for the consideration of the Committee. He had communicated with his right hon. Friend the Secretary of State for the Home Department and with the right hon. and learned Lord Advocate before he undertook the charge of the Bill, and he understood that it would not be opposed by them. It might also be a question whether the provisions with regard to certificates were desirable, but that would also be a question for the Committee.

The LORD ADVOCATE said, he would not oppose the second reading of the Bill, but there were portions of it with respect to which he entertained some misgiving.

Bill read 2°.

The House adjourned at a quarter before Two o'clock till *Monday* next.

# INDEX.

# INDEX

TO

# HANSARD'S PARLIAMENTARY DEBATES,

## VOLUME CXLII.

THIRD VOLUME OF SESSION 1856.

---

### EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

---

ABERDEEN, Earl of
Appellate Jurisdiction, Com. 899, 909
Divorce and Matrimonial Causes, 2R. 424
Marriage Law Amending, Com. 325

*Aberdeen, University of,*
*c.* Question (Mr. Thompson), 1494; (Mr. H. Baillie), 1679

*Abjuration, Oath of, Bill,*
*c.* Com. *cl.* 1, Amend. (Sir F. Thesiger), 595; Amend. neg. 599;
*cl.* 2, Amend. (Lord J. Russell), 599;
*add. cl.* (Lord J. Russell), 605;
3R. 1165, Amend. (Sir F. Thesiger), 1182, [*o. q.* A. 159, N. 110, M. 49], 1197
*l.* 1R.* 1219;
2R. 1772; Amend. (Earl Stanhope), 1796, [*o.q.* Content 78, Not Content 110, M. 32], 1805

*Abjuration, Oath of, Amendment Bill,*
*l.* 1R. 1667;
2R. 1896;
Com. 2050; Amend. (Lord Lyndhurst), 2063; Amend. neg. 2064

ACLAND, Sir T. D., *Devonshire, N.*
Army Estimates, 1719
Supply—St. James's Park, 1569

ADDERLEY, Mr. C. B., *Staffordshire, N.*
Army Estimates, 1554
Reformatory Schools, Com. *add. cl.* 567, 568, 571
Supply—Orange River Territory, 1052
Turkish Contingent—English Officers, 555

ADVOCATE, The LORD (Rt. Hon. J. Moncrieff), *Leith, &c.*
Aberdeen, University of, 1494, 1679
Army Estimates, 1726
Marriage Law (Scotland), Amending, 2R. 2160
Parochial Schools (Scotland), 632; 2R. 894, 896; Com. *cl.* 9, 1991
Supply—Mr. Boyle's Compensation, 1142
Voters, Registration of, (Scotland), 2R. 400; Com. 1680; *cl.* 1, 1683; *cl.* 55, 1684

*Advowsons Bill,*
*c.* 2R. 466

*Aggravated Assaults Bill,*
*c.* 2R. 165 [A. 97, N. 135, M. 38] 177

AGNEW, Sir A., *Wigtonshire*
Dissenters' Marriages, Com. *cl.* 4, 942

*Agricultural Statistics—Supply,*
*c.* 1109

*Agricultural Statistics Bill,*
*c.* 2R. Adj. moved (Mr. Bentinck), 1727; Adj. Debate, 1770; Bill withdrawn, 1771

ALBEMARLE, Earl of
Dalhousie, Marquess of, Pension to, Correspondence moved for, 211, 215
India, Government of, Com. moved for, 313
Indian Accounts, Returns moved for, 621, 625, 631
Maritime Law, International, 513

Alcock, Mr. T., *Surrey, E.*
Budget, The—Financial Statement, Res. 355
Fire Insurances, Com. 395
Supply—Education, 1370

*Aldershot Camp, Bill,*
*c.* 3R.* 1326
*l.* 1R.* 1395; 2R.* 2048

*Aldershot, Constabulary Police at—Supply,*
*c.* 1030, [A. 131, N. 14, M. 117] 1034

*Annuities (No. 2) Bill,*
*c.* 1R.* 550; 2R.* 588; 3R.* 697
*l.* 1R.* 668; 2R.* 776; 3R.* 850
Royal Assent, 949

*Annuities Redemption,*
*c.* Com. 1151

*Annuities Redemption Bill,*
*c.* 1R.* 1227; 2R.* 1326; 3R.* 1493
*l.* 1R.* 1570; 2R.* 1771

*Appellate Jurisdiction (House of Lords) Bill,*
*l.* 1R.* 621;
2R. 780;
Com. 899;
*cl.* 1, 921;
Rep. 950;
3R. 1059; Amend. (Earl of Clancarty), 1063, [*o. q.* Content 44, Not Content 4, M. 40] 1081;
That the Bill do pass, 1081; Amend. (Lord St. Leonards), 1083; Amend. neg. 1084
Protests, 1084, 1085
*c.* 1R.* 1161;
Question (Mr. R. Currie), 2075; Observations (Lord J. Russell), 2096

*Archer, Miss, Assault on,*
*c.* Question (Mr. Peacock), 327

Argyll, Duke of (Lord Privy Seal)
Appellate Jurisdiction, Com. 911
Divorce and Matrimonial Causes, Com. 1983
Join-stock Companies, 2R. 1485; Com. 1892
Maritime Law, International, 516, 527
Reformatory and Industrial Schools, Com. 1324
Ticket-of-Leave System, 255, 257

*Army,*
*Commissions, Candidates for, c.* Question (Mr. J. A. Smith), 258
*Commissions of Deceased Officers, c.* Address moved (Mr. Grogan), 1513; Motion withdrawn, 1518; Address moved (Col. B. Knox), 1529, [A. 39, N. 81, M. 42] 1533
*Education of Officers, c.* Statement (Mr. S. Herbert), 980
*Estimates, c.* 1533, 1691; Amend. (Mr. E. Ellice), 1718, [A. 69, N. 150, M. 91] 1726
*Guards, Entry of the, into London, c.* Question (Mr. Noel), 2073
*Guards' Memorial, The, c.* Question (Major Sibthorp), 1228
*Reduction of Officers, c.* Question (Lord Hotham), 1735

[*cont.*

*Army*—continued.
*Regulations, c.* Question (Sir S. Northcote), 1407
*Sandhurst Military College, c.* Question (Col. North), 588
*Staff of the, c.* Res. (Capt. L. Vernon), 776; House counted out, *ib.*; Res. (Capt. L. Vernon), 1687; Motion neg. 1691; Question (Col. Lindsay), 1992; Observations (Col. North), 2084
*Vote of Thanks, l.* (Lord Panmure), 182
*c.* (Visct. Palmerston), 216;—See *Crimea, The—Foreign Legion, The—German Legion, The—Italian Legion, The—Militia, The*

*Assistant Judge—Middlesex Sessions,*
*c.* Question (Lord Hotham), 268

Atherton, Mr. W., *Durham City*
Joint-stock Companies, Com. *cl.* 29, 642; *cl.* 37, 644

Attorney General, The (Sir A. E. Cockburn), *Southampton*
Fire Insurances, Com. *cl.* 2, 395, 397
Hinds, Miss, Murder of, 283
Married Women, Rights of, 1277
Supply—Charity Commission, 862, 863, 864
Wills and Administration, 2R. 2015

*Australia, Steam Postal Communication with,*
*c.* Question (Mr. Macartney), 552, 1230; (Lord Naas), 1496; (Mr. T. Chambers), 1685; (Sir J. Pakington), 1987

*Australian Expedition—Supply,*
*c.* 1050

Baillie, Mr. H. J., *Inverness-shire*
Aberdeen, University of, 1679
United States, Relations with the, 1163, 1404, 1405, 1660
Voters, Registration of (Scotland), Com. 1682

Baines, Rt. Hon. M. T. (Chancellor of the Duchy of Lancaster), *Leeds*
Hinds, Miss, Murder of, 286
Justices of the Peace Qualification, Com. *cl.* 7, 476, 477
Reformatory Schools, Com. *add. cl.* 568
Supply—Charity Commission, 859;—Statute Law Commission, 867

Ball, Mr. E., *Cambridgeshire*
Agricultural Statistics, 2R. 1727
Army Estimates, 1700
Budget, The—Financial Statement, Res. 358
Dissenters' Marriages, Com. *cl.* 4, 942, 945
Supply—Education, 1374

*Ballot, The,*
*c.* Leave, 430, [A. 111, N. 151, M. 40] 450

*Bands in the Parks on Sundays,*
*c.* Question (Mr. T. Chambers), 259; (Mr. Otway), 325;—see *Scotch Members and the Government*

*Bank Charter Act,*
*c.* Observation (Mr. Malins), 276

*Bankers' Compositions Bill,*
*l.* 2R.* 310; 3R.* 481
Royal Assent, 949

*Bankruptcy (Scotland) Bill,*
*l.* 2R. 253

*Bankruptcy and Insolvency (Ireland) Bill,*
*c.* 2R. Amend. (Mr. Macartney), 2157; Amend. neg. 2158

Baring, Rt. Hon. Sir F. T., *Portsmouth*
Budget, The—Financial Statement, Res. 372
Navy Estimates, 1445, 1457
Perth and Melfort's, Earl of, Compensation, Rep. 1319
Police (Counties and Boroughs), Com. *cl.* 6, 294, 304
Supply—Charity Commission, 862;—Bounties on Slaves, 1027;—Constabulary Police at Aldershot, 1034;—Embassy Houses Abroad, 1042, 1043, 1045;—Treasury Commissariat Chest Transactions, 1108;—Civil Contingencies, Amend. 1328, 1339

Baring, Mr. H., *Marlborough*
Legion of Honour, 2075

Baring, Mr. T., *Huntingdon*
Joint-stock Companies, Com. *cl.* 5, 636, 637
Partnership, Amendment (No. 2), 2R. 656

Barnes, Mr. T., *Bolton*
Supply—Education, Amend. 1359

Barrow, Mr. W. H., *Nottinghamshire, S.*
Aggravated Assaults, 2R. 174
Factories, Com. *cl.* 4, 562
Justices of the Peace Qualification, Com. *cl.* 11, 479
Police (Counties and Boroughs), Com. *cl.* 6, 306; *add. cl.* 309
Poor Law Amendment (No. 2), 1R. 616
Reformatory Schools, Com. *add. cl.* 567
Supply—St. James's Park, 1569

Bath, Marquess of
Burial-ground, Blandford, 974, 975

*Battersea Park—Supply,*
*c.* 1035

Baxter, Mr. W. E., *Montrose, &c.*
Fire Insurances, Com. 387; *cl.* 2, 395, 396
Partnership Amendment (No. 2), 2R. 658

Beamish, Mr. F. B., *Cork*
Lunatic Asylums (Ireland), (No. 2), Com. *cl.* 3, 1762; *cl.* 4, 1765

Bell, Mr. J., *Guildford*
Postage Labels, Com. moved for, 1296

Bellew, Captain T. A., *Galway Co.*
Commissions of Deceased Officers, Address moved, 1531
Evictions (Ireland), Case of, Mr. Pollok, 706
Maynooth College, 2R. 1960

Bentinck, Mr. G. W. P., *Norfolk, W.*
Aggravated Assaults, 2R. 173
Agricultural Statistics, 2R. Adj. moved, 1727, 1728, 1770
Navy Estimates, 1429, 1446
Peace, Treaty of, Address moved, 67
Police (Counties and Boroughs), Com. *cl.* 6, 296, 301; *add. cl.* 607, 610

Berkeley, Rear Adm. Rt. Hon. Sir M. F. F. (Lord of the Admiralty), *Gloucester*
Crimea, Return of Troops from the, 1097
Navy Estimates, 1444

Berkeley, Hon. F. H. F., *Bristol*
Ballot, The, Leave, 430, 449
Poor Law Amendment (No. 2), 2R. 2042

Bernard, Viscount, *Bandon*
Army Estimates, 1706
Education (Ireland), Res. Adj. moved, 1882
Militia and the Foreign Legions, 801
Navy Estimates, 1456
Peace Preservation (Ireland), Com. 1574

Berners, Lord
County Courts Acts Amendment, 2R. 9
Grand Juries, 2R. 1967
Ticket-of-Leave System, 255

Bessborough, Earl of
Peace Preservation (Ireland), Com. 778, 780

Bethell, Sir R., *see* Solicitor General, The

Biggs, Mr. W., *Newport (Isle of Wight)*
Aggravated Assaults, 2R. 172
Police (Counties and Boroughs), Com. *add. cl.* 613

Bignold, Sir S., *Norwich*
Fire Insurances, Com. 388

*Bills, Public and Private*
*c.* Question (Mr. Brady), 1406

Black, Mr. A., *Edinburgh*
Parochial Schools (Scotland), 2R. 890
Reformatory Schools, Com. *add. cl.* 571
Supply—Board of Fisheries (Scotland), 882
Voters, Registration of (Scotland), Com. 1682

Blackburn, Mr. P., *Stirlingshire*
Parochial Schools (Scotland), 2R. 892
Supply—Temporary Commissions, Amend, 880;—Board of Fisheries (Scotland), 882;—Civil Contingencies, 1336
Voters, Registration of (Scotland), 2R. 400; Com. 1680

BLAKEMORE, Mr. T. W. B., *Herefordshire*
Death, Punishment of, Com. moved for, 1249

BLAND, Mr. L. H., *King's Co.*
Joint-stock Companies Winding-up Act Amendment, 2R. 1151
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3, 1761
Maynooth College, 2R. 1950
Peace Preservation (Ireland), 2R. 1393

BLANDFORD, Marquess of, *Woodstock*
Convict Hulks, 1402
Parishes, Formation of, Com. 575, *cl.* 2; *cl.* 4, *ib.*
Plumstead, Church Accommodation at, 1103, 1107
Suffragan Bishops, 589
Supply—St. James's Park, 1415

*Bleaching, &c. Works (No. 2) Bill,*
*c.* 2R. Amend. (Mr. Kirk), 1053

BOLDERO, Col. H. G., *Chippenham*
Army Estimates, 1715
Supply—Science and Art Department, Marlborough House, Removal, 1133;—St. James's Park, 1139

*Bounties on Slaves, &c.—Supply,*
*c.* 1027

BOUVERIE, Rt. Hon. E. P. (Chief Commissioner of the Poor Laws), *Kilmarnock, &c.*
Cambridge University, Com. 807; *cl.* 4, 843, 844; *cl.* 5, 845; *cl.* 25, 847, 849; *cl.* 27, 1198, 1200, 1203, 1207, 1208, 1209; *cl.* 29, *ib.*, 1210; *cl.* 30, 1211; *cl.* 31, 1212; *cl.* 39, 1214; *cl.* 40, 1215; Rep. *add. cl.* 1740; *cl.* 27, 1744, 1749; *cl.* 44, 1750, 1755, 1758; 3R. *add. cl.* 2043
Dissenters' Marriages, Com. *cl.* 11, 948
Paupers' Removal, Scotch and Irish, 2R. 2156
Poor Law Amendment, 2R. 614, 615
Poor Law Amendment (No. 2), 1R. 616; 2R. 2043
Poor, Medical Officers for the, 1493
St. Pancras Workhouse, 1228, 1230
Tithe Commutation Rent Charge, 2R. 154

BOWYER, Mr. G., *Dundalk*
Abjuration, Oath of, 3R. 1182
Dissenters' Marriages, Com. *cl.* 4, 946; *cl.* 11, 947, 948
Foschini, Escape of, 1733
Maynooth College, 2R. 1956, 1962; Adj. moved, 1965
Peace, Treaty of, Address moved, 50
Sardinian Loan, Com. 1889
Supply—Statute Law Commission, 874;—Monument at Scutari, 1051, 1052
Tipperary Bank, 1164
Wills and Administrations, 2R. 2041

BRADY, Mr. J., *Leitrim*
Bills, Public and Private, 1406, 1407
Peace Preservation (Ireland), 2R. 1392
Spirit Trade (Ireland), 2R. 1320, 1323

*British Historical Portrait Gallery—Supply,*
*c.* 1113, [A. 97, N. 28, M. 69] 1124

BROTHERTON, Mr. J., *Salford*
Death, Punishment of, Com. moved for, 1258
Dissenters' Marriages, Com. *cl.* 4, 943
Factories, Com. *cl.* 4, 562
Fisheries (Ireland), Com. moved for, 1297
Postage Labels, Com. moved for, Adj. moved, 1296

BROUGHAM, Lord
Chancery Reform, 15
County Courts Acts Amendment, 2R. 7
Divorce and Matrimonial Causes, 2R. 419
Hinds, Miss, Murder of, 180
Marriage Law Amending, 2R. 205; Com. 322

BROWN, Mr. W., *Lancashire, S.*
Joint-stock Companies, Com. *cl.* 24, Amend. 640
Partnership Amendment (No. 2), 2R. 661

BRUCE, Major C. L. C., *Elgin and Nairnshire*
Parochial Schools (Scotland), 2R. 888; Com. Amend. 1464
Supply—Board of Fisheries (Scotland), 882
Voters, Registration of (Scotland), Com. 1682

BUCK, Colonel G. S., *Barnstaple*
Army Estimates, 1553, 1556
Marine Officers, 1402
Militia and the Foreign Legions, 803
Navy Estimates, 1433

*Budget, The—Financial Statement,*
*c.* Res. (Chancellor of the Exchequer), 329

BULLER, Sir J. B. Y., *Devonshire, S.*
Agricultural Statistics, 2R. 1770
Army Estimates, 1559

BUNBURY, Capt. W. B. McC., *Carlow C.*
Dwellings for Labouring Classes (Ireland), Com. *add. cl.* 1663

*Burial Acts Amendment Bill,*
*c.* 1R.* 631;
*l.* 1R.* 1966

*Burial-ground—Blandford,*
*l.* Petition (Earl of Shaftesbury), 953; Explanation (Lord Portman), 1219:—*Great Torrington,* Petition (Earl of Portsmouth), 2064

*Burial-grounds, Inspection of—Supply,*
*c.* 1034

BURRELL, Sir C. M., *New Shoreham*
Justices of the Peace Qualification, Com. *cl.* 11, 478

*Business of the House,*
*l.* Res. (Lord Redesdale) 245, 1400
*c.* Question (Mr. Hankey), 1686

**Butler**, Mr. C. S., *Tower Hamlets*
Justices of the Peace Qualification, Com. *cl.* 7, 476, 477; *cl.* 11, *ib.*; *cl.* 14, 480

**Butt**, Mr. G. M., *Weymouth*
Dissenters' Marriages, Com. *cl.* 2, 940; *cl.* 4, 941
Factories, Com. *cl.* 4, 562, 563
Joint-stock Companies, Com. *cl.* 37, 643
Nawab of Surat Treaty, Rep. 1659; 3R. 1903
Reformatory Schools, Com. *add. cl.* 568
Sligo Election Committee, 1093

**Butt**, Mr. I., *Youghall*
Bleaching Works (No. 2), 2R. 1053
Cambridge University, Rep. *cl.* 44, 1756, 1758
Crime and Outrage (Ireland) Act, 594
Education (Ireland), Res. 1881, 1882, 1886
Grand Jury Assessment (Ireland), Com. *cl.* 7, 618; *add. cl.* Amend. 619
Hinds, Miss, Murder of, 285
Joint-stock Companies Winding-up Acts Amendment, 2R. 667
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3, 1759; *cl.* 4, 1763, 1765
Peace Preservation (Ireland), Com. 1575; cl. 4, Amend. 1578; Rep. Amend. 1684

**Byng**, Hon. G. H. C., *Tavistock*
Abjuration, Oath of, 3R. 1195

**Cairns**, Mr. H. M., *Belfast*
Bankruptcy and Insolvency (Ireland), 2R. 2157
Education (Ireland), Res. 1847
Joint-stock Companies Winding-up Acts Amendment, 2R. 1767
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3, 1762; *cl.* 4, 1764

**Cambridge**, Duke of
Vote of Thanks to the Army, Navy, &c. 198

*Cambridge, Professors in the University of —Supply,*
*c.* 1046

*Cambridge University Bill,*
*c.* Com. 807;
*cl.* 1, 843;
*cl.* 4, Amend. (Mr. Stafford), 843, [*o. q.* A. 75, N. 31, M. 44] 844;
*cl.* 5, Amend. (Mr. Heywood), [*o. q.* A. 86, N. 19, M. 67] 844;
*cl.* 6, Amend. (Mr. Heywood), [*o. q.* A. 102, N. 38, M. 64] 845; 2nd Amend. [A. 63, N. 111, M. 48] 846;
*cl.* 7; *cl.* 20, 846;
*cl.* 23, Amend. (Mr. Heywood), 846;
*cl.* 24, Amend. (Mr. Heywood), 847;
*cl.* 25, Amend. (Mr. Wigram), 847, [A. 79, N. 121, M. 42] 849;
*cl.* 27, Amend. (Mr. Heywood), [A. 58, N. 74. M. 16] 1198; Amend. (Mr. Wigram), *ib.*, [A. 78, N. 97, M. 19] 1207; 2nd Amend, (Mr. Heywood), (A. 41, N. 145, M. 104] 1208; 3rd Amend. [A. 55, N. 136, M. 81] *ib.*; 4th Amend. [A. 90, N. 128, M. 38] 1209;
*cl.* 29, Amend. (Mr. Fortescue), 1210, [*o. q.* A. 165, N. 93, M. 72] 1211;
*cl.* 30; *cl.* 31, 1211;
*cl.* 32, 1212;
*cl.* 38, 1213;
*cl.* 39, 1214;
*cl.* 40, 1215;
Rep. *add. cl.* (Mr. Heywood), 1740, [A. 151, N. 109, M. 42] 1742;
*cl.* 27, Amend. (Mr. Walpole), 1743; Amend. withdrawn, 1749; Amend. (Mr. Wigram), [A. 61, N. 130, M. 69] *ib.*;
*cl.* 44, Amend. (Mr. Wigram), 1750, [*o. q.* A. 118, N. 41, M. 77] 1755; Amend. (Mr. Heywood), [*o. q.* A. 60, N. 85, M. 25] 1756; 2nd Amend. 1757; Amend. withdrawn, 1758; 3R. *add. cl.* (Mr. Bouverie), 2043
*l.* 1R.* 2048

**Campbell**, Lord
Abjuration, Oath of, Amendment, 1R. 1667; 2R. 1897; Com. 2059
Appellate Jurisdiction, 2R. 793, 794; Com. 914; *cl.* 1, 921; Rep. 951; That the Bill do pass, 1082
Burial-ground, Blandford, 1227
Capital Punishments, Com. moved for, 250
County Courts Acts Amendment, 2R. 5
Death Punishment on Women, 1058
Debt and Contempt of Court, Imprisonment for, 1571
Divorce and Matrimonial Causes, Com. 1977, 1985; Rep. 1987
Drafts on Bankers, 2R. 1055
Factories, 2R. 1671
Grand Juries, 2R. 1966, 1967
Hampstead Heath—Leases and Sales of Settled Estates, 1572
Hinds, Miss, Murder of, 179
Joint-stock Companies, Com. 1890
Marriage Law Amending, 2R. 206; Com. 824
Mercantile Law Amendment, 3R. 181; Recom. 1158, 1159
Peace Preservation (Ireland), Com. 778, 779
Police (Counties and Boroughs), Com. *cl.* 1, 1674; *cl.* 14, 1675
Sailing Vessels, Regulations for, 850
Sleeping Statutes, 2R. 1895

**Campbell**, Sir A. F., *Argyllshire*
Evictions (Ireland) Case of Mr. Pollok, 706
Parochial Schools (Scotland), 2R. 896; Com. 1470
Supply—Board of Fisheries (Scotland), 882
Voters, Registration of (Scotland), Com. 1681

*Cape of Good Hope—Supply,*
*c.* 1108

*Capital Punishment*
*l.* Com. moved for (Bishop of Oxford), 247;—See *Death Punishment*

**Cardigan**, Earl of
Vote of Thanks to the Army, Navy, &c. 199

**Cardwell**, Right Hon. E., *Oxford*
Cambridge University, Rep. *add. cl.* 1742
Joint-stock Companies, Com. *cl.* 5, 636; *cl.* 13, 638
Nawab of Surat Treaty, Rep. 1309, 1311, 1654, 1659

[*cont.*

CARDWELL, Rt. Hon. E.—*continued.*
Partnership Amendment (No. 2), 2R. 654
Peace, Treaty of, Address moved, 71
Supply—Science and Art Department, Marlborough House Removal, 1133

*Carisbrooke Castle—Supply,*
*c.* 1038

CARNARVON, Earl of
Maritime Law, International, 501
United States, Relations with the, 1155

CASHEL, Bishop of
Burial-ground, Blandford, 1225

CASTLEROSSE, Viscount, *Kerry*
Tralee and Killarney Savings Banks, Com. moved for, 772

CAYLEY, Mr. E. S., *York, N. Riding*
Agricultural Statistics, 2R. 1728

CECIL, Lord R. T. G., *Stamford*
Aggravated Assaults, 2R. 175
Dissenters' Marriages, Com. *cl.* 4, 947
Reformatory Schools, Com. *add. cl.* 568

*Central America*
*l.* Question (Earl of Elgin), 310

CHAMBERS, Mr. M., *Greenwich*
Army Estimates, 1698, 1699, 1706
Commissions of Deceased Officers, Address moved, 1531
Factories, Com. *cl.* 4, 559
Joint-stock Companies, Com. *cl.* 37, 643, 645
Navy Estimates, 1457
Supply—Revising Barristers, 1030;—Constabulary Police at Aldershot, 1034
Woolwich, Explosion at, 429

CHAMBERS, Mr. T., *Hertford*
Australia, Postal Communication with, 1685
Cambridge University, Com. *cl.* 27, 1205; *cl.* 30, 1211
Married Women, Rights of, 1283
Parks on Sundays, The, 259
Portuguese Government, Claims on the, 261

CHANCELLOR, The LORD (Rt. Hon. Lord CRANWORTH)
Appellate Jurisdiction, 2R. 780; Com. 917; Rep. 950, 952, 953; That the Bill do pass, 1083
Bankruptcy (Scotland) 2R. 253
Burial-ground—Great Torrington, 2070
Chancery Reform, 14
County Courts Acts Amendment, 2R. 1
Debt and Contempt of Court, Imprisonment for, 1570
Divorce and Matrimonial Causes 2R. 401, 425, 426; Com. 1975
Drafts on Bankers, 2R. 1056
Grand Juries, 2R. 1967
Hinds, Miss, Murder of, 180
Joint-stock Companies, 2R. 1489; Com. 1892
Mercantile Law Amendment, 3R. 181, 182; Re-com. 1156
Sardinian Loan, Message from the Queen, 1471
Sleeping Statutes, 2R. 1895

CHANCELLOR of the EXCHEQUER (Rt. Hon. Sir G. C. Lewis), *Radnor*
Annuities Redemption, Com. 1151
Army Estimates, 1537, 1698, 1727
Bank Charter Act, 277
Budget, The—Financial Statement, Res. 329, 383, 385, 387
Cambridge University, Rep. *cl.* 27, 1748
Church Rates, (No. 1), 2089
Civil Service Committee, 1163
County Courts, Judges' Salaries, Com. 2044
Fire Insurances, Com. 391; *cl.* 2, 396, 397; *add. cl.* 399
National Gallery Site, 2R. 1394
National Gallery, Site of the, Address moved, 2110, 2117
Navy Estimates, 1459, 1461
Peace, Treaty of, Her Majesty's Answer to Address, 177
Perth and Melfort's, Earl of, Compensation, Rep. 1318, 1319
Police (Counties and Boroughs), Com. *cl.* 6, 301, 305; *add. cl.* 606
Postage Labels, Com. moved for, 1294
St. James's Park, 1090
Sardinian Loan, The, 556; Res. 1497
Science, Advancement of, Com. moved for, 1266
Secretaries of State, Com. moved for, 620
Simpson's Crimean Sketches, 1103
Supply—Board of Fisheries (Scotland), 883;—Embassy Houses Abroad, 1043, 1045;—Incumbered Estates Commission (Ireland), 1049;—British Historical Portrait Gallery, 1113, 1120;—St. James's Park, 1416
Tithe Commutation Rent Charge, 2R. 161
Tralee and Killarney Savings Banks, Com. moved for, 772, 775
Wellington Monument, The, 797
Williams, Sir W. F., Annuity, 2R. 666

*Chancery, Court of (Ireland), (Sale of Estates), Bill,*
*c.* 1R.* 2071

*Chancery, Court of Appeal in (Ireland) Bill,*
*c.* 1R.* 2071

*Chancery Reform,*
*l.* Question (Lord St. Leonards), 9

*Charity Commission—Supply,*
*c.* 856; Amend. (Mr. W. Williams), 858, [A. 40, N. 146, M. 106] 865

CHEETHAM, Mr. J., *Lancashire, S.*
Factories, Com. *cl.* 4, 563; *add. cl.* 566
Supply—Patent Law Amendment, 881

CHELSEA, Viscount, *Dover*
Wellington Monument, The, 797

*Chelsea Bridge,*
*c.* Explanation (Sir B. Hall), 1227

CHILD, Mr. S., *Staffordshire, N.*
Advowsons, 2R. 466
Justices of the Peace Qualification, Com. *cl.* 11, 479

*Church Building Commission Bill,*
c. 1R.* 1679; 2R.* 1987

*Church Rates Abolition (No. 1) Bill,*
c. Question (Sir W. Clay), 2087; Bill withdrawn, 2090

*Church Rates (No. 2) Bill,*
c. 2R. 467; Amend. (Sir W. Clay), 473; Amend. and Bill withdrawn, 476

*Circassia,*
l. Question (Earl of Malmesbury), 312
c. Question (Lord C. Hamilton), 980

*Civil Contingencies—Supply,*
c. 1328; Amend. (Sir F. Baring), 1331; Amend. withdrawn, 1333

*Civil Service Commissioners—Supply,*
c. 880

*Civil Service, Committee,*
c. Question (Mr. Kendall), 1163

CLANCARTY, Earl of
Appellate Jurisdiction, 3R. Amend. 1059
Business of the House, Res. 1400
Reformatory and Industrial Schools, Com. 1324

CLANRICARDE, Marquess of
Abjuration, Oath of, 2R. 1796
Abjuration, Oath of, Amendment, 2R. 1897; Com. 2062
Appellate Jurisdiction, 3R. 1076, 1078; That the Bill do pass, 1081
Business of the House, Res. 245
Dalhousie, Marquess of, Pension to, Correspondence moved for, 207, 214
India, Government of, Com. moved for, 321
Indian Accounts, Returns moved for, 628, 630
Italy, Affairs of, 975
Militia, Irish, Disembodiment of the, 1397
Peace Preservation (Ireland), Com. 779
St. James's Park, 584

CLARENDON, Earl of (Secretary of State for Foreign Affairs)
Central America, 310
Circassia, 312
Danubian Principalities, 670, 671, 672
Italy, Affairs of, 976
Maritime Law, International, 488, 494, 524, 527, 539
North American Provinces, Military Establishments in the, Address moved, 687
Sardinian Loan, Address moved, 1671
United States, Relations with the, 1397, 1473, 1474

CLAY, Sir W., *Tower Hamlets*
Church Rates (No. 1), 2087, 2090
Church Rates (No. 2), 2R. Amend. 472
Parishes, Formation of, Com. *cl.* 2, 575

*Coalwhippers (Port of London) Bill,*
c. 2R. 1728; Amend. (Mr. Gladstone), 1732

*Coast Guard,*
c. Question (Mr. Stirling), 258; (Mr. Palk), 632

*Coatham Marriages Validity Bill,*
c. 1R.* 1679; 2R.* 1807; 3R.* 2071

COBBETT, Mr. J. M., *Oldham*
Factories, Com. Amend. 556; *cl.* 4, Amend. 559, 563; *add. cl.* 564

COCKBURN, Sir A. J. E., *see* ATTORNEY GENERAL, The

COLCHESTER, Lord
Indian Accounts, Returns moved for, 631
Maritime Law, International, 481, 494, 547

COLLIER, Mr. R. P., *Plymouth*
Cambridge University, Com. *cl.* 39, 1214
Joint-stock Companies, Com. *cl.* 37, 645
Married Women, Rights of, 1282
Wills and Administration, 2R. 2030, 2033

COLVILE, Mr. C. R., *Derbyshire, S.*
Justices of the Peace Qualification, Com. *cl.* 7, 477; *cl.* 11, 478; *cl.* 13, 480; *cl.* 14, *ib.* 481

*Commissions of Deceased Officers,*
c. Address moved (Mr. Grogan), 1513; Motion withdrawn, 1518; Address moved (Col. B. Knox), 1529, [A. 39, N. 81, M. 42] 1533

*Commissions, Temporary—Supply,*
c. Amend. (Mr. Blackburn), 880; Motion neg. 881

*Commissioners of Supply (Scotland) Bill,*
l. 1R.* 621; 2R.* 776

*Contempt of Court, Imprisonment for,*
l. Petition (Lord St. Leonards), 1570

*Convict Hulks,*
c. Question (Marquess of Blandford), 1402

*Corrupt Practices Prevention Bill,*
c. 1R.* 1679

*Corn Returns, Inspectors of—Supply,*
c. 1028

*County Courts Acts Amendment Bill,*
l. 2R. 1; 3R.* 1395
c. 1R.* 1493; 2R.* 1807

*County Courts, Judges' Salaries,*
c. Com. 2044

COWAN, Mr. C., *Edinburgh*
Army Estimates, 1726

COWPER, Rt. Hon. W. F. (President of the Board of Health), *Hertford*
Health, Public, Leave, 465

*Crampton, Mr., Dismissal of,* see *United States, Relations with the,*

Cranworth, Lord, *see* Chancellor, The Lord

Craufurd, Mr. E. H. J., *Ayr, &c.*
  Cambridge University, Com. *cl.* 6, 845

*Crime and Outrage (Ireland) Act,*
  *c.* Question (Mr. I. Butt), 594

*Crimea, The,*
  *Horses of Officers, c.* Question (Mr. Noel), 327; (Sir J. Pakington), 427; (Sir De L. Evans), 550
  *Return of Troops from, c.* Question (Lord Elcho), 1095; Explanation (Sir C. Wood), 1162; Question (Lord A. Vane Tempest), 1407; Observations, 1570; (Sir H. Davie), 1579

*Crimean Medals—The Sardinian Army,*
  *c.* Question (Mr. Otway), 261

Crossley, Mr. F., *Halifax*
  Factories, Com. *add. cl.* 565
  Supply—Education, 1383

Cubitt, Mr. W., *Andover*
  National Gallery, Site of the, Address moved, 2124

Currie, Mr. R., *Northampton*
  Appellate Jurisdiction, 2075

*Dalhousie, Marquess of—Indian Pension,*
  *l.* Correspondence moved for (Marquess of Clanricarde), 207; Motion withdrawn, 215
  *c.* Observations (Sir E. Perry), 273

*Danubian Principalities,*
  *l.* Question (Lord Lyndhurst), 668
  *c.* Question (Mr. Roebuck), 851

Davie, Sir H. R., *Haddington, &c.,*
  Crimea, Return of Troops from the, 1579

Davies, Mr. J. L., *Cardigan, &c.*
  Army Estimates, 1552
  Cambridge University, Com. *cl.* 4, 844
  Justices of the Peace Qualification, Com. *cl.* 11, 479
  Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3, 1762
  Postage Labels, Com. moved for, 1293
  Supply—Board of Fisheries (Scotland), 882, 885;—Inspectors of Corn Returns, 1029;—Embankment at Vauxhall and Battersea-Bridge, 1037;—Agricultural Statistics, 1111;—British Historical Portrait Gallery, 1116;—Civil Contingencies, 1339, 1340;—St. James's Park, 1413, 1416

Davison, Mr. R., *Belfast*
  Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3, 1761; *cl.* 4, Amend. 1762
  Militia, Disembodiment of the, 16

Deasy, Mr. R., *Cork Co.*
  Education (Ireland), Address moved, 1645
  Joint-stock Companies' Winding-up Acts Amendment, 2R. 1766
  Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 4, 1764

*Death, Punishment of,*
  *c.* Com. moved for (Mr. W. Ewart), 1231, [A. 64, N. 158, M. 94], 1261;—see *Capital Punishment*

*Death, Punishment of, on Women,*
  *l.* Question (Lord St. Leonards), 1056

*Debt and Contempt of Court, Imprisonment for,*
  *l.* Petition (Lord St. Leonards), 1570

*Deeds (Scotland) Bill,*
  *c.* 1R.* 1326; 2R.* 1987

Deedes, Mr. W., *Kent, E.*
  Agricultural Statistics, 2R. 1770

*Demerara, Riots in,*
  *c.* Question (Mr. Horsfall), 1086

Denison, Mr. E. B., *Yorkshire, W. R.*
  Dissenters' Marriages, Com. *cl.* 4, 942
  Factories, Com. 558
  Police (Counties and Boroughs), Com. *cl.* 6, 297, 302; *cl.* 11, 307
  Reformatory Schools, Com. *add. cl.* 567, 571, 573

Denman, Lord
  Abjuration, Oath of, Amendment, Com. 2060
  Appellate Jurisdiction, 2R. 795; Rep. 952, 953; 3R. 1063, 1081
  Divorce and Matrimonial Causes, Com. 1986
  Indian Accounts, Returns moved for, 630
  Joint-stock Companies, 2R. 1489
  Limited Liability, 950, 1054
  Press, The, 1054

Derby, Earl of
  Abjuration, Oath of, Amendment, 1R. 1667; 2R. 1896, 1898; Com. 2055, 2058, 2061, 2063, 2064
  Appellate Jurisdiction, Com. 905, 920; 3R. 1068
  Business of the House, Res. 245
  Factories, 2R. 1668; Com. *cl.* 4, 1893
  Maritime Law, International, 521, 527, 539
  Sardinian Loan, Address moved, 1672
  United States, Relations with the, 1397, 1472, 1473, 1474
  Vote of Thanks to the Army, Navy, &c. 193

*Designs, Registration of—Supply,*
  *c.* 1027

De Vere, Mr. S. E., *Limerick Co.*
  Dwellings for Labouring Classes (Ireland), 3R. 2158
  Education (Ireland), Address moved, Adj. moved, 1647
  Peace Preservation (Ireland), Com. 1574
  Ragged Schools in Dublin, 259

DILLWYN, Mr. L. L., *Swansea*
Aggravated Assaults, 2R. 165

DISRAELI, Rt. Hon. B., *Buckinghamshire*
Appellate Jurisdiction, 2078
Army Estimates, 1536, 1547
Budget, The—Financial Statement, Res. 361
Education (Ireland), Address moved, 1647; Res. 1885
Morning Sittings, 1463
National Gallery, Site of the, Address moved, 2134, 2146, 2153
Parochial Schools (Scotland), Com. 1464
Sardinian Loan, The, 555
Supply—Embassy Houses Abroad, 1044;—Science and Art Department, Marlborough House, Removal, 1125, 1130;—St. James's Park, 1565
United States, Relations with the, 978, 1088, 1163, 1403, 1405, 1509
Vote of Thanks to the Army, Navy, &c. 230

*Dissenters' Marriages Bill,*
*c.* Com. *cl.* 1, 939;
*cl.* 2, 940; Amend. (Mr. Hardy), 941;
*cl.* 4, Amend. (Sir J. Duckworth), 941, [A. 93, N. 85, M. 8] 947
*cl.* 11, Proviso (Mr. Henley), 948

*Divorce and Matrimonial Causes Bill,*
*l.* 2R. 401; Amend. (Lord Lyndhurst) 418; Amend. withdrawn, 426;
Com. 1968;
Rep. Amend. (Lord Stanley of Alderley), [*o. q.* Content 9, Not Content 7, M. 2] 1987

DONOUGHMORE, Earl of
Appellate Jurisdiction, Com. *cl.* 1, 921
Fire Insurances, 2R. 672
Foreign Legion, The, 1152
Militia, Irish, Disembodiment of the, 1395
Peace Preservation (Ireland), Com. Amend. 776, 780

*Drafts on Bankers Bill,*
*l.* 2R. 1055; 3R.* 1324
Royal Assent, 1771

*Drainage, (Ireland) Bill,*
*c.* 2R.* 1493

*Drainage (Private Advances) Acts Amendment Bill,*
*l.* 1R.* 1; 2R.* 576

DRUMLANRIG, Viscount, *Dumfriesshire*
Education (Ireland), Her Majesty's Reply to Address, 1992

DRUMMOND, Mr. H., *Surrey, W.*
Abjuration, Oath of, Com. *cl.* 2, 602
Death, Punishment of, Com. moved for, 1245
Evictions (Ireland), Case of Mr. Pollok, 707
Maynooth College, 2R. 1943
Peace, Treaty of, Address moved, 46
Tenant Right (Ireland), 979

*Dublin Metropolitan Police Bill,*
*c.* 2R. 1215; Amend. (Mr. Grogan) 1216; Adj. moved (Col. Taylor), [A. 52, N. 65, M. 13] 1218; 2nd Div. [A. 46, N. 69, M. 23] *ib.*

*Dublin, Postal Communication with,*
*c.* Question (Mr. Macartney), 552

*Dublin University Bill,*
*c.* 1R.* 588

DUCKWORTH, Sir J. T. B., *Exeter*
Dissenters' Marriages, Com. *cl.* 4, Amend. 941, 945, 947

*Dulwich College Bill,*
*l.* 1R.* 1771; 2R.* 2048

DUNCAN, Viscount (Lord of the Treasury); *Forfarshire*
Army Estimates, 1721

DUNCAN, Mr. G., *Dundee*
Evictions (Ireland), Case of Mr. Pollok, 704

DUNCOMBE, Mr. T. S., *Finsbury*
Abjuration, Oath of, 3R. 1196
Political Offenders, Pardon of, 262
Sligo Election Committee, 1091, 1095

DUNDAS, Mr. G., *Linlithgow,*
Parochial Schools (Scotland), 2R. 896
Voters, Registration of (Scotland), Com. Amend. 1679

DUNGANNON, Viscount
Abjuration, Oath of, 2R. 1802
Burial-ground, Blandford, 974, 1226
Capital Punishment, Com. moved for, 252
Divorce and Matrimonial Causes, Com. 1986; Rep. 1987
Police (Counties and Boroughs), Com. *cl.* 1, 1674
Sailing Vessels, Regulations for, 850
Ticket-of-Leave System, 254, 257

DUNLOP, Mr. A. M., *Greenock*
Joint-stock Companies, Com. *cl.* 5; Amend. 634
Reformatory Schools, Com. *add. cl.* 574
Reformatory Schools (Scotland), Com. *cl.* 1, 237
Voters, Registration of (Scotland), 2R. 400

DUNNE, Lieut.-Col. F. P., *Portarlington*
Army—Education of Officers, 1013
Army Estimates, 1533, 1541, 1558, 1559, 1691, 1698, 1702, 1716
Commissions of Deceased Officers, Address moved, 1519
Factories, Com. 558; *cl.* 4, 562
Grand Jury Assessment (Ireland), Com. *cl.* 8, 618; *add. cl.* 619
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3, Amend. 1758
Militia and the Foreign Legions, 800
Militia, The Irish, Disembodiment of, 266, 1408
Navy Estimates, 1458
Peace Preservation (Ireland), Com. 1575; *cl.* 3, 1578
Sandhurst, Military College at, 588
Supply—Battersea Park, 1035;—Embankment, &c., Vauxhall and Battersea Bridge, 1036;—Incumbered Estates Commission (Ireland), 1048

*Dwellings for Labouring Classes (Ireland) Bill,*
*c.* Com. *cl.* 2, [A. 183, N. 27, M. 156] 1661 ;
*add. cl.* (Colonel Greville), [A. 39, N. 154, M. 115] 1662 ;
*add. cl.* (Colonel Greville), [A. 107, N. 91, M. 16] 1664 ;
3R. Amend. (Colonel Greville), 2158, [*o. q.* A. 85, N. 19, M. 66] 2159

EBRINGTON, Viscount, *Marylebone*
Police (Counties and Boroughs), Com. *cl.* 6, 303

*Ecclesiastical Commissioners—Supply,*
*c.* 856, [A. 166, N. 66, M. 100] *ib.*

*Ecclesiastical Courts, Reform of the,*
*c.* Question (Mr. Hadfield), 1227

*Education (Ireland),*
*c.* Address moved (Mr. Walpole), 1580 ; Amend. (Mr. Kennedy), 1600 ; Amend. neg. 1603 ; Adj. moved (Mr. De Vere), 1647, [A. 32, N. 184, M. 152] *ib.* ; [*m. q.* A. 113, N. 103, M. 10] *ib.* ; The Queen's Reply, 1992 ; Question (Mr. Fortescue), 1665 ; (Mr. Walpole), 1685 ; Res. (Mr. Fortescue), 1807 ; Amend. (Mr. Grogan), 1881 ; Adj. moved (Visct. Bernard), 1882, [A. 50, N. 331, M. 281] 1883 ; Adj. moved (Mr. Vance), *ib.*, [A. 39, N. 328, M. 289] 1886 ; Amend. (Mr. Grogan), [A. 95, N. 279, M. 184] *ib.*

*Education, Estimates,*
*c.* Question (Sir J. Pakington), 1107

*Education, National—Supply,*
*c.* 1343 ; Amend. (Mr. Barnes), 1364 ; Amend. neg. 1388

EGERTON, Sir P. M. G., *Cheshire, S.*
Police (Counties and Boroughs), Com. *add. cl.* 309

EGERTON, Mr. W. T., *Cheshire, N.*
Agricultural Statistics, 2R. 1771

EGLINTON, Earl of
Abjuration, Oath of, Amendment, Com. 2060
Peace Preservation (Ireland), Com. 779

ELCHO, Lord, *Haddingtonshire*
Army Estimates, 1723, 1726
Crimea, Return of Troops from the, 1095, 1097
National Gallery Site, 2R. Amend. 1393
National Gallery, Site of the, Address moved, 2097, 2117, 2146, 2153
Simpson's Crimean Sketches, 111
Supply—St. James's Park, 1560, 1569

*Elections, Corrupt Practices at,*
*c.* Question (Sir F. Kelly), 553

ELGIN, Earl of
Central America, 310
North American Provinces, Military Establishments in the, Address moved, 673

ELLENBOROUGH, Earl of
Abjuration, Oath of, Amendment, Com. 2060, 2062
Gloucester and Bristol, Bishopric of, 1153
India, Government of, Com. moved for, 819
Indian Accounts, Returns moved for, 625, 630
Police (Counties and Boroughs), Com. *cl.* 1, 1673 ; *cl.* 13, 1674 ; *cl.* 14, 1675 ; 3R. 2048, 2050

ELLICE, Rt. Hon. E., *Coventry*
Army—Education of Officers, 1009

ELLICE, Mr. E., *Cupar, St. Andrews, &c.*
Army Estimates, Amend. 1718, 1725
Evictions (Ireland), Case of Mr. Pollok, 708
Supply—Board of Fisheries (Scotland), 884

*Embassy Houses Abroad—Supply,*
*c.* 1038 : Amend. (Mr. Whiteside), 1039 ; Amend. and Original Question withdrawn, 1045

*Established Church (Ireland),*
*c.* Observations (Mr. Stafford), 712 ; Com. moved for (Mr. Miall), 715, [A. 93, N. 163, M. 70] 770

*Estates, Leases and Sales of Settled, Bill,*
*l.* Petition (Hampstead Heath), 1571

EVANS, Lieut. Gen. Sir DE LACY, *Westminster*
Army—Education of Officers, 1011
Army Estimates, 1537, 1712, 1714
Ballot, The, Leave, 445
Commissions of Deceased Officers, Address moved, 1518, 1531
Horses of Officers in the Crimea, 328, 550
Kars and Ismael, 1496
Militia, The, 2085

EVELYN, Mr. W. J., *Surrey, W.*
Justices of the Peace Qualification, Com. *cl.* 11, 478
Supply—Battersea Park, 1035

EWART, Mr. J. C., *Liverpool*
Joint-stock Companies, Com. *cl.* 58, 646

EWART, Mr. W., *Dumfries, &c.*
*Death, Punishment of, Com. moved for, 1231
Fire Insurances, Com. *cl.* 2, 397
Supply—Education, 1354

EXCHEQUER, CHANCELLOR of the, *see* CHANCELLOR of the EXCHEQUER

*Exchequer Bills (£4,000,000) Bill,*
*c.* 1R.* 1906 ; 2R.* 1987

*Exchequer, Court of (Scotland) Bill,*
*c.* 2R.* 325 ; 3R.* 2071

*Excise Bill,*
*c.* 1R.* 797 ; 2R.* 851, 3R.* 1161
*l.* 1R.* 1219, 2R.* 1570, 3R.* 1771

EXETER, Bishop of
Burial-ground—Great Torrington, 2065, 2068, 2069

*Factories Bill,*
*c.* Com. 556; Amend. (Mr. Cobbett), 557, [*o. q.* A. 207, N. 50, M. 157] 559;
*cl.* 4, Amend. (Mr. Cobbett), 559, [*o. q.* A. 169, N. 33, M. 136] 563;
*add. cl.* (Mr. Cobbett), 564; *cl.* neg. 566;
3R.* 797
*l.* 1R.* 850;
2R. 1668;
Com. *cl.* 4, 1893; 3R.* 2048

*Factory Inspectors,*
*c.* Question (Mr. Hardy), 552

FAGAN, Mr. W. T., *Cork*
Tralee and Killarney Savings Banks, Com. moved for, 775

FELLOWES, Mr. E., *Huntingdonshire*
Agricultural Statistics, 2R. 1771

FENWICK, Mr. H., *Sunderland*
Coalwhippers (Port of London), 2R. 1729

FERGUS, Mr. J., *Fifeshire,*
Supply—Board of Fisheries (Scotland), 882

FERGUSON, Sir R., *Londonderry*
Grand Jury Assessment, (Ireland), Com. *cl.* 7, Amend. 617; *cl.* 9, Proviso, 618
Lunatic Asylums (Ireland), (No. 2) Com. *cl.* 4, 1764
Supply—Agricultural Statistics, 1112

FERGUSSON, Sir J., *Ayrshire*
Army Estimates, 1559
Parochial Schools (Scotland), 632; 2R. 886, 888; Com. 1469
Voters, Registration of, (Scotland), Com. 1682

*Financial Statement—The Budget,*
*c.* Res. (Chancellor of the Exchequer), 329

*Fire Insurances Bill,*
*c.* Com. 387; Amend. (Mr. Vansittart), [*o. q.* A. 172, N. 31, M. 141] 395;
*cl.* 2, 395, [A. 143, N. 54, M. 89] 399;
*add. cl.* (Mr. Hadfield), 399; *cl.* neg. *ib.*
3R.*, 588
*l.* 1R.* 621;
2R. 672; 3R.* 850
Royal Assent, 949

FITZGERALD, Rt. Hon. J. D. (Attorney General for Ireland), *Ennis*
Bankruptcy and Insolvency (Ireland), 2R. 2157
Dublin Metropolitan Police, 2R. 1217
Dwellings for Labouring Classes (Ireland), Com. *add. cl.* 1663
Grand Jury Assessment (Ireland), Com. *cl.* 7, 618; *add. cl.* 619
Grand Jury Cess—County of Mayo, 1086
Hinds, Miss, Murder of, 279
Incumbered Estates Court (Ireland), 1162
Lunatic Asylums (Ireland), (No. 2) Com. *cl.* 3, 1760, 1762

[*cont.*

FITZGERALD, Rt. Hon. J. D.—*cont.*
Nisi Prius, Clerks in, (Dublin), 1230
Peace Preservation (Ireland), Com. *cl.* 2, 1577
Poor Law (Ireland), 2R. adj. moved, 1665
Sligo Election Committee, 1095
Spirit Trade (Ireland), 2R. 1323
Supply—Incumbered Estates Commission, (Ireland), 1047, 1049
Tipperary Bank, 1164

FITZ-GERALD, Gen. Sir J. F., *Clare, Co.*
Nawab of Surat Treaty, Rep. 1315

FITZGERALD, Mr. W. R. S., *Horsham*
Joint-stock Companies, Winding-up Act Amendment, 2R. 666; Amend. 1146, 1147, 1149
Peace, Treaty of, Address moved, 77
Williams, Sir W. F., Queen's Message, Address moved, 290

FITZROY, Rt. Hon. H., (Chairman of Committees), *Lewes*
Justices of the Peace Qualification, Com. *cl.* 7, 477
Morning Sittings, 1462
Navy Estimates, 1450
Perth and Melfort's, Earl of, Compensation, Rep. 1316, 1319
Supply—Education, 1354

FITZWILLIAM, Earl of
Appellate Jurisdiction, 2R. 794; Com. 917

*Foreign Legion, The*
*l.* Question (Earl of Donoughmore), 1152
*c.* Observations (Colonel Gilpin), 798

FORTESCUE, Earl
Burial-ground—Great Torrington, 2066, 2069
Sleeping Statutes, 2R. 1895

FORTESCUE, Mr. C. S., *Louth*
Abjuration, Oath of, Com. *cl.* 2, 603
Cambridge University, Com. *cl.* 27, 1207; *cl.* 29, Amend. 1210; *cl.* 32, 1212, 1213
Dwellings for Labouring Classes (Ireland), Com. *add. cl.* 1663
Education (Ireland), 1665, 1666; Res. 1807

*Foschini, Escape of,*
*c.* Question (Mr. Bowyer), 1733

FOX, Mr. W. J., *Oldham*
Established Church (Ireland), Com. moved for, 755
Married Women, Rights of, 1282
Police (Counties and Boroughs), Com. *add. cl* 610
Supply—Education, 1379

FRENCH, Colonel F., *Roscommon Co.*
Bankruptcy and Insolvency (Ireland), 2R. 2158
Grand Jury Assessment (Ireland), Com. *cl.* 6, 617; *add. cl.* 619
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3, 1762
Perth and Melfort's, Earl of, Compensation, Rep. 1316

**Frewen**, Mr. C. H., *Sussex E.*,
Supply—Inspectors of Corn Returns, 1029

**Galway**, Viscount, *East Retford*
Poor Law Amendment, 2R. 615
Poor Law Amendment (No. 2), 2R. 2043

*Gaols, &c., Bill,*
*c.* 1R.* 631

**George**, Mr. J., *Wexford Co.*
Common Law Courts (Ireland) 1496
Education (Ireland), Res. 1883
Joint-stock Companies' Winding-up Acts Amendment, 2R. 1768
Peace Preservation (Ireland), 2R. 1393; Com. *cl.* 2, 1576

*German Legion, The,*
*c.* Question (Mr. Murrough), 428

**Gibson**, Rt. Hon. T. M., *Manchester*
Abjuration, Oath of, Com. *cl.* 1, 598
Budget, The,—Financial Statement, Res. 358
Cambridge University, Rep. *cl.* 44, 1752
Factories, Com. *cl.* 4, 560; *add. cl.* 565
Justices of the Peace Qualification, Com. *cl.* 11, 478
Paper Duty, 1327
Peace, Treaty of, Address moved, 81
Supply—Education, 1364, 1367
United States, Relations with the, 1404, 1405

**Gilpin**, Col. R. T., *Bedfordshire*
Agricultural Statistics, 2R. 1771
Militia and the Foreign Legions, 798, 802, 803
Militia, The Irish, Disembodiment of, 267

**Gladstone**, Rt. Hon. W. E., *Oxford University*
Budget, The—Financial Statement, Res. 374
Cambridge University, Com. *cl.* 39, 1214; Rep. *add. cl.* 1741; *cl.* 27, 1746
Coalwhippers (Port of London), 2R. Amend. 1729
Dissenters' Marriages, Com. *cl.* 4, 944, 945, 947
Greece, State of, 271
Judges and Chancellors, Leave, 454, 460
Parishes, Formation of, Com. *cl.* 4, 574
Peace, Treaty of, Address moved, 92
Supply—Civil Contingencies, 1341
Tithe Commutation Rent Charge, 2R. 162
United States, Relation with the, 1737

*Gloucester and Bristol Bishopric of,*
*l.* Observations (Earl of Ellenborough), 1153

**Glyn**, Mr. G. C., *Kendal*
Fire Insurances, Com. 389
Joint-stock Companies, Com. *cl.* 29, 640; *cl.* 58, 650
Navy Estimates, 1462

**Goderich**, Viscount, *Huddersfield*
Army—Education of Officers, 1019
Supply—British Historical Portrait Gallery, 1123

**Gordon**, Hon. A., *Beverley*
Cambridge University, Com. *cl.* 29, 1210
Reformatory Schools, Com. *add. cl.* 569

**Gower**, Hon. F. L., *Stoke-upon-Trent*
Sligo Election Committee, 1094

**Graham**, Lord M. W., *Grantham*
Supply—British Historical Portrait Gallery, 1113

**Graham**, Rt. Hon. Sir J. R. G., *Carlisle*
Appellate Jurisdiction, 2080
Factories, Com. *add. cl.* 566
Marriage Law (Scotland), Amending, 2R. 2159
Navy Estimates, 1438
Nawab of Surat Treaty, Rep. 1313
Wills and Administration, 2R. 2022, 2033

**Granby**, Marquess of, *Leicestershire N.*
Peace, Treaty of, Address moved, 31
Treaties, Secret, 429

*Grand Juries Bill,*
*c.* 1R.* 922; 2R.* 1401; 3R.* 1573
*l.* 1R.* 1667;
2R. 1966

*Grand Jury Assessment (Ireland) Bill,*
*c.* Com. *cl.* 6, Amend. (Sir F. Thesiger) 616; Amend. withdrawn, 617;
*cl.* 7, 617; *cl.* neg. 618;
*cl.* 8, [A. 87, N. 71, M. 16], 618;
*cl.* 9, Proviso (Sir R. Ferguson), 618;
*add. cl.* (Sir F. Thesiger); Amend. (Mr. I. Butt), [*o. q.* A. 95, N. 42, M. 53] 619
*add. cl.* (Mr. H. Hamilton) 619

**Granville**, Earl (President of the Council)
Appellate Jurisdiction, 2R. 796; Com. 917; *cl.* 1, 921; Rep. 951; 3R. 1077, 1078, 1081—That the Bill do pass, 1082
Business of the House, Res. 246, 247
Dalhousie, Marquess of, Pension to, Correspondence moved for, 209, 214
Death Punishment on Women, 1057
Gloucester and Bristol, Bishopric of, 1155
India, Government of, Com. moved for, 317
Indian Accounts, Returns moved for, 624, 631
Maritime Law, International, 546
United States, Relations with the, 949, 1155
Vote of Thanks to the Army, Navy, &c. 201
Williams, Sir W. F., Message from the Queen, 178; Address moved, 238

*Greece, State of,*
*c.* Observations (Mr. James MacGregor), 269, 852

**Gregson**, Mr. S., *Lancaster*
Fire Insurances, Com. 395
Joint-stock Companies, Com. *cl.* 5, Amend. 635
Partnership Amendment (No. 2), 2R. 654

**Greville**, Col. F. S., *Longford*
Army Estimates, 1558
Dwellings for Labouring Classes (Ireland), Com. *cl.* 2, Amend. 1661; *add. cl.* 1662, 1664; 3R. Amend. 2150

[*cont.*

Greville, Col. F. S.—*continued.*
Incumbered Estates Court (Ireland), 1162
Militia, Disbanded, Gratuity to the, 1099
Peace Preservation (Ireland), Com. 1574; *cl.* 2, 1578

Grey, Earl
Appellate Jurisdiction, 2R. 789
Business of the House, Res. 246
Maritime Law, International, 540
Mercantile Law Amendment, 3R. 181
North American Provinces, Military Establishments in the, Address moved, 694
Vote of Thanks to the Army, Navy, &c. 202

Grey, Rt. Hon. Sir G. (Secretary of State for the Home Department), *Morpeth*
Aggravated Assaults, 2R. 169
Archer, Miss, Assault on, 327
Assistant Judge, Middlesex Sessions, 268
Bleaching Works (No. 2), 2R. 1053
Business of the House, 1686
Cambridge University, Com. *cl.* 38, 1214; *cl.* 39, *ib.*
Church Rates (No. 2), 2R. 475
Convict Hulks, 1402
Death, Punishment of, Com. moved for, 1249
Dublin Metropolitan Police, 2R. 1218
Education Estimates, 1108
Factories, Com. 558; *cl.* 4, 561, 563
Factory Inspectors, 553
Fisheries (Ireland), Com. moved for, 1296
Foschini, Escape of, 1735
Joint-stock Companies Winding-up Acts Amendment, 2R. 667
Justices of the Peace Qualification, Com. *cl.* 11, 478; *cl.* 14, 480
London Corporation, 1993
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 8, 1765
Peace Preservation (Ireland), 2R. 1392; Com. 1573; Rep. 1684
Perth and Melfort's, Earl of, Compensation, Rep. 1317
Police (Counties and Boroughs), Com. *cl.* 6, 293, 294, 295, 298, 300, 301, 307; *cl.* 12, 308; *add. cl.* 309; Rep. *add. cl.* 605, 608, 612, 613
Postage Labels, Com. moved for, 1296
Prisoners for Debt, 554
Reformatory Schools, 1161, 2073
Reformatory Schools, Com. *add. cl.* 566, 567, 568, 571, 573, 574
Somner, Celestina, Case of, 428
Supply—Education, 1343, 1384;—St. James's Park, 1414
United States, Relations with the, 1739
Voters, Registration of (Scotland), Com. 1682
Williams, Sir W. F., Queen's Message, Address moved, 291

Grogan, Mr. E., *Dublin City*
Commissions of Deceased Officers, Address moved, 1513, 1518
Dublin Metropolitan Police, 2R. Amend. 1216, 1218
Education (Ireland), Res. Amend. 1880, 1883
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3. 1761
Militia, Disembodiment of the, 631
Postage Labels, Com. moved for, 1293
Spirit Trade (Ireland) 2R. 1323

Grosvenor, Rt. Hon. Lord R., *Middlesex*
Hampstead Heath, 554
Supply—Science and Art Department, Marlborough House, Removal, 1124;—St. James's Park, 1134, 1137, 1141, 1414

*Guards Memorial, The*
*c.* Question (Major Sibthorp), 1228;—*Entry of into London,* Question (Mr. Noel), 2073

Gurney, Mr. J. H., *King's Lynn*
Dissenters' Marriages, Com. *cl.* 11, 948
Joint-stock Companies, Com. *cl.* 29, 640

Hadfield, Mr. G., *Sheffield*
Budget, The—Financial Statement, Res. 357
Church Rates (No. 2), 2R. 473
Death, Punishment of, Com. moved for, 1244
Dissenters' Marriages, Com. *cl.* 4, 943
Ecclesiastical Courts, Reform of the, 1227
Established Church (Ireland), 714; Com. moved for, 760
Fire Insurances, Com. 388; *cl.* 2, 396; *add. cl.* 399
Judges and Chancellors, Leave, 452
Navy Estimates, 1461
Parishes, Formation of, Com. Amend. 574; *cl.* 4, Amend. 575
Peace, Treaty of, Address moved, Amend. 109
Suffragan Bishops, 591
Supply—Statute Law Commission, 875;—Inspection of Burial-grounds, 1034;—Embankment, &c., Vauxhall and Battersea Bridges, 1037
Tithe Commutation Rent Charge, 2R. 164
United States, Relations with the, 1405

Hall, Rt. Hon. Sir B. (First Commissioner of Works), *Marylebone*
Bands in the Parks, 325
Chelsea Bridge, 1227
Hampstead Heath, 554
Metropolitan Improvements, 550
Parks on Sunday, The, 259
Public Offices, 1099
Supply—Battersea Park, 1035;—Embankment, &c., between Vauxhall and Battersea Bridge, 1036, 1037;—Works at Carisbrooke Castle, 1038;—Embassy Houses abroad, 1040, 1042; —Westminster Bridge, 329, 551;—St. James's Park, 1137, 1415, 1564

Hamilton, Rt. Hon. Lord C., *Tyrone Co.*
Circassia—Mr. Longworth's Mission, 980
Peace, Treaty of, Address moved, 123

Hamilton, Mr. G. A., *Dublin University*
Dwellings for Labouring Classes (Ireland), 3R. 2159
Education (Ireland), Address moved, 1623; Res. 1881
Established Church (Ireland), 715; Com. moved for, 752, 753
Paper Duty, 1327

Hamilton, Mr. J. H., *Dublin Co.*
Grand Jury Assessment (Ireland), Com. *add. cl.* 619

*Hampstead Heath*
*l.* Petition (Lord St. Leonards), 1571
*c.* Question (Lord R. Grosvenor), 554

HANKEY, Mr. T., *Peterborough*
Business of the House, 1686
Fire Insurances, Com. *cl.* 2, 396
London Corporation, 1686, 1993
Tralee and Killarney Savings Banks, Com. moved for, 776
West India Loans, 3R. 1389

*Hanover, Diplomatic Establishment at,*
*c.* Question (Mr. A. Wise), 1494

HARCOURT, Col. F. V., *Isle of Wight*
Scientific and Literary Societies, Com. *cl.* 2. 939

HARDWICKE, Earl of
Grand Juries, 2R. 1967
Maritime Law, International, 508
Reformatory and Industrial Schools, Com. 1324
Sailing Vessels, Regulations for, 850
United States, Relations with, 949

HARDY, Mr. G., *Leominster*
Dissenters' Marriages, Com. *cl.* 1, 939 ; *cl.* 2, Amend. 941
Factories, Com. *cl.* 4, 562, 563 ; *add. cl.* 564
Factory Inspectors, 552

HARROWBY, Earl of (Lord Privy Seal)
Burial-ground—Great Torrington, 2070
Dalhousie, Marquess of, Pension to, Correspondence moved for, 212
Maritime Law, International, 506
Reformatory and Industrial Schools, Com., 1324

HASTIE, Mr. Alexander, *Glasgow*
Evictions (Ireland), Case of Mr. Pollok, 5
Joint-stock Companies, Com. *cl.* 37, 643
Voters, Registration of (Scotland), Com. *cl.* 1, 1683

HASTIE, Mr. Archibald, *Paisley*
Joint-stock Companies, Com. *cl.* 5, 637
Partnership Amendment (No. 2), 2R. Amend. 652
Reformatory Schools (Scotland), Com. *cl.* 1, 237

*Hay and Straw Trade Bill,*
*l.* 1R.* 177 ; 2R.* 949 ; 3R.* 1219
*c.* 1R.* 1493

HEADLAM, Mr. T. E., *Newcastle-on-Tyne*
Commissions of Deceased Officers, Address moved, 1527, 1533
Supply—Charity Commission, 858

*Health, Public, Amendment Bill,*
*c.* Leave, 465 ; 1R.* 631 ; 2R.* 1987

*Health, Public, Supplemental Bill,*
*c.* 1R.* 550 ; 2R.* 631 ; 3R.* 851
*l.* 1R.* 899 ; 2R.* 1054 ; 3R.* 1219
Royal Assent, 1771

HEATHCOTE, Sir W., *Oxford University*
Cambridge University, Com. *cl.* 1, 843 ; *cl.* 6, 845 ; *cl.* 25, 849 ; *cl.* 29, 1210 ; Rep. *add. cl.* 1741 ; *cl.* 27, 1746
Dissenters' Marriages, Com. *cl.* 1, 939 ; *cl.* 4, 946
Education (Ireland), Address moved, 1597
Police (Counties and Boroughs), Com. *cl.* 6, 296, 305
Supply—Constabulary Police at Aldershot, 1032
Tithe Commutation Rent Charge, 2R. 160

HENLEY, Rt. Hon. J. W., *Oxfordshire*
Army Estimates, 1552
Budget, The—Financial Statement, Res. 384
Cambridge University, Com. *cl.* 27, 1206 ; *cl.* 29, 1209
Dissenters' Marriages, Com. *cl.* 1, 940 ; *cl.* 4, 941, 943, 945, 946 ; *cl.* 11, Amend. 948
Fire Insurances, Com. *cl.* 2, 398
Joint-stock Companies, Com. *cl.* 5, 634, 635, 637 ; *cl.* 13, 638 ; *cl.* 19, 639 ; *cl.* 29, 640, 641, 642 ; *cl.* 37, 644 ; *cl.* 58, 650 ; *cl.* 66, 651 ; *cl.* 82, 652 ; 3R. *cl.* 46, Amend. 897
Joint-stock Companies Winding-up Act Amendment, 2R. 1150
Perth and Melfort's, Earl of, Compensation, Rep. 1317
Police (Counties and Boroughs), Com. *cl.* 6, 295, 306 ; *add. cl.* 606, 613
Poor Law Amendment, 2R. 614
Reformatory Schools, Com. *add. cl.* 571, 573
Scientific and Literary Societies, Com. *cl.* 2, 938
Supply—Charity Commission, 859, 863 ;—Constabulary Police at Aldershot, 1032, 1034 ;—Embassy Houses Abroad, 1042 ;—Incumbered Estates Commission (Ireland), 1050 ;—Science and Art Department, Marlborough House, Removal, 1129 ;—Education, 1372 ;—St. James's Park, 1564
Tithe Commutation Rent Charge, 2R. 159
Westminster Bridge, 329

HERBERT, Rt. Hon. S., *Wiltshire, S.*
Army—Education of Officers, 980
Peace, Treaty of, Address moved, 35

HERBERT, Mr. H. A., *Kerry*
Dwellings for Labouring Classes (Ireland), Com. *add. cl.* 1664
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3, 1761 ; *cl.* 4, 1764
Maynooth College, 2R. Amend. 1918, 1965, 2047
Militia, The Irish, Disembodiment of, 264
Supply—Agricultural Statistics, 1109
Tralee and Killarney Savings Banks, Com. moved for, 773

HERVEY, Lord A., *Brighton*
Tithe Commutation Rent Charge, 2R. 153

HEYWOOD, Mr. J., *Lancashire, N.*
Cambridge University, Com. 838 ; *cl.* 5, Amend. 844 ; *cl.* 6, Amend. 845 ; *cl.* 23, 846 ; *cl.* 24, Amend. 847 ; *cl.* 25, 848, 849 ; *cl.* 27, Amend. 1198, 1202, 1207, 1208, 1209 ; *cl.* 30, 1211 ; *cl.* 31, 1212 ;
[*cont.*

Heywood, Mr. J.—*continued.*
*cl.* 39, 1214; Rep. *add. cl.* 1740, 1742, 1743; *cl.* 27, 1745; *cl.* 44, Amend. 1755, 1757, 1758
Science, Advancement of, Com. moved for, 1263, 1272

Higgins, Col. G. G. C., *Mayo Co.*
Grand Jury Cess—County of Mayo, 1086
Incumbered Estates Court (Ireland), 1495

Hindley, Mr. C., *Ashton-under-Lyne*
Partnership Amendment (No. 2), 2R. 665
United States, Relations with the, 1405

*Hinds, Miss, Murder of,*
*l.* Petition of Thomas Dunne (Lord Lyndhurst), 178
*c.* Petition of Thomas Dunne (Mr. Kennedy), 277

Hogg, Sir J. W., *Honiton*
Nawab of Surat Treaty, Rep. 1301; 3R. Amend. 1899

Horsfall, Mr. T. B., *Liverpool*
Demerara, Riots in, 1086
Joint-stock Companies, Com. *cl.* 82, 651, 652
Partnership Amendment (No. 2), 2R. 665

Horsman, Rt. Hon. E. (Secretary for Ireland), *Stroud*
Common Law Courts (Ireland), 1496
Crime and Outrage (Ireland) Act, 594
Dissenters, Interment of (Ireland), 1993
Dublin Metropolitan Police, 2R. 1216, 1217
Education (Ireland), Address moved, 1603, 1623; Res. 1860, 1873, 1881
Grand Jury Assessment (Ireland), Com. *cl.* 6, 617
Incumbered Estates Court (Ireland), 1495
Lunatic Asylums (Ireland, No. 2), Com. *cl.* 3, 1759, 1760; *cl.* 4, 1763, 1765
Maynooth College, 2R. 1958
Peace Preservation (Ireland), 2R. 1391; Com. *cl.* 1, 1576; *cl.* 2, 1577, 1578; *cl.* 4, *ib.*
Ragged Schools in Dublin, 260
Spirit Trade (Ireland), 2R. 1328
Tenant Right (Ireland), 978, 1024, 1026

*Hospitals (Dublin) Bill,*
*c.* 1R.* 1326

Hotham, Lord, *Yorkshire, E. R.*
Army—Education of Officers, 1016;—Reduction of Officers, 1735
Army Estimates, 1557, 1700
Assistant Judge, Middlesex Sessions, 268
Commissions of Deceased Officers, Address moved, 1530
Police (Counties and Boroughs), Com. *add. cl.* 309
Supply—Spurn Point, 1045;—Civil Contingencies, 1342

Howard, Lord E. G. F., *Arundel*
Police (Counties and Boroughs), Com. *cl.* 12, 308

Hughes, Mr. H. G., *Longford*
Education (Ireland), Address moved, 1632

Hume, Mr. W. W. F., *Wicklow*
Joint-stock Companies Winding up Act Amendment, 2R. 1151, 1766

Hutchins, Mr. E. J., *Lymington*
Dissenters' Marriages, Com. *cl.* 11, 949
Reformatory Schools (Scotland), Com. *cl.* 1, 237
Supply — Constabulary Police at Aldershot, 1031;—Embassy Houses Abroad, 1039, 1043

Hutt, Mr. W., *Gateshead*
Scientific and Literary Societies, Com. *cl.* 2, Amend. 938

*Incumbered Estates (Ireland) Bill,*
*c.* 1R.* 2071

*India,*
*Accounts, l.* Returns moved for (Earl of Albemarle), 621; Motion withdrawn, 631
*Administration of Justice, c.* Question (Mr. J. G. Phillimore), 1409
*Communication with, c.* Question (Lord Stanley), 551
*Dalhousie, Marquess of, Pension to, l.* Correspondence moved for (Marquess of Clanricarde), 207; Motion withdrawn, 215
*c.* Observations (Sir E. Perry), 273
*Government of, l.* Com. moved for (Earl of Albemarle), 313; Motion neg. 322
See
*Nawab of Surat Treaty Bill*

*Industrial and Provident Societies Bill,*
*c.* 2R.* 258; 3R.* 550
*l.* 1R.* 576; 2R.* 1667

Ingham, Mr. R., *South Shields*
Coalwhippers (Port of London), 2R. 1729
Supply—Charity Commission, 857

Ingram, Mr. H., *Boston*
Budget, The—Financial Statement, Res. 361

*Intestates' Personal Estates Bill,*
*c.* 1R.* 1733; 2R.* 1906

*Ireland,*
*Common Law Courts, c.* Question (Mr. George) 1496
*Crime and Outrage (Ireland) Act, c.* Question (Mr. I. Butt), 594
*Dissenters, Interments of,* Question (Mr. Urquhart), 1993
*Education, c.* Address moved (Mr. Walpole), 1580; Amend. (Mr. Kennedy), 1600; Amendneg. 1603; Adj. moved (Mr. De Vere), 1647, [A. 32, N. 184, M. 152], *ib.*; [*m. q.* A. 113, N. 103, M. 10] *ib.*; Question (Mr. Fortescue), 1665; (Mr. Walpole), 1685; Res. (Mr. Fortescue), 1807; Amend. (Mr. Grogan), 1881; Adj. moved (Visct. Bernard), 1802, [A. 50, N. 331, M. 281], 1883; Adj. moved (Mr. Vance), *ib.*, [A. 39, N. 328, M. 289], 1886; Amend. (Mr. Grogan), [A. 95, N. 279, M. 184], *ib.*
[*cont.*

*Ireland*—continued.
*Established Church, c.* Observation (Mr. Stafford), 712; Com. moved for (Mr. Miall) 715, [A. 93, N. 163, M. 70] 770
*Evictions, Alleged—Case of Mr. Pollok, c.* Observations (Sir M. S. Stewart), 697
*Fisheries, c.* Com. moved for (Mr. McMahon), 1296; House counted out, 1297
*Hinds, Miss, Murder of, l.* Petition of Thomas Dunne (Lord Lyndhurst), 178
*c.* Petition of Thomas Dunne (Mr. Kennedy), 277
*Incumbered Estates Court, c.* Question (Col. Greville), 1162; (Col. Higgins), 1495
*Mayo, County of, Grand Jury Cess, c.* Question (Col. Higgins), 1086
*Militia, Disembodiment of the, l.* Question (Lord Donoughmore), 1395
*c.* Question (Mr. H. Herbert), 264; (Col. Dunne), 1408
*Nisi Prius, Clerks in (Dublin), c.* Question (Mr. Kennedy), 1230
*Postal Communication, c.* Question (Mr. Lyons Montgomery), 16; (Mr. Macartney), 552
*Ragged Schools in Dublin, c.* Question (Mr. De Vere), 259
*Sligo Election Committee, c.* Observations (Mr. T. Duncombe), 1091
*Supply—Commission for Publishing Ancient Laws and Institutes;—Process Servers,* 1027; —*Incumbered Estates Commission,* 1046; Amend. (Col. Dunne), 1048; Amend. withdrawn, 1050; — *Census; Gallery of Arts, Dublin,* 1050
*Tipperary Bank, c.* Question (Mr. Bowyer), 1164
*Tralee and Killarney Savings Banks, c.* Com. moved for (Capt. D. O'Connell), 772; Amend. (Mr. Vance), 775, [A. 84, N. 9, M. 75] 776; [*m. q.* A. 39, N. 54, M. 15], *ib.*
See
*Bankruptcy and Insolvency (Ireland) Bill.*
*Chancery, Court of Appeal in, (Ireland) Bill.*
*Chancery, Court of, (Ireland) (Sale of Estates) Bill*
*Drainage (Ireland) Bill*
*Dublin Metropolitan Police Bill*
*Dublin University Bill*
*Dwellings for Labouring Classes (Ireland) Bill*
*Hospitals (Dublin) Bill*
*Incumbered Estates (Ireland) Bill*
*Juvenile Convict Prison (Ireland) Bill*
*Lunatic Asylums (Ireland) Bill*
*Maynooth College Bill*
*Paupers' Removal, Scotch and Irish, Bill*
*Peace Preservation (Ireland) Bill*
*Poor Law (Ireland) Bill*
*Queen's Colleges (Ireland) Bill*
*Spirit Trade (Ireland) Bill*
*Tenant Right (Ireland) Bill*
*Works, Transfer of (Ireland), Bill*

*Italian Legion, The,*
*c.* Question (Capt. O'Connell), 1401

*Italy, Affairs of*
*l.* Observations (Marquess of Clanricarde), 975

JACKSON, Mr. W., *Newcastle-under-Lyme*
Metropolitan Improvements, 550

JOHNSTONE, Mr. J., *Clackmannan, &c.*
Parochial Schools (Scotland), 2R. 893

*Joint-stock Companies Bill,*
*c.* Com. Amend. (Mr. Spooner), 633; Motion neg. 634
*cl.* 5, 634; Amend. (Mr. Gregson), 635; Motion neg. 637;
*cl.* 6, 637; *cl.* 13, 638;
*cl.* 19, 638; Amend. (Mr. Michell), 639; neg. *ib*;
*cl.* 22, 639; *cl.* 24, 640;
*cl.* 29, Amend. (Mr. W. Brown), 640, [A. 36, N. 69, M. 33] 642;
*cl.* 37, 642; *cl.* 57, 645;
*cl.* 58, Amend. (Mr. W. Ewart), 646;
*cl.* 66, 651;
*cl.* 82, [A. 131, N. 52, M. 79] 652
3R. 897;
*cl.* 46, Amend. (Mr. Henley) 897, [*o. q.* A. 42, N. 32, M. 10] 899
*l.* 1R.* 899;
Petition (Lord Overstone), 1474;
2R. 1477, [Content 18, Non Content 5, M. 13] 1490;
Protest, 1490;
Com. 1890;
*cl.* 18, 1892

*Joint-stock Companies Registration—Supply,*
*c.* 1027

*Joint-stock Companies Winding-up Act Amendment Bill,*
*l.* 2R.* 1; 3R.* 238
*c.* 1R.* 325;
2R. 666; 1142; Amend. (Mr. S. Fitzgerald), 1151; Adj. Debate, 1766, [*o.q.* A. 112, N. 77, M. 35] 1770

JOLLIFFE, Sir W. G. H., *Petersfield*
Army Estimates, 1719
Education (Ireland), 1666
Police (Counties and Boroughs), Com. *cl.* 6, Amend. 293, 298
Supply—Embankment, &c., Vauxhall and Battersea Bridge, 1037; — Embassy Houses Abroad, 1043;—St. James's Park, 1416

*Judges and Chancellor's Bill,*
*c.* Leave, 452; 1R.* 466; 2R.* 1807; Com. Amend. (Mr. Malins), [A. 25, N. 31, M. 6] 2045; 2nd Div. [A. 22, N. 31, M. 9] *ib.*

*Judicial Procedure, &c. (Scotland), Bill*
*c.* 2R.* 325; 3R.* 922
*l.* 1R.* 949

*Judicial Statistics Bill,*
*l.* 1R.* 238

*Justices of the Peace Qualification Bill,*
*c.* Com. *cl.* 7, 476;
*cl.* 11, 477;
*cl.* 13, 479; *cl.* neg. 480;
*cl.* 14, [A. 97, N. 99, M. 2] 480; [*r. p.* A. 135, N. 73, M. 62] 481

*Juvenile Convict Prison (Ireland) Bill,*
*c.* 3R.* 325
*l.* 1R.* 401; 2R.* 899; 3R*. 1219
Royal Assent, 1771

*Kars and Ismael,*
*c.* Question (Sir De L. Evans), 1496

*Kars, Defenders of,*
*c.* Question (Mr. Oliveira), 326

Kelly, Sir F., *Suffolk, E.*
Elections, Corrupt Practices at, 553
Fire Insurances, Com. 394; *cl.* 2, 396, 397, 398
Joint-stock Companies, Com. *cl.* 6, 637; *cl.* 13, 638; *cl.* 29, 640; *cl.* 58, 646, 651
Metropolitan Improvements, 550
Nawab of Surat Treaty, Rep. Amend. 1298, 1311, 1312, 1314, 1316, 1649, 1652, 1653; 3R. 1898
Perth and Melfort's, Earl of, Compensation, Rep. 1316, 1317, 1319
Supply—Statute Law Commission, 869, 873
Wills and Administrations, 2R. 2014

Kendall, Mr. N., *Cornwall, E.*
Advowsons, 2R. 467
Civil Service Committee, 1163
Dissenters' Marriages, Com. *cl.* 4, 945
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 4, 1765
Police (Counties and Boroughs), Com. *cl.* 6, 304
Supply—Embankment, &c., Vauxhall and Battersea Bridge, 1037

Kennedy, Mr. T., *Louth*
Dwellings for Labouring Classes (Ireland), Com. *add. cl.* 1662
Education (Ireland), Address moved, Amend. 1600
Hinds, Miss, Murder of, 277
Nisi Prius, Clerks in (Dublin), 1230

King, Hon. P. J. L., *Surrey, E.*
Supply—Statute Law Commission, 865, 879

Kinnaird, Hon. A. F., *Perth*
Abjuration, Oath of, Com. *cl.* 2, 605
Supply — Civil Contingencies, 1336; — St. James's Park, 1416

Kirk, Mr. W., *Newry*
Bleaching Works (No. 2), 2R. Amend. 1053
Education (Ireland), Res. 1821
Established Church (Ireland), Com. moved for, 737
Factories, Com. *add. cl.* 564, 565
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3, 1761
Partnership Amendment (No. 2), 2R. Adj. moved, 661, 665

Knight, Mr. F. W., *Worcestershire, W.*
Police (Counties and Boroughs), Com. *cl.* 6, 296, 300
Supply—Charity Commission, 863

Knightley, Mr. R., *Northampton, S.*
Agricultural Statistics, 2R. 1770
Medjedjie, Order of the, 2091

Knox, Major Hon. W. S., *Dungannon*
Army, Staff of the, Res. 1691

Knox, Lt.-Col. B. W., *Marlow*
Commissions of Deceased Officers, Address moved, 1528
Horses of Officers in the Crimea, 427

Labouchere, Rt. Hon. H. (Secretary of State for the Colonies), *Taunton*
Army Estimates, 1554
Demerara, Riots in, 1086
Education (Ireland), Res. 1840, 1885
Italian Legion, The, 1401
Medjedjie, Order of the, 2091
National Gallery, Site of the, Address moved, 2125
Perth and Melfort's, Earl of, Compensation, Rep. 1317
Supply—Inspectors of Corn Returns, 1029;—Orange River Territory, 1052;—Cape of Good Hope, 1108
West India Loans, 3R. 1390

Laffan, Captain R. M. *St. Ives*
Army Estimates, 1555, 1556

Lansdowne, Marquess of (Member of the Cabinet without Office)
Abjuration, Oath of, 2R. 1804
Appellate Jurisdiction, Com. 915, 916
Capital Punishment, Com. moved for, 251
Divorce and Matrimonial Causes, Com. 1972
St. James's Park, 584, 586
Williams, Sir W. F., Annuity, 3R. 1678

*Leases, Registration of, (Scotland) Bill,*
*c.* 1R.* 258; 2R.* 550

Leeds, Duke of
Militia, The, 1572

Lefevre, Rt. Hon. Charles Shaw, *see* Speaker, The

*Legion of Honour,*
*c.* Question (Mr. H. Baring), 2075

Lewis, Rt. Hon. Sir G. C., *see* Chancellor of the Exchequer

Liddell, Hon. H. G., *Northumberland, S.*
Coalwhippers (Port of London), 2R. 1732
Death, Punishment of, Com. moved for, 1258
Evictions (Ireland), Case of Mr. Pollok, 703
Reformatory Schools, Com. *add. cl.* 570, 574
Supply—Charity Commission, 857;—Education, 1381

*Lighthouses Abroad—Supply,*
*c.* 1050

*Limited Liability Bill,*
*l.* Petition (Lord Overstone), 950

Lindsay, Col. Hon. J., *Wigan*
Army Estimates, 1703, 1707, 1726
Commissions of Deceased Officers, Address moved, 1529
Staff Pay and Allowances, 1992, 2085

LINDSAY, Mr. W. S., *Tynemouth*
Established Church (Ireland), Com. moved for, 739
Joint-stock Companies, Com. *cl.* 29, 641; *cl.* 37, 644
Navy Estimates, 1433
Peace, Treaty of, Address moved, 18

*Lives, Insurance on (Abatement of Income Tax), Continuance Bill,*
*c.* 1R.* 977; 2R.* 1085; 3R.* 1297
*l.* 1R.* 1324; 2R.* 1576; 3R.* 1771

LOCKE, Mr. J. *Honiton*
National Gallery, Site of the, Address moved, 2151

LOCKHART, Mr. E., *Selkirkshire*
Voters, Registration of (Scotland), Com. *cl.* 1, 1683; *cl.* 55, Amend. 1684

LOCKHART, Mr. W., *Lanarkshire*
Army Estimates, 1724
Militia, The Scotch, 429
Parochial Schools (Scotland), Com. 1467
Voters, Registration of (Scotland), Com. 1682

*London Corporation Bill,*
*c.* Question (Mr. Hankey), 1686, 1993

LOVAINE, Lord, *Northumberland, N.*
Dissenters' Marriages, Com. *cl.* 1, 940; *cl.* 4, 942
Factories, Com. *cl.* 4, 561
Justices of the Peace Qualification, Com. *cl.* 14, 480
Police (Counties and Boroughs), Com. *cl.* 6, 296; *add. cl.* 610, 614
Scientific and Literary Societies, Com. *cl.* 2, 938
Supply—Constabulary Police at Aldershot, 1031

LOWE, Rt. Hon. R. (Paymaster of the Forces, and Vice President of the Board of Trade), *Kidderminster*
Coalwhippers (Port of London), 2R. 1728, 1733
Joint-stock Companies, Com. 634, 635, 636; *cl.* 5, 637; *cl.* 13, 638; *cl.* 19, 639; *cl.* 24, 640; *cl.* 29, 641; *cl.* 37, 642, 643, 644; *cl.* 57, 645; *cl.* 58, 651; 3R. 897; *cl.* 46, 899
Joint-stock Companies Winding-up Acts Amendment, 2R. 666
Mercantile Law Amendment, 2R. 2044
Nawab of Surat Treaty, 3R. 1904
Partnership Amendment (No. 2), 2R. 662
Railway Accidents, 2092

*Lunatic Asylums (Ireland) (No. 2) Bill,*
*c.* 1R.* 588; 2R.* 1573;
Com. *cl.* 3; Amend. (Col. Dunne), 1758, [A. 82, N. 81, M. 1] 1762;
*cl.* 4, Amend. (Mr. Davison), 1762;
*cl.* 8, 1765

LYNDHURST, Lord
Abjuration, Oath of, 2R. 1772, 1796
Abjuration, Oath of, Amendment, Com. 2050, 2058, 2059; Amend. 2063

[cont.

LYNDHURST, Lord—*continued.*
Danubian Principalities, 668, 671
Divorce and Matrimonial Causes, 2R. Amend. 408, 426; Com. 1968, 1978
Hinds, Miss, Murder of, 178, 180

LYTTELTON, Lord
Indian Accounts, Returns moved for, 629

LYTTON, Sir E. B., *Hertfordshire*
United States, Relations with the, 1087

M'CANN, Mr. J., *Drogheda*
Bankruptcy and Insolvency (Ireland), 2R. 2158
Joint-stock Companies, Com. *cl.* 5, 637
Navy Estimates, 1458
Parochial Schools (Scotland), Com. 1464
Poor Law Amendment (No. 2), 2R. 2043

MACARTNEY, Mr. G., *Antrim Co.*
Australia, Postal Communication with, 552, 1230
Bankruptcy and Insolvency (Ireland), 2R. Amend. 2157
Dublin, Postal Communication with, 552
Supply—Spurn Point, 1045

MACGREGOR, Mr. James, *Sandwich*
Greece, State of, 269, 852
Maynooth College, 2R. 1916
Plumstead Church, Accommodation at, 1106
Railway Accidents, 2093
Supply—British Historical Portrait Gallery, 1123

MACGREGOR, Mr. John, *Glasgow*
Established Church (Ireland), Com. moved for, 770
Nawab of Surat Treaty, Rep. 1315

MACKIE, Mr. J., *Kirkcudbright*
Parochial Schools (Scotland), 2R. 893; Com. 1471

MACKINNON, Mr. W. A., *Rye*
Science, Advancement of, Com. moved for, 1265

M'MAHON, Mr. P., *Wexford Co.*
Dwellings for Labouring Classes (Ireland), Com. *add. cl.* 1662, 1664; 3R. 2159
Evictions (Ireland), Case of Mr. Pollok, 701, 703
Fisheries, Ireland, Com. moved for, 1296, 1297
Greece, State of, 271
Hinds, Miss, Murder of, 284
Peace Preservation (Ireland), Com. Amend. 1573
Supply—British Historical Portrait Gallery, 1123

MAGAN, Capt. W. H., *Westmeath*
Grand Jury Assessment (Ireland), Com. *cl.* 6, 617
Lunatic Asylums (Ireland), (No. 2) Com. *cl.* 8, 1762

*Magdalen Hospital (Bath) Bill,*
*l.* 1R.* 949; 2R. 1219; 3R.* 1771
*c.* 1R.* 1987

Maguire, Mr. J. F., *Dungarvan*
Evictions (Ireland), Case of Mr. Pollok, 709
Maynooth College, 2R. 1926
Navy Estimates, 1448, 1450
Paupers' Removal, Scotch and Irish, 2R. 2157
Peace Preservation (Ireland), 2R. Amend. 1391; Com. 1576; *cl.* 4, 1578
Reformatory Schools (Scotland), Com. *cl.* 1, 237
Tenant Right (Ireland), 2R. 938

Malins, Mr. R., *Wallingford*
Appellate Jurisdiction, 2097
Bank Charter Act, 276
Budget, The—Financial Statement, Res. 380
Cambridge University, Com. *cl.* 4, 844
Joint-stock Companies, Com. *cl.* 5, 635; *cl.* 6, 637; *cl.* 13, 638; *cl.* 22, 639; *cl.* 29, 640, 641; *cl.* 37, Amend. 643, 644; *cl.* 57, 645; *cl.* 58, 647, 650
Joint-stock Companies Winding-up Acts Amendment, 2R. 666, 668, 1142, 1147, 1148, 1151, 1769
Judges and Chancellors, Leave, 460, 464; Com. Amend. 2045
Married Women, Rights of, 1277
Poor Law Amendment, 2R. 615
Supply—Statute Law Commission, 873
Wills and Administrations, 2R. 1995, 2033, 2039

Malmesbury, Earl of
Appellate Jurisdiction, 2R. 788
Burial-ground—Blandford, 1224; Great Torrington, 2067
Business of the House, Res. 246
Circassia, 312
Danubian Principalities, 671
Fire Insurances, 2R. 672, 673
St. James's Park, 586
Thompson, Captain, Death of, 1676
Williams, Sir W. F., Annuity, 3R. 1676

Mangles, Mr. R. D., *Guildford*
India, Administration of Justice in, 1411
Nawab of Surat Treaty, Rep. 1657; 3R. 1905

Manners, Rt. Hon. Lord J. J. R., *Colchester*
Williams, Sir W. F., Res. 400

*Marines,*
*Marine Officers, c.* Question (Col. Buck), 1402
*Vote of Thanks to the, l.* (Lord Panmure), 182
*c.* (Viscount Palmerston), 216

*Maritime Law, International,*
*l.* Motion (Lord Colchester), 481, [Content 102, Not Content 156, M. 54] 547

*Marriage Law (Scotland) Amending Bill,*
*l.* 2R. 205;
Com. 322; 3R.* 621
*c.* 1R.* 1573;
2R. 2159

*Married Women's Reversionary Interest Bill,*
*c.* 3R*. 258
*l.* 1R.* 310

*Married Women, Rights of,*
*c.* Motion (Sir E. Perry), 1273; Motion withdrawn, 1285

Martin, Mr. P. W., *Rochester*
Police (Counties and Boroughs), Com. *add. cl.* 613

Massey, Mr. W. N. (Under Secretary, Home Department), *Newport*
Dissenters' Marriages, Com. *cl.* 4, 941, 942, 944; *cl.* 11, 949
Justices of the Peace Qualification, Com. *cl.* 13, 480

Masterman, Mr. J., *London*
Partnership Amendment (No. 2), 2R. 661

*Maynooth College Bill,*
*c.* 2R. 1906; Amend. (Mr. H. Herbert), 1918, [*o. q.* A. 174, N. 168, M. 6] 1962; Adj. moved (Mr. Bowyer), 1965; Adj. Debate, 2046; Order for 2R. discharged, 2048

*Medjedjie, Order of the,*
*c.* Question (Mr. Knightley), 2091

*Menai Straits—Supply,*
*c.* 1046

*Mercantile Law Amendment Bill,*
*l.* 3R. Order discharged, 181;
Re-com. 1156; 3R.* 1395
*c.* 1R.* 1493;
2R. 2044; Adj. moved (Mr. Watson), 2045

*Mercantile Law (Scotland) Amendment Bill,*
*l.* 3R. Order discharged, 182; 3R.* 1395
*c.* 1R. 1493; 2R. 1987

*Merchant Seamen's Fund Act, Pensions —Supply,*
*c.* 1027

*Metropolis Local Management Act Amendment (No. 2) Bill,*
*c.* 1R.* 1733; 2R.* 2071

*Metropolitan Improvements,*
*c.* Question (Mr. Jackson), 550

Miall, Mr. E., *Rochdale*
Established Church (Ireland), 713; Com. moved for,* 715, 753

Michell, Mr. W., *Bodmin*
Army Estimates, 1701
Joint-stock Companies, Com. *cl.* 19, Amend. 639
Supply—Embankment, &c., Vauxhall and Battersea Bridge, 1036, 1037;—St. James's Park, 1140, 1416

MILES, Mr. W., *Somersetshire, E.*
  Army, Staff of the, 2084
  Justices of the Peace Qualification, Com. *cl.* 13, 479
  Police (Counties and Boroughs), Com. *cl.* 6, 297
  Reformatory Schools, Com. *add. cl.* 572, 573
  Supply—Education, 1375

*Militia, The,*
  *Disembodiment of the, l.* Question (Earl of Donoughmore), 1393; (Duke of Leeds), 1572
  *c.* Question (Mr. Davison), 16; (Mr. H. Herbert), 264; (Mr. W. Lockhart), 429; (Mr. Grogan), 631; Observations (Col. Gilpin), 798; Question (Col. Dunne), 1408; (Sir De L. Evans), 2085
  *Gratuity to, c.* Question (Col. Greville), 1099
  *Vote of Thanks to, l.* (Lord Panmure), 182
  *c.* (Viscount Palmerston), 216;—see *Army Estimates*

MILNES, Mr. R. M., *Pontefract*
  Greece, State of, 856
  National Gallery, Site of the, Address moved, 2107
  Reformatory Schools, Com. *add cl.* 569, 570

MINTO, Earl of
  Appellate Jurisdiction, Rep. 951.

*Miscellaneous Estimates,*
  *c.* 856, 1108, 1328, 1411

MITCHELL, Mr. T. A., *Bridport*
  Sound Dues, The, 554

MOFFATT, Mr. G., *Ashburton*
  Joint-stock Companies, Com. *cl.* 29, 641

MONCREIFF, Rt. Hon. J., *see* ADVOCATE, The Lord

MONSELL, Rt. Hon. W. (Clerk of the Ordnance), *Limerick Co.*
  Army Estimates, 1691, 1692, 1693, 1698, 1699, 1701, 1703, 1704, 1705, 1706, 1709, 1717, 1719
  Plumstead, Church Accommodation at, 1106

MONTEAGLE, Lord
  Drafts on Bankers, 2R. 1055
  Fire Insurances, 2R. 672
  Hampstead Heath—Leases and Sales of Settled Estates, 1571
  Joint-stock Companies, 2R. 1482; Com. 1891
  Sleeping Statutes, 2R. 1896

MONTGOMERY, Sir G. G., *Peeblesshire*
  Parochial Schools (Scotland), Com. *cl.* 9, Amend. 1991
  Voters, Registration of (Scotland), Com. 1682

MONTGOMERY, Mr. H. L., *Leitrim*
  Postal Communication (Ireland), 16

MOORE, Mr. G. H., *Mayo Co.*
  Dwellings for Labouring Classes (Ireland), Com. *add. cl.* 1662
  Established Church (Ireland), 713
  Evictions (Ireland), Case of Mr. Pollok) 705
  Tenant Right (Ireland), 2R. 922, 1023, 1024
  United States, Relations with the, 1660, 1740, 2071, 2093

*Morning Sittings,*
  *c.* Observations (Mr. Walpole), 1462

*Moulton, Endowed Schools at, Bill*
  *l.* 1R.* 949; 2R.* 1219; 3R.* 1771
  *c.* 1R.* 1987

MOWBRAY, Mr. R. J., *Durham City*
  Judges and Chancellors, Com. Amend. 2045
  Supply—Charity Commission, 856, 860;—Civil Contingencies, 1339

MULLINGS, Mr. J. R., *Cirencester*
  Supply—Revising Barristers, 1030

MUNTZ, Mr. G. F., *Birmingham*
  Aggravated Assaults, 2R. 175
  Army Estimates, 1705
  Factories, Com. 558; *add. cl.* 565
  Married Women, Rights of, 1279
  Police (Counties and Boroughs), Com. *cl.* 6, 306
  Postage Labels, Com. moved for, 1294
  Supply—Embassy Houses Abroad, 1043

MURROUGH, Mr. J. P., *Bridport*
  German Legion, The, 428
  Secretaries of State, Com. moved for, 620, 621

NAAS, Rt. Hon. Lord, *Coleraine*
  Australian Mails, 1496
  Bleaching Works (No. 2), 2R. 1053
  Commissions of Deceased Officers, Address moved, 1523
  Education (Ireland), 1686
  Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3, 1760; *cl.* 4, 1764
  Paupers' Removal (Scotch and Irish), 2R. 2157
  Supply—Incumbered Estates Commission (Ireland), 1049;—Agricultural Statistics, 1111

NAPIER, Rt. Hon. J., *Dublin University*
  Abjuration, Oath of, Com. *cl.* 2, 601, 605
  Crimea, Return of Troops from the, 1098
  Dwellings for Labouring Classes (Ireland), Com. *add. cl.* 1663
  Education (Ireland), Address moved, 1635; Res. 1868, 1885
  Established Church (Ireland), 714; Com. moved for, 762
  Evictions (Ireland), Case of Mr. Pollok, 705
  Grand Jury Assessment (Ireland), Com. *cl.* 8, 618
  Hinds, Miss, Murder of, 284
  Maynooth College, 2R. 1918
  Nawab of Surat Treaty, Rep. 1657
  Peace Preservation (Ireland), Com. 1575 *cl.* 2, 1577; *cl.* 4, 1579
  Poor Law (Ireland), 2R. 1664

Napier, Vice Adm. Sir C., *Southwark*
Army Estimates, 1550, 1704, 1711
Navy Estimates, 1437

*National Gallery Bill,*
*c.* 3R.* 258
*l.* 1R.* 310; 2R.* 776; 3R.* 949
Royal Assent, 1771

*National Gallery Site Bill,*
*c.* 1R.* 977;
2R. 1393; Amend. (Lord Elcho), 1394; Amend. and Motion withdrawn, *ib.*

*National Gallery, Site of the,*
*c.* Address moved (Lord Elcho), 2097, [A. 153, N. 145, M. 8] 2153

*Navy,*
*Coast Guard, c.* Question (Mr. Stirling) 258; (Mr. Palk), 632
*Estimates, c.* 1417
*Manning and Equipment of the, c.* Question (Sir G. Tyler), 1086
*Vote of Thanks to, l.* (Lord Panmure), 182
*c.* (Viscount Palmerston), 216

*Nawab of Surat Treaty Bill,*
*c.* Rep. 1297; Motion (Mr. V. Smith), 1298; Amend. (Sir F. Kelly), 1301; Amend. withdrawn, 1316; 2nd Amend. 1649;
3R. 1898; Amend. (Sir J. Hogg), 1901, [*o. q.* A. 213, N. 28, M. 185] 1905

Newdegate, Mr. C. N., *Warwickshire, N.*
Abjuration, Oath of, Com. *cl.* 2, 601
Army Estimates, 1694
County Courts, Judges' Salaries, Com. 2044
Education (Ireland), Res. 1883
Established Church (Ireland), Com. moved for, 740
Joint-stock Companies, 3R. *cl.* 46, 898
Judges and Chancellors, Com. 2045
Justices of the Peace Qualification, Com. *cl.* 11, 478
Maynooth College, 2R. 1947, 2047
Reformatory Schools, Com. *add. cl.* 570

Newport, Viscount, *Shropshire, S.*
Reformatory Schools, 1161

Nisbet, Mr. R. P., *Chippenham*
Parochial Schools (Scotland), Com. *cl.* 9, 1991

Noel, Hon. G. J., *Rutland*
Guards, Entry of the, into London, 2073
Horses of Officers in the Crimea, 327

Norreys, Sir D. J., *Mallow*
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 3, 1760
Supply—Embassy Houses Abroad, 1042

North, Col. J. S., *Oxfordshire*
Army Estimates, 1557
Army, Staff of the, 2084, 2086
Commissions of Deceased Officers, Address moved, 1520, 1526
Militia and the Foreign Legions, 805
[*cont.*

North, Col. J. S.—*continued.*
Sandhurst, Military College at, 588
Supply—Monument at Scutari, 1050
Williams, Sir W. F., Queen's Message, Address moved, 291

*North American Colonies, Military Establishments in the,*
*l.* Address moved (Earl of Elgin), 673

Northcote, Sir S. H., *Dudley*
Aggravated Assaults, 2R. 176
Army Regulations, 1407
Reformatory Schools, Com. *add. cl.* 1, 566, 567, 568, 569
Supply—Education, 1368

*Nuisances Removal, &c. (Scotland) (No. 2) Bill,*
*c.* 1R.* 588; 2R.* 1085

O'Brien, Mr. Serj. J., *Limerick City*
Dublin Metropolitan Police, 2R. 1215
Maynooth College, 2R. 2047

O'Brien, Mr. P., *King's Co.*
Dublin Metropolitan Police, 2R. 1217, 1218
Education (Ireland), Res. 1877
Lunatic Asylums (Ireland) (No. 2), Com. *cl.* 4, 1764
Navy Estimates, 1458
Peace Preservation (Ireland), 2R. 1393
Poor Law Amendment (No. 2), 2R. 2043
Supply—Battersea Park, 1035, 1036

O'Connell, Capt. D., *Tralee*
Italian Legion, The, 1401
Tralee and Killarney Savings Banks, Com. moved for, 772

O'Connell, Capt. J., *Clonmel*
Dwellings for Labouring Classes (Ireland), Com. *add cl.* 1664
Militia and the Foreign Legions, 806

Oliveira, Mr. B., *Pontefract*
Public Offices, 1098
Kars, Defenders of, 326

*Orange River Territory—Supply,*
*c.* 1052

Otway, Mr. A. J., *Stafford*
Army Estimates, 1703, 1716
Bands in the Parks, 325, 326
Crimean Medal—The Sardinian Army, 261
Nawab of Surat Treaty, Rep. 1315
Railway Accidents, 2091

Overstone, Lord
Joint-stock Companies, 2R. 1474, 1476, 1488, 1489, 1490; Com. 1891; *cl.* 18, 1892
Limited Liability, 950
Mercantile Law Amendment, 3R. 181; Re-com. 1157

Oxford, Bishop of
  Burial-ground, Blandford, 968, 1219, 1225;—Great Torrington, 2070
  Capital Punishment, Com. moved for, 247, 253
  Divorce and Matrimonial Causes, Com. 1979, 1984; Rep. 1987
  Reformatory and Industrial Schools, Rep. Amend. 1676

*Oxford College Estates Bill,*
  *c.* 1R.* 2071

*Oxford University Bill,*
  *l.* 2R.* 481; 3R.* 899
  *c.* 1R.* 977; 2R.* 1161; 3R.* 1401
  *l.* Commons, Amends. 1572
  Royal Assent, 1771

Packe, Mr. C. W., *Leicestershire, S.*
  Aggravated Assaults, 2R. 172
  Church Rates (No. 2), 2R. 467, 476
  Police (Counties and Boroughs), Com. *add. cl.* 607, 610, 612

Pakington, Rt. Hon. Sir J. S., *Droitwich*
  Australia, Postal Communication with, 1987, 1990
  Church Rates (No. 2), 2R. 475
  Education Estimates, 1107
  Evictions (Ireland), Case of Mr. Pollok, 703
  Horses of Officers in the Crimea, 427
  Justices of the Peace Qualification, Com. *cl.* 11, 478
  Maynooth College, 2R. 1951
  Plumstead Church, Accommodation at, 1106
  Police (Counties and Boroughs), Com. *cl.* 6, 294, 298; *add. cl.* 609
  Reformatory Schools, Com. *add. cl.* 571, 574
  St. Pancras Workhouse, 1228, 1230
  Suffragan Bishops, 591
  Supply—British Historical Portrait Gallery, 1118;—Science and Art Department, Marlborough House, Removal, 1129;—Education, 1350, 1354, 1367;—St. James's Park, 1415
  Tithe Commutation Rent Charge, 2R. 157
  United States, Relations with the, 1738
  West India Loans, 3R. 1388
  Williams, Sir W. F., Queen's Message, Address moved, 288

Palk, Mr. L., *Devonshire, S.*
  Coastguard, The, 632
  Reformatory Schools, Com. *add. cl.* 567
  Supply—Agricultural Statistics, 1109;—St. James's Park, 1415

Palmer, Mr. Robert, *Berkshire*
  Justices of the Peace Qualification, Com. *cl.* 11, 478
  Police (Counties and Boroughs), Com. *add. cl.* 309

Palmer, Mr. Roundel, *Plymouth*
  Cambridge University, Com. *cl.* 32, 1212; Rep. *cl.* 44, 1751
  Reformatory Schools, Com. *add. cl.* 570

Palmerston, Rt. Hon. Viscount (First Lord of the Treasury), *Tiverton*
  Abjuration, Oath of, Com. *cl.* 2, 604
  Agricultural Statistics, 2R. 1727, 1728, 1770, 1771
  Appellate Jurisdiction, 2077, 2080
  Army—Education of Officers, 1020
  Army Estimates, 1549, 1724
  Bands in the Park, 326
  Bleaching Works (No. 2), 2R. 1053
  Budget, The—Financial Statement, Res. 368
  Business of the House, 1686
  Cambridge University, Com. *cl.* 4, 844; *cl.* 6, 846; *cl.* 25, 847, 849; *cl.* 27, 1205; Rep. *add. cl.* 1741; *cl.* 27, 1746; *cl.* 44, 1753
  Circassia—Mr. Longworth's Mission, 980
  Commissions of Deceased Officers, Address moved, 1531
  Crimean Medal—The Sardinian Army, 261
  Danubian Principalities, 851, 852
  Dublin Metropolitan Police, 2R. 1218
  Education (Ireland) 1666, 1685, 1686; Res. 1882, 1883
  Elections, Corrupt Practices at, 553
  Established Church (Ireland), 714; Com. moved for, 765
  Evictions (Ireland), Case of Mr. Pollok, 704
  Grand Jury Assessment (Ireland), Com. *add. cl.* 620
  Greece, State of, 854
  Guards, Entry of the, into London, 2074
  Hanover, Diplomatic Establishment at, 1494
  Joint-stock Companies, Com. *cl.* 5, 636
  Judges and Chancellors, Leave, 458; Com. 2045
  Kars and Ismael, 1497
  Kars, Defenders of, 326
  Militia and the Foreign Legions, 805
  Militia, Disbanded, Gratuity to the, 1099
  Militia, The Irish, Disembodiment of, 1408
  Morning Sittings, 1463
  National Gallery, Site of the, Address moved, 2147, 2156
  Parochial Schools (Scotland), Com. 1464
  Peace, Treaty of, Address moved, 109, 123
  Political Offenders, Pardon of, 264
  Poor Law Amendment (No. 2), 2R. 2042
  Portuguese Government, Claims on the, 261
  Sardinian Loan, Com. 1890
  Science, Advancement of, Com. moved for, 1271
  Scotch Members and the Government, 329
  Sound Dues, The, 555
  Suffragan Bishops, 593
  Supply—Charity Commission, 857;—Bounties on Slaves, &c., 1027;—Constabulary Police at Aldershot, 1033;—Incumbered Estates Commission (Ireland), 1049, 1050;—Monument at Scutari, 1051, 1052;—British Historical Portrait Gallery, 1118;—St. James's Park, 1411, 1413, 1414, 1415, 1416, 1567
  Treaties, Secret, 429
  United States, Relations with the, 979, 1088, 1163, 1403, 1404, 1405, 1507, 1738, 2072
  Vote of Thanks to the Army, Navy, &c., 216
  Williams, Sir W. F., Queen's Message, Address moved, 288, 400

Panmure, Lord (Secretary of State for War)
  Dalhousie, Marquess of, Pension to, Correspondence moved for, 213
  Foreign Legion, The, 1152

[*cont.*

PANMURE, Lord—*continued.*
Militia, The, 1572
Militia, Irish, Disembodiment of the, 1396
North American Provinces, Military Establishments in the, Address moved, 691
Police (Counties and Boroughs), 2R. 1398; Com. *cl.* 1, 1674; *cl.* 13, 1675; Rep. 1894; 3R. 2049
Vote of Thanks to the Army, Navy, &c. 182, 205

*Paper Duty,*
*c.* Question (Mr. M. Gibson), 1327

*Parishes, formation of Bill,*
*c.* Com. Amend. (Mr. Hadfield), 574; Amend. withdrawn, 575; *cl.* 2; *cl.* 4, 575

*Parks—Bands on Sundays,*
*c.* Question (Mr. T. Chambers), 259; (Mr. Otway), 325;—see *Scotch Members and the Government*

*Parochial Schools (Scotland) Bill,*
*c.* Question (Sir J. Fergusson), 632;
2R. Adj. Debate, 885;
Com. 1464; Amend. (Major C. Bruce), 1469, [*o. q.* A. 126, N. 90, M. 36], 1471
*cl.* 9, Amend. (Sir G. Montgomery), 1991, [*o. q.* A. 107, N. 51, M. 56] 1992

*Partnership Amendment (No. 2) Bill,*
*c.* 2R. 652; Amend. (Mr. Arch. Hastie), 654; Adj. moved (Mr. Kirk), 661, [A. 75, N. 110, M. 35] 662; [*o. q.* A. 97, N. 66, M. 31] 666

*Patent Law Amendment—Supply,*
*c.* 881

PATTEN, Col. J. W., *Lancashire, N.*
Factories Com. 557, 558; *cl.* 4, 559, 563; *add. cl.* 564
Militia and the Foreign Legions, 804
Perth and Melfort's, Earl of, Compensation, Rep. 1317

*Paupers, Scotch and Irish, Removal Bill,*
*c.* 2R. 2156; Bill withdrawn, 2157

*Pawnbrokers Bill,*
*c.* 2R.* 258; 3R.* 797
*l.* 1R.* 850; 2R.* 1152; 3R.* 1395
Royal Assent, 1771

PAXTON, Sir J., *Coventry*
Army Estimates, 1710, 1716
Supply—Charity Commission, 861;—Science and Art Department, Marlborough House, Removal, 1125;—St. James's Park, 1139, 1563

*Peace Preservation (Ireland) Bill,*
*l.* 1R.* 576; 2R.* 621;
Com. 776; Amend. (Earl of Donoughmore). 777; Amend. withdrawn, 780;
3R.* 949
*c.* 1R.* 1085;
2R. 1391; Amend. (Mr. Maguire), 1392, [*o. q.* A. 77, N. 10, M. 67] 1393;
[*cont.*

*Peace Preservation (Ireland) Bill*—cont.
Com. Amend. (Mr. McMahon), 1573; Amend. neg. 1576;
*cl.* 1, 1576;
*cl.* 2, [A. 98, N. 53, M. 45] 1578;
*cl.* 4, Amend. (Mr. I. Butt), 1578;
Rep. Amend. (Mr. I. Butt), 1684; Amend. withdrawn, 1685;
3R.* 1733

*Peace, Treaty of,*
*l.* Her Majesty's Answer, 177
*c.* Address moved (Mr. E. Denison); Amend. (Lord C. Hamilton) Adj. Debate, 17; Amend. withdrawn, 136: Report brought up, 137; Her Majesty's Answer, 215

PEACOCKE, Mr. G. M. W., *Maldon*
Archer, Miss, Assault on, 327
Ballot, The, Leave, 445
Supply—Mr. Boyle's Compensation, 1142

PECHELL, Rear Adm. Sir G. R., *Brighton*
Navy Estimates, 1447
Police (Counties and Boroughs), Com. *add. cl.* 613
Poor-Law Amendment, 2R. 615
Poor-Law Amendment (No. 2), 2R. Adj. moved, 2042
Supply—Board of Fisheries (Scotland), 883

PEEL, Mr. F. (Under Secretary for War), *Bury (Lancashire)*
Army—Education of Officers, 1001, 1009;—Reduction of Officers, 1736
Army Estimates, 1540, 1541, 1553, 1557, 1558, 1559, 1560, 1697
Army Regulations, 1407
Army, Staff of the, Res. 1689, 1992, 2084, 2085, 2086
Commissions, Candidates for, 259
Commissions of Deceased Officers, Address moved, 1524, 1526
Crimean Medal—The Sardinian Army, 261
German Legion, The, 428
Guards' Memorial, The, 1228
Horses of Officers in the Crimea, 328, 427, 550
Italian Legion, The, 1401
Legion of Honour, 2075
Militia and the Foreign Legions, 801
Militia, Disembodiment of the, 16, 632, 2087
Militia, The Irish, Disembodiment of, 267
Militia, The Scotch, 429
Sandhurst, Military College at, 589
Turkish Contingent—English Officers, 555
Woolwich, Explosion at, 429

PELLATT, Mr. A., *Southwark*
Army Estimates, 1552, 1705
Cambridge University, Com. *cl.* 25, 848
Dissenters' Marriages, Com. *cl.* 1, 939; *cl.* 2, 940, 941; *cl.* 4, 945, 947
Prisoners for Debt, 554
Supply—Constabulary Police at Aldershot, 1082;—Embassy Houses (Abroad), 1042;—Science and Art Department, Marlborough House Removal, 1124

PERRY, Sir T. E., *Devonport*
Dalhousie, Marquess of, Pension to, 273
India, Administration of Justice in, 1409
Married Women, Rights of, 1273, 1284
Nawab of Surat Treaty, Rep. 1312
Wills and Administrations, 2R. 2040

*Perth and Melfort's, Earl of, Compensation,*
c. Report, 1316

PHILIPPS, Mr. J. H., *Haverfordwest*
Police (Counties and Boroughs), Com. *add. cl.* 609

PHILLIMORE, Mr. J. G., *Leominster*
Budget, The—Financial Statement, Res. 384
Cambridge University, Com. 841; *cl.* 4, 843; *cl.* 27, 1204; *cl.* 30, 1211; Rep. *add. cl.* 1741; *cl.* 27, 1745
Hinds, Miss, Murder of, 286
India, Administration of Justice in, 1409
Joint-stock Companies, Com. *cl.* 37, 643, 644
Joint-stock Companies Winding-up Acts Amendment, 2R. 1768
Judges and Chancellors, Leave, 452, 458, 465; Com. 2045, 2046
Married Women, Rights of, 1281
Navy Estimates, 1437
Nawab of Surat Treaty, Rep. 1314
Perth and Melfort's, Earl of, Compensation, Rep. 1319
Reformatory Schools, Com. *add. cl.* 569, 571
Supply — Statute Law Commission, 875;—Revising Barristers, 1030;—British Historical Portrait Gallery, 1117, 1118
Wills and Administrations, 2R. 2039, 2040

PHILLIMORE, Mr. R. J., *Tavistock*
Cambridge University, Com. *cl.* 27, 1206; *cl.* 38, 1213
Dissenters' Marriages, Com. *cl.* 2, 940; *cl.* 4, 943; *cl.* 11, 948
Parishes, Formation of, Com. 575
Peace, Treaty of, Address moved, 20
Tithe Commutation Rent Charge, 2R. 138
Wills and Administrations, 2R. 2040

PIGOTT, Mr. F., *Reading*
Church Rates (No. 2), 2R. 473
Justices of the Peace Qualification, Com. *cl.* 14, 480

*Plumstead, Church Accommodation at,*
c. Motion (Marquess of Blandford), 1103; Motion withdrawn, 1107

*Police (Counties and Boroughs) Bill,*
c. Com. *cl.* 6, Amend. (Sir W. Jolliffe), 293; Amend. withdrawn, 298; Amend. (Sir H. Willoughby), 300, [*o. q.* A. 160, N. 106, M. 54] 306;
*cl.* 11, [A. 186, N. 75, M. 111] 307;
*cl.* 12, 308;
*add. cl.* (Mr. Rice), 308; Motion neg. 309;
*add. cl.* (Mr. Massey), 309;
Rep. *add. cl.* (Sir G. Grey), 605;
*add. cl.* (Sir H. Stracey), 606; *cl.* withdrawn, 607
[*cont.*

*Police (Counties and Boroughs) Bill*—cont.
*add. cl.* (Mr. Bentinck), 607; *cl.* withdrawn, 610;
*add. cl.* (Lord Lovaine), 610; *cl.* withdrawn; 614
3R.* 797
*l.* 1R.* 850; 2R.* 1398;
Com. *cl.* 1, 1673;
*cl.* 13, 1674;
*cl.* 14, 1675;
Rep. 1894;
3R.* 2048

*Political Offenders, Pardon of,*
c. Question (Mr. T. Duncombe), 262

*Pollok, Mr., Case of—Evictions (Ireland,*
c. Observations (Sir M. S. Stewart) 697

*Poor Law Amendment Bill,*
c. 2R. 614; Bill withdrawn, 616

*Poor Law Amendment* (No. 2) *Bill,*
c. Leave, 616; 1R. *ib.*;
2R. Adj. moved, (Sir G. Pechell), [A. 53, N. 75, M. 22] 2042

*Poor Law Amendment (Scotland) Bill,*
c. 1R.* 466; 2R.* 797

*Poor Law (Ireland) Bill,*
c. 2R. 1664; Adj. moved (Mr. J. D. FitzGerald), 1665

*Poor, Medical Officers for the,*
c. Question (Sir J. Trollope), 1493

PORTMAN, Lord
Burial-ground, Blandford, 961, 962, 970, 973, 974, 975; Explanation, 1219;—Great Torrington, 2069
Grand Juries, 2R. 1966

PORTSMOUTH, Earl of
Burial-ground, Blandford, 974; — Great Torrington, 2064

*Portuguese Government, Claims on the,*
c. Question (Mr. T. Chambers), 261

*Postage Labels,*
c. Com. moved for, (Mr. Whiteside), 1284, [A. 39, N. 57, M. 18] 1296

POWIS, Earl of
Grand Juries, 2R. 1967
Police (Counties and Boroughs), Rep. 1894

*Press, The, and Lord Denman,*
*l.* Observations (Lord Denman), 1054

*Prisoners for Debt,*
c. Question (Mr. Pellatt), 554

*Procedure and Evidence Bill,*
c. 2R.* 325

*Procedure before Justices (Scotland) Bill,*
*l.* 2R.* 310, 3R.* 621
*c.* 1R.* 922, 2R.* 1649

*Protests,*
*l. Appellate Jurisdiction Bill,* 1084, 1085
Joint-stock Companies Bill, 1490

*Public Accounts Commissioners—Supply,*
*c.* 1052

*Public Offices,*
*c.* Question (Mr. Oliveira), 1098

*Quarantine Expenses—Supply,*
*c.* 1030

*Queen's Colleges (Ireland) Bill,*
*c.* 1R.* 1807

*Railway Accidents,*
*c.* Question (Mr. Otway), 2091

Ravensworth, Lord
Abjuration, Oath of, 2R. 1799
Reformatory and Industrial Schools, 2R. 1160; Com. 1324, 1325; Rep. 1676
St. James's Park, 576

*Reciprocity, Treaties of—Supply,*
*c.* 1028

*Records, General Repository for—Supply,*
*c.* 1038

Redesdale, Lord (Chairman of Committees)
Appellate Jurisdiction, 3R. 789; Com. 916, 917; Rep. 950
Burial-ground, Blandford, 967; — Great Torrington, 2069
Business of the House, Res. 245, 247, 1400, 1401
Capital Punishment, Com. moved for, 251
Divorce and Matrimonial Causes, 2R. 423; Com. 1984; Rep. 1987
Gloucester and Bristol, Bishopric of, 1154
Peace Preservation (Ireland), Com. 778
St. James's Park, 584

Reed, Major J. H., *Abingdon*
United States, Relations with the, 1163, 1660

*Reformatory Schools,*
*c.* Question (Viscount Newport), 1161; (Mr. A. Smith), 2073

*Reformatory Schools (Scotland) Bill,*
*c.* Com. *cl.* 1, 237; 3R.* 631
*l.* 1R.* 668; 2R.* 850; 3R.* 949
Royal Assent, 1771

*Reformatory and Industrial Schools Bill,*
*c.* Com. *add. cl.* (Sir S. Northcote), 566;
*add. cl.* (Mr. Gordon), 569, [A. 57, N. 80, M. 23] 572;
*add. cl.* (Mr. Miles), 572; *cl.* withdrawn, 574;
3R.* 797
*l.* 1R.* 850;
2R. 1160;
Com. 1324;
Rep. 1676

*Revising Barristers—Supply,*
*c.* 1030

Rice, Mr. E. R., *Dover*
Police (Counties and Boroughs), Com. *cl.* 6, 297; *add. cl.* 308, 609
Supply — British Historical Portrait Gallery, 1122

*Rice, Distillation from, Bill,*
*c.* 1R.* 2071

Rich, Mr. H., *Richmond*
Army, Education of Officers, 1014, 1019
Army Estimates, 1550

Ridley, Mr. G., *Newcastle-on-Tyne*
Supply—Treaties of Reciprocity, 1028

Roebuck, Mr. J. A., *Sheffield*
Abjuration, Oath of, Com. *cl.* 2, 601, 602, 603
Danubian Principalities, 851, 852
Justices of the Peace Qualification, Com. *cl.* 11, 479
Police (Counties and Boroughs), Com. *cl.* 6, 304; *cl.* 11, 307
Scotch Members and the Government, 328
Smith, Dr. Southwood, 595
Supply — British Historical Portrait Gallery, 1120
United States, Relations with the, 1088

Russell, Rt. Hon. Lord J., *London*
Abjuration, Oath of, Com. *cl.* 2, Amend. 599, 605; 3R. 1183
Appellate Jurisdiction, 2096
Education (Ireland), Res. 1862
Judges and Chancellors, Leave, 462
National Gallery, Site of the, Address moved, 2129
Police (Counties and Boroughs), Com. *add. cl.* 612
Supply—Statute Law Commission, 876
United States, Relations with the, 1405, 1499

*Sailing Vessels, Regulations for,*
*l.* Question (Viscount Dungannon), 850

St. Asaph, Bishop of
Burial-ground, Blandford, 975

St. David's, Bishop of
Divorce and Matrimonial Causes, Com. 1985

St. Germans, Earl of
Abjuration, Oath of, 2R. 1803
Burial-ground, Great Torrington, 2068
Divorce and Matrimonial Causes, Com. 1978

*St. James's Park,*
*l.* Observations (Lord Ravensworth), 576
*c.* Question (Mr. Stafford), 1090

*St. James's Park—Supply,*
*c.* 1133, [A. 70, N. 192, M. 122] 1141, 1411, [A. 182, N. 95, M. 87] 1417; Rep. 1560, [A. 119, N. 93, M. 26] 1569

St. Leonards, Lord
  Appellate Jurisdiction, Com. 909, 916 ; cl. 1, 921 ; That the Bill do pass, 1083
  Chancery Reform, 9, 16
  County Courts Act Amendment, 2R. 9
  Death Punishment on Women, 1056
  Debt and Contempt of Court, Imprisonment for, 1570, 1571
  Hampstead Heath—Leases and Sales of Settled Estates, 1571
  Hinds, Miss, Murder of, 180
  Marriage Law Amending, 2R. 206
  Mercantile Law Amendment, 3R. 181 ; Re-com. 1159
  Peace Preservation (Ireland), Com. 779
  St. James's Park, 585

*St. Pancras Workhouse,*
  *c.* Question (Sir J. Pakington), 1228

Salisbury, Marquess of
  Burial-ground, Blandford, 957, 962, 967
  Sleeping Statutes, 2R. 1896
  Ticket-of-Leave System, 256
  Vote of Thanks to the Army, Navy, &c., 205

*Sandhurst, Military College at,*
  *c.* Question (Col. North), 588

*Sardinian Loan, The,*
  *l.* Message from the Queen, 1471 ; Address moved (Earl of Clarendon), 1671
  *c.* Question (Mr. Disraeli), 555 ;—Message from the Queen, 1326 ; Res. (Chancellor of the Exchequer), 1497

*Sardinian Loan Bill,*
  *c.* 1R.* 1679 ; 2R.* 1733 ;
    Com. 1889 ; 3R.* 1898
  *l.* 1R.* 1890 ; 2R.* 1966 ; 3R.* 2048

*Schools, Parochial (Scotland), Bill,*
  *c.* Question (Sir J. Fergusson), 632 ;
    2R. Adj. Debate, 885 ;
    Com. 1464 ; Amend. (Major C. Bruce), 1469, [*o. q.* A. 126, N. 90, M. 36] 1471 ;
    *cl.* 9, Amend. (Sir G. Montgomery), 1991, [*o. q.* A. 107, N. 51, M. 56] 1992

*Schools, Reformatory,*
  *c.* Question (Visct. Newport), 1161 ; (Mr. A. Smith), 2073

*Schools, Reformatory (Scotland) Bill,*
  *c.* Com. *cl.* 1, 237 ; 3R.* 631
  *l.* 1R.* 668 ; 2R.* 850 ; 3R.* 949
  Royal Assent, 1771

*Schools, Reformatory and Industrial, Bill,*
  *c.* Com. *add. cl.* (Sir S. Northcote), 566 ;
    *add. cl.* (Mr. Gordon), 569, [A. 57, N. 80, M. 23] 572 ;
    *add. cl.* (Mr. Miles), 572 ; *cl.* withdrawn, 574 ;
    3R.* 797
  *l.* 1R.* 850 ;
    2R. 1160 ;
    Com. 1324 ;
    Rep. 1676

*Science, Advancement of,*
  *c.* Com. moved for (Mr. Heywood), 1263 ; Motion withdrawn, 1273

*Science and Art Department (Marlborough House, Removal)—Supply,*
  *c.* 1124

*Scientific and Literary Societies Bill,*
  *c.* 2R.* 137 ;
    Com. *cl.* 2, Amend. (Mr. Hutt), 938 ; Amend. withdrawn, 939

Scobell, Capt. G. T., *Bath*
  Aggravated Assaults, 2R. 174
  Crimea, Return of Troops from the, 1097
  Justices of the Peace Qualification, Com. *cl.* 11, 479
  Navy Estimates, 1434
  Police (Counties and Boroughs), Com. *cl.* 6, 306 ; *add. cl.* 613
  Valour, Order of, 2090

*Scotch Members and the Government,*
  *c.* Question (Mr. Roebuck), 328

*Scotland,*
  *Aberdeen Universities, c.* Question (Mr. Thompson), 1494 ; (Mr. H. Baillie), 1679
  *Militia, The, c.* Question (Mr. W. Lockhart), 429
  *Parochial Schools, c.* Question (Sir J. Fergusson), 632
  *Supply—Board of Fisheries, c.* 881, [A. 162, N. 39, M. 123] 885 ;—*Board of Manufactures* ;—*Highland Roads and Bridges*, 1027 ; —*Holyrood Park*, 1141 ;—*Compensation to Mr. Boyle*, 1141, 1388
See
  *Bankruptcy (Scotland) Bill*
  *Commissioners of Supply (Scotland) Bill*
  *Deeds (Scotland) Bill*
  *Exchequer, Court of (Scotland) Bill*
  *Judicial Procedure, &c. (Scotland) Bill*
  *Leases, Registration of (Scotland) Bill*
  *Marriage Law (Scotland) Amending Bill*
  *Nuisances Removal, &c. (Scotland) (No. 2) Bill*
  *Parochial Schools (Scotland) Bill*
  *Paupers, Removal, Scotch and Irish, Bill*
  *Poor Law Amendment (Scotland) Bill*
  *Procedure Before Justices (Scotland) Bill*
  *Reformatory Schools (Scotland) Bill*
  *Voters, Registration of, (Scotland) Bill*

Scott, Hon. F., *Berwickshire*
  Parochial Schools (Scotland), 2R. 896

*Scutari, Monument at—Supply,*
  *c.* 1050

*Seamen, Distressed British—Supply,*
  *c.* 1030

*Seamen's, British, Hospital, Constantinople—Supply,*
  *c.* 1045

*Seamen's Savings Banks Bill,*
  *c.* 1R.* 1401 ; 2R.* 1679 ; 3R.* 1807
  *l.* 1R.* 1890 ; 2R.* 1966

*Secretaries of State,*
c. Com. moved for (Mr. Murrough), 620; Motion withdrawn, 621

Seymer, Mr. H. K., *Dorsetshire*
Supply—St. James's Park, 1569

Seymour, Mr. H. D., *Poole*
Nawab of Surat Treaty, Rep. 1659

Shaftesbury, Earl of
Burial-ground, Blandford, 953
Factories, 2R. 1671; Com. *cl.* 4, 1893

Shee, Mr. Serjeant W., *Kilkenny Co.*
Dwellings for Labouring Classes (Ireland), Com. *add. cl.* 1663
Hinds, Miss, Murder of, 287
Supply—Agricultural Statistics, 1113

Shelley, Sir J. V., *Westminster*
Supply—Science and Art Department, Marlborough House, Removal, 1130;—St. James's Park, 1569

*Shelburn Hospital Bill,*
*l.* 1R.* 949

Sibthorp, Major G. T. W. *Lincoln*
Guards' Memorial, The, 1228

*Simpson's Crimean Sketches,*
c. Question (Lord Elcho), 1100

*Slaves, Bounties on—Supply,*
c. 1027

*Sleeping Statutes Bill,*
c. 2R.* 137; 3R.* 977
*l.* 1R.* 1054;
2R. 1895

*Sligo Election Committee,*
c. Observations (Mr. T. Duncombe), 1091

*Small Debts Imprisonment Act Amendment (Scotland) Bill,*
c. 1R.* 550; 2R.* 797; 3R.* 1161
*l.* 1R.* 1219

Smith, Rt. Hon. R. V. (President of the Board of Control), *Northampton*
Appellate Jurisdiction, 2083
Dalhousie, Marquess of, Pension to, 274
India, Administration of Justice in, 1410
India, Communication with, 551
Nawab of Surat Treaty, Rep. 1297, 1311, 1314, 1650; 3R. 1901

Smith, A., *Hertfordshire*
Reformatories, Government Allowance to, 2073

Smith, Mr. J. A., *Chichester*
Commissions, Candidates for, 258

*Smith, Dr. Southwood*
c. Question (Mr. Roebuck), 595

*Smoke Act, Metropolitan, Amendment Bill,*
*l.* 2R.* 177; 3R.* 576
c. 1R.* 797; 2R.* 1085; 3R.* 2071

Smollett, Mr. A., *Dumbartonshire*
Voters, Registration of (Scotland), Com. 1683

Solicitor General, The, (Sir R. Bethell) *Aylesbury*
Ecclesiastical Courts, Reform of the, 1227
Fire Insurances, Com. *cl.* 2, 396, 398
Joint-stock Companies, Com. *cl.* 37, 644; *cl.* 58, 649
Joint-stock Companies Winding-up Acts Amendment, 2R. 1768
Judges and Chancellors, Leave, 452, 455, 460
Married Women, Rights of, 1279
Nawab of Surat Treaty, 3R. 1904
Supply—Statute Law Commission, 878
Wills and Administration, 2R. 1995, 2023, 2024, 2027, 2028, 2033, 2042

Somerville, Rt. Hon. Sir W. M., *Canterbury*
Dwellings for Labouring Classes (Ireland), Com. *cl.* 4, 1661; *add. cl.* 1662, 1664; 3R. 2158
Nawab of Surat Treaty, Rep. 1649

*Somner, Celestina, Case of,*
c. Question (Mr. Warren), 428

*Sound Dues, The,*
c. Question (Mr. Mitchell), 554

Speaker, The (Rt. Hon. C. S. Lefevre), *Hampshire, N.*
Agricultural Statistics, 2R. 1727
Bills, Public and Private, 1407
Commissions of Deceased Officers, Address moved, 1518
Dublin Metropolitan Police, 2R. 1215
Fisheries (Ireland), Com. moved for, 1297
Greece, State of, 271
Morning Sittings, 1464
Peace, Treaty of, Her Majesty's Answer, 215
Perth and Melfort's, Earl of, Compensation, Rep. 1318
Sardinian Loan, Message from the Queen, 1326
Spirit Trade (Ireland), 2R. 1323
Tenant Right (Ireland), 1026
Williams, Sir W. F., Message from The Queen, 215

*Spirit Trade (Ireland) Bill,*
c. 2R. 1320; Bill withdrawn, 1324

Spooner, Mr. R., *Warwickshire, N.*
Army Estimates, 1692, 1693, 1694, 1697
Dissenters' Marriages, Com. *cl.* 2, 940
Greece, State of, 272
Joint-stock Companies, Com. Amend. 633, 634, 635; *cl.* 19, 638; *cl.* 29, 641; 3R. Adj. moved, 897
Joint-stock Companies Winding-up Acts, Amendment, 2R. 1769
Maynooth College, 2R. 1906, 1960, 1965, 2046
National Gallery, Site of the, Address moved, 2127

[*cont.*

Spooner, Mr. R.—*continued.*
Nawab of Surat Treaty, Rep. 1315
Police (Counties and Boroughs) Com. *add. cl.* 607
Scientific and Literary Societies, Com. *cl.* 2, 939
Supply—Charity Commission, 862;—Board of Fisheries (Scotland), 882;—Embankment, &c., Vauxhall and Battersea Bridge, 1036;—Embassy Houses Abroad, 1043;—Agricultural Statistics, 1112;—British Historical Portrait Gallery, 1115, 1120, 1121, 1123;—Science and Art Department, Marlborough House, Removal, 1126, 1129, 1133;—St. James's Park, 1138

*Spurn Point—Supply,*
*c.* 1045

Stafford, Mr. A. S. O., *Northamptonshire, N.*
Army Estimates, 1550, 1697, 1700, 1713
Cambridge University, Com. *cl.* 4, Amend. 843; *cl.* 27, 1198; Rep. *cl.* 27, 1749
Established Church (Ireland), 712, 714; Com. moved for, 758
National Gallery Site, 2R. 1394
St. James's Park, 1090
Supply—Inspectors of Corn Returns, 1028;—Monument at Scutari, 1051;—Agricultural Statistics, 1112;—Civil Contingencies, 1336;—St. James's Park, 1414
Tenant Right (Ireland), 978
Vote of Thanks to the Army, Navy, &c. 232
Widows of Officers of Transports, 1579
Williams, Sir W. F., Queen's Message, Address moved, 292

Stanhope, Earl
Abjuration, Oath of, 2R. Amend. 1785
St. James's Park, 587
Transportation, Com. moved for, 587

Stanhope, Mr. J. B., *Lincolnshire, N.*
Dissenters' Marriages, Com. *cl.* 4, 946
Justices of the Peace Qualification, Com. *cl.* 14, 480

Stanley, Lord, *King's Lynn*
Factories, Com. *cl.* 4, 562; *add. cl.* 565
Fire Insurances, Com. 390; *cl.* 2, 396
India, Communication with, 551
Married Women, Rights of, 1277
Science, Advancement of, Com. moved for, 1270

Stanley of Alderley, Lord (President of the Board of Trade)
Divorce and Matrimonial Causes, Rep. Amend. 1987
Fire Insurances, 2R. 672
Joint-stock Companies, 2R. 1477; Com. 1891; *cl.* 18, 1893
Mercantile Law Amendment, 3R. 181; Recom. 1159
Sailing Vessels, Regulations for, 850, 851

Stanley, Hon. W. O., *Chester*
Suffragan Bishops, 592

*Statute Law Commission—Supply,*
*c.* 865, [A. 70, N. 54, M. 16] 880

Steel, Mr. J., *Cockermouth*
Joint-stock Companies, Com. *cl.* 58, 650
Police (Counties and Boroughs), Com. *cl.* 6, 307

Stephenson, Mr. R., *Whitby*
Army Estimates, 1720

Stewart, Sir M. R. S., *Renfrewshire*
Evictions (Ireland), Case of Mr. Pollok, 697

Stirling, Mr. W., *Perthshire*
Coast Guard, 258
Parochial Schools (Scotland), 2R. 896

*Stock-in-Trade Exemption Bill,*
*c.* 1R.* 1297; 2R.* 1493; 3R.* 1679
*l.* 1R.* 1771

*Stoke Poges Hospital Bill,*
*l.* 1R.* 949

Stracey, Sir H. J., *Norfolk, E.*
Police (Counties and Boroughs), Com. *add. cl.* 606, 610

Stuart, Capt. W., *Bedford*
Militia and the Foreign Legions, 800
Supply—Charity Commission, 860;—Civil Contingencies, 1336

*Suffragan Bishops,*
*c.* Question (Marquess of Blandford), 589

*Supply,*
*Agricultural Statistics,* 1109
*Aldershot, Constabulary Police at,* 1030, [A. 131, N. 14, M. 117] 1034
*Army Estimates,* 1533, 1691; Amend. (Mr. E. Ellice), 1718, [A. 69, N. 160, M. 91] 1726
*Australian Expedition,* 1050
*Battersea Park,* 1035
*Boyle, Mr., Compensation to,* 114; Vote withdrawn, 1142, 1388
*British Historical Portrait Gallery,* 1113, [A. 97, N. 28, M. 69] 1124
*British Seamen's Hospital, Constantinople,* 1045
*Burial-grounds, Inspection of,* 1034
*Cambridge University Professors,* 1046
*Cape of Good Hope,* 1108
*Carisbrooke Castle,* 1038
*Census (Ireland),* 1050
*Charity Commission,* 856; Amend. (Mr. W. Williams), 858, [A. 40, N. 146, M. 106] 865
*Civil Contingencies,* 1328; Amend. (Sir F. Baring), 1331; Amend. withdrawn, 1343
*Civil Service Commissioners,* 880
*Corn Returns, Inspectors of,* 1028
*Designs, Registration of,* 1027
*Ecclesiastical Commissioners,* [A. 166, N. 66, M. 100] 856
*Education*; 1343; Amend. (Mr. Barnes), 1364; Amend. neg. 1388
*Embankment, &c. between Vauxhall and Batersea Bridge,* 1036, [A. 109, N. 66, M. 43] 1038

[*cont.*

*Supply*—continued.
- *Embassy Houses Abroad*, 1038; Amend. (Mr. Whiteside), 1039; Amend. and Motion withdrawn, 1045
- *Fisheries, Board of, (Scotland)*, 881, [A. 162, N. 39, M. 123] 885
- *Gallery of Arts, Dublin*, 1050
- *Highland Roads and Bridges*, 1027
- *Holyrood Park*, 1141
- *Incumbered Estates Commission (Ireland)*, 1046; Amend. (Col. Dunne), 1048; Motion withdrawn, 1050
- *Joint-stock Companies Registration*, 1027
- *Laws and Institutes (Ireland)*, 1027
- *Lighthouses Abroad*, 1050
- *Manufactures, Board of, (Scotland)*, 1027
- *Menai Straits*, 1046
- *Merchant Seamen's Fund Pensions*, 1027
- *Navy Estimates*, 1417
- *Orange River Territory*, 1052
- *Patent Law Amendment*, 881
- *Process Servers (Ireland)*, 1027
- *Public Accounts Commissioners*, 1052
- *Quarantine Expenses*, 1030
- *Reciprocity, Treaties of*, 1028
- *Records, Repository for*, 1038
- *Revising Barristers*, 1030
- *St. James's Park*, 1133, [A. 70, N. 192, M. 122] 1141, 1411, [A. 182, N. 95, M. 87] 1417; Rep. 1560, [A. 119, N. 93, M. 26] 1569
- *Seamen, Distressed British, abroad*, 1030
- *Science and Art Department, Marlborough House Removal*, 1124
- *Scutari, Monument at*, 1050
- *Slaves, Bounties on*, 1027
- *Spurn Point*, 1045
- *Statute Law Commission*, 865, [A. 70, N. 54, M. 16] 880
- *Temporary Commissions*, Amend. (Mr. Blackburn), 880; Motion neg. 881
- *Treasury Commissariat Chest Transactions*, 1108
- *Windsor Improvements*, 1038

*Survey of Great Britain, &c., Bill*,
c. 1R*. 1326; 2R.* 1493; 3R.* 1649
l. 1R.* 1667

TAYLOR, Lt.-Col. T. E., *Dublin Co.*
Dublin Metropolitan Police, 2R. Adj. moved, 1218

*Temporary Commissions—Supply*,
c. Amend. (Mr. Blackburn), 880; Motion neg. 881

*Tenant Right (Ireland) Bill*,
c. 2R. 922, [A. 188, N. 59, M. 29] 938; Question (Mr. Stafford), 978; (Mr. G. H. Moore), 1023

THESIGER, Sir F., *Stamford*
Abjuration, Oath of, Com. *cl.* 1, Amend. 595, 599; *cl.* 2, 602; 3R. Amend. 1165
Grand Jury Assessment (Ireland), Com. *cl.* 6, Amend. 616, 617; *add. cl.* 619

THOMPSON, Mr. G., *Aberdeen*
Aberdeen Universities, 1494

*Thompson, Capt., Death of*,
l. Observations (Earl of Malmesbury), 1676

THORNELY, Mr. T., *Wolverhampton*
Dissenters' Marriages, Com. *cl.* 4, 942

*Ticket-of-Leave System*,
l. Motion (Viscount Dungannon), 254; Motion withdrawn, 258

TITE, Mr. W., *Bath*
Army Estimates, 1716
Fire Insurances, Com. 391
National Gallery, Site of the, Address moved, 2121
Science, Advancement of, Com. moved for, 1265, 1268
Supply—St. James's Park, 1138, 1413, 1564

*Tithe Commutation Rent Charge Bill*,
c. 2R. 138

*Tralee and Killarney Savings Banks*,
c. Com. moved for (Capt. D. O'Connell), 772; Amend. (Mr. Vance), [A. 84, N. 9, M. 75] 776; [*m. q.* A. 39, N. 54, M. 15] *ib.*

*Transportation*,
l. Com. moved for (Earl Stanhope), 587

*Treasury Commissariat Chest Transactions —Supply*,
c. 1108

*Treaties, Secret*,
c. Question (Marquess of Granby), 429

TROLLOPE, Sir J., *Lincolnshire, S.*
Agricultural Statistics, 2R. 1770
Army Estimates, 1552
Justices of the Peace Qualification, Com. *cl.* 7, 477
Navy Estimates, 1458
Police (Counties and Boroughs), Com. *cl.* 6, 295
Poor Law Amendment (No. 2), 2R. 2043
Poor, Medical Officers for the, 1493
Supply—Charity Commission, 858, 863;—St. James's Park, 1414

*Turkish Contingent—English Officers*,
c. Question (Mr. Adderley), 555

TYLER, Rear-Adm. Sir G., *Glamorganshire*,
Navy Estimates, 1436
Navy, Manning and Equipment of the, 1086

TYRELL, Sir J. T., *Essex, N.*
Supply—Agricultural Statistics, 1111

*United States, Relations with the*,
l. Question (Earl of Hardwicke), 949; (Earl of Carnarvon), 1155; (Earl of Derby), 1397, 1472
c. Question (Mr. Disraeli), 979, 1403; (Sir B. Lytton), 1087; (Major Reed), 1163, 1660; Observations (Lord J. Russell), 1499: Question (Mr. Gladstone), 1737; (Mr. G. H. Moore), 2071, 2093

Urquhart, Mr. W. P., *Westmeath*
Cambridge University, Com. 837
Dissenters, Interment of, (Ireland), 1993
*Established Church (Ireland), Com. moved for, 743

*Valour, Order of,*
*c.* Question (Capt. Scobell), 2090

Vance, Mr. J., *Dublin*
Bankruptcy and Insolvency (Ireland), 2R. 2157
Budget, The—Financial Statement, Res. 358
Dublin Metropolitan Police, 2R. 1215, 1217
Education (Ireland), Res. Adj. moved, 1883
Judges and Chancellors, Com. 2046
Tralee and Killarney Savings Banks, Com. moved for, Amend. 775

Vane, Lord H. G., *Durham S.*
Justices of the Peace Qualification, Com. *cl.* 7, 476, 477
Perth and Melfort's, Earl of, Compensation, Rep. 1318

Vane, Tempest, Lord A. F., *Durham N.*
Crimea, Return of Troops from the, 1407, 1570

Vansittart, Mr. G. H., *Berkshire*
Budget, The—Financial Statement, Res. 385
Fire Insurances, Com. Amend. 395
Poor Law Amendment (No. 2), 2R. 2043
Supply—Mr. Boyle's, Compensation, 1142

*Vauxhall and Battersea Bridge Embankment—Supply,*
*c.* 1036, [A. 109, N. 66, M. 43] 1038

Verner, Sir W., *Armagh Co.*
Maynooth College, 2R. 1911, 1960

Vernon, Capt. L. V., *Chatham*
Army Estimates, 1560, 1700, 1707
Army, Staff of the, Res. 776, 1687

Vernon, Mr. G. E. H., *Newark*
Cambridge University, Rep. *cl.* 27, 1745
Dissenters' Marriages, Com. *cl.* 4, 942
National Gallery, Site of the, Address moved, 2132
Police (Counties and Boroughs), Com. *add. cl.* 607, 612

*Voters, Registration of (Scotland) Bill,*
*c.* 2R. 400;
Com. 1679; Amend. (M. G. Dundas), 1680, [*o. q.* A. 102, N. 49, M. 53] 1683;
*cl.* 1, 1683;
*cl.* 55, Amend. (Mr. E. Lockhart), [A. 59, N. 103, M. 44] 1684; 3R.* 1987
*l.* 1R.* 2048

Walcott, Rear Adm. J. E., *Christchurch*
Navy Estimates, 1431

Walmsley, Sir J., *Leicester*
Police (Counties and Boroughs), Com. *cl.* 6, 297; Proviso, 306; *add. cl.* 611

Walpole, Rt. Hon. S. H., *Cambridge University*
Budget, The—Financial Statement, Res. 386
Cambridge University, Com. 823; *cl.* 4, 843; *cl.* 6, 846; *cl.* 25, 848, 849; *cl.* 27, 1201, 1206; *cl.* 30, 1211; *cl.* 31, *ib.*; *cl.* 32, 1213; *cl.* 39, 1215; *cl.* 40, *ib.*; Rep. *add. cl.* 1742; *cl.* 27, Amend. 1743, 1749; *cl.* 44, 1753
*Education (Ireland), Address moved, 1580, 1685, 1686; Res. 1826
Joint-stock Companies, Com. *cl.* 29, 642; 3R. *cl.* 46, 898
Militia, and the Foreign Legions, 804
Morning Sittings, 1462
National Gallery, Site of the, Address moved, 2156
Parochial Schools (Scotland), Com. 1464
Supply—Board of Fisheries (Scotland), 885

Warner, Mr. E., *Norwich*
Death, Punishment of, Com. moved for, 1260
Joint-stock Companies, Com. *cl.* 29, Amend. 640

Warren, Mr. S., *Midhurst*
Abjuration, Oath of, 3R. 1188
Somner, Celestina, Case of, 428

Watson, Mr. W. H., *Kingston-upon-Hull*
Hinds, Miss, Murder of, 286
Judges and Chancellors, Leave, 464
Justices of the Peace Qualification, Com. *cl.* 14, 480
Mercantile Law Amendment, 2R. Adj. moved, 2045
Supply—Statute Law Commission, 872
Wills and Administrations, 2R. 2041
Williams, Sir W. F., Queen's Message, Address moved, 293

*Wellington Monument, The,*
*c.* Question (Viscount Chelsea), 797

*West India Loans Bills,*
*c.* 2R.* 16;
3R. 1388
*l.* 1R.* 1395; 2R.* 1667; 3R.* 1890

*Westminster Bridge,*
*c.* Question (Mr. Henley), 329; (Mr. W. Williams), 550

Whitbread, Mr. S., *Bedford.*
Aggravated Assaults, 2R. 173

Whiteside, Mr. J., *Enniskillen*
Cambridge University, Com. *cl.* 27, 1203
Dublin Metropolitan Police, 2R. 1217
Grand Jury Assessment (Ireland), Com. *add. cl.* 619
Hinds, Miss, Murder of, 284
Joint-stock Companies, 3R. *cl.* 46, 898
Joint-stock Companies Winding-up Acts Amendment, 2R. 667
Married Women, Rights of, 1281
Peace, Treaty of, Address moved, 89
Postage Labels, Com. moved for, 1284, 1296

[*cont.*

Whiteside, Mr. J.—*continued.*
Supply — Battersea Park, 1035; — Embassy Houses Abroad, Amend. 1038, 1011;—Incumbered Estates Commission (Ireland), 1046, 1048, 1949, 1050
Williams, Sir W. F., Annuity, 2R. 666

Wicklow, Earl of
Abjuration, Oath of, Amendment, 2R. 1898
Appellate Jurisdiction, Com. 912; Rep. 951
Peace Preservation (Ireland), Com. 778

*Widows of Officers of Transports,*
*c.* Question (Mr. Stafford), 1579

Wigram, Mr. L. T., *Cambridge University*
Abjuration, Oath of, Com. *cl.* 2, 605
Cambridge University, Com. 843; *cl.* 4, 844; *cl.* 20, Amend. 846; *cl.* 25, Amend. 847, 848; *cl.* 27, Amend. 1198, 1207; *cl.* 29, Amend. 1209; *cl.* 31, 1212; *cl.* 40, 1215; Rep. *add. cl.* 1740; *cl.* 27, 1748; Amend. 1749; *cl.* 44, Amend. 1750; 3R. *add. cl.* 2044
Judges and Chancellors, Leave, 464
Nawab of Surat Treaty, Rep. 1313, 1658
Suffragan Bishops, 593
Tithe Commutation Rent-charge, 2R. 164

Wilkinson, Mr. W. A., *Lambeth*
Fire Insurances, Com. 388; *cl.* 2, 396
Poor Law Amendment (No. 2), 2R. 2043

Williams, Mr. W., *Lambeth*
Army Estimates, 1533, 1692, 1700, 1715
Budget, The—Financial Statement, Res. 357, 386
Navy Estimates, 1430, 1461
Paupers Removal, Scotch and Irish, 2R. 2157
Perth and Melfort's, Earl of, Compensation, Rep. 1317
Police (Counties and Boroughs), Com. *cl.* 6, 297; *add. cl.* 607
Supply—Ecclesiastical Commissioners, 856;—Charity Commission, Amend. 857, 861;—Patent Law Amendment, 881;—Board of Fisheries (Scotland), 881, 882, 883, 885;—Treaties of Reciprocity, 1028;—Revising Barristers;—Constabulary Police at Aldershot, 1030, 1032;—Battersea Park, 1035, 1036;—Cape of Good Hope, 1108;—British Historical Portrait Gallery, 1116;—Science and Art Department, Marlborough House, Removal, 1125;—Civil Contingencies, 1333, 1334;—St. James's Park, 1417
Westminster Bridge, 550

*Williams, Sir W. F.*
*l.* Message from the Queen, 178; Address moved (Earl Granville), 238
*c.* Message from the Queen, 215; Address moved (Viscount Palmerston), 287; Report, 399

*Williams, Sir W. F., Annuity Bill,*
*c.* 1R.* 550;
2R. 666; 3R.* 851
*l.* 1R.* 899; 2R.* 1471;
3R. 1676
Royal Assent, 1771

Willoughby, Sir H. P., *Evesham*
Budget, The—Financial Statement, Res. 382
Navy Estimates, 1459, 1460
Nawab of Surat Treaty, Rep. 1650; 3R. 1905
Perth and Melfort's, Earl of, Compensation, Rep. 1316
Police (Counties and Boroughs), Com. *cl.* 6, Amend. 298, 302
Supply—Charity Commission, 861;—Statute Law Commission, 874;—Science and Art Department, Marlborough House, Removal, 1132;—Mr. Boyle's Compensation, 1142;—Civil Contingencies, 1335
Tithe Commutation Rent Charge, 2R. 164

*Wills and Administrations Bill,*
*c.* 2R. 1995

Wilson, Mr. J. (Secretary to the Treasury), *Westbury*
Australia, Postal Communication with, 552, 1230, 1496, 1685, 1988, 1990
Coast Guard, The, 258
Dublin, Postal Communication with, 552
Perth and Melfort's, Earl of, Compensation, Rep. 1319
Postage Labels, Com. moved for, 1290, 1296
Postal Communication (Ireland), 17
Smith, Dr. Southwood, 595
Supply—Charity Commission, 860, 862, 863;—Temporary Commissions, 880;—Patent Law Amendment, 881;—Board of Fisheries (Scotland), *ib.* 883, 884, 885;—Board of Manufactures (Scotland), 1027;—Treaties of Reciprocity;—Inspectors of Corn Returns 1028;—Constabulary Police at Aldershot, 1031, 1032;—Inspectors of Burial-grounds, 1034;—Australian Expedition, 1050;—Treasury Commissariat Chest Transactions, 1108;—Agricultural Statistics, 1110;—Science and Art Department, Marlborough-House, Removal, 1124, 1128, 1130, 1132;—Mr. Boyle's Compensation, 1142;—Civil Contingencies, 1329, 1331, 1333, 1336, 1337, 1339, 1341
West India Loans, 3R. 1389

*Windsor Improvements—Supply,*
*c.* 1038

Wise, Mr. J. A., *Stafford*
Hanover, Diplomatic Establishment at, 1494
Supply—Inspectors of Corn Returns, 1028;—Embassy Houses Abroad, 1039;—Civil Contingencies, 1334

Wood, Rt. Hon. Sir C. (First Lord of the Admiralty), *Halifax*
Budget, The,—Financial Statement, Res. 386
Coast Guard, The, 632
Crimea, Return of the Troops from the, 1096, 1097, 1162, 1408, 1579
Factories, Com. *add. cl.* 565
Marine Officers, 1402
Navy Estimates, 1417, 1448, 1457, 1458, 1459
Navy, Manning and Equipment of the, 1086
Nawab of Surat Treaty, Rep. 1316
Supply—Spurn Point, 1045
Valour, Order of, 2091
Widows of Officers of Transports, 1579

*Woolwich, Explosion at,*
*c.* Question (Mr. M. Chambers), 429

*Works, Transfer of, (Ireland) Bill*
*c.* 2R.* 325; 3R.* 1493
*l.* 1R.* 1570; 2R.* 1771; 3R.* 1966

Wortley, Rt. Hon. J. A. S., *Buteshire*
Aggravated Assaults, 2R. 176
Reformatory Schools, Com. *add. cl.* 573
Supply—St. James's Park, 1140

Wrottesley, Lord
Police (Counties and Boroughs), Rep. 1894 3R. 2049

Wynford, Lord
Joint-stock Companies, 2R. 1476

---

## ERRATA.

Page 1328, line 25 from bottom, *for* £30,000, *read* £90,000.
Page 1388, line 26 „ „ *for* £96,921, *read* £396,921.

END OF VOL. CXLII. AND THIRD OF SESSION 1856.

Woodfall and Kinder, Printers, Angel Court, Skinner Street, London.

30 SEP 1963